

'I wanted him to stop hurting me'

theguardian

Ahluwalia arrived in Britain in 1979 from India, aged 24, following an arranged marriage. She spoke little English when she moved in with her husband Deepak's family in London, where Deepak immediately began to abuse her. "I did not want to say anything and spoil my family's excitement," she says, "and I hoped it would not continue ... He would push me about, yank my hair, hit me and drop heavy pans on my feet. I was treated like a slave. He would not allow me to drink black coffee or eat chillies, for the simple reason that I enjoyed them. But I was so frightened of him that I didn't say anything. I often lay awake at night next to him because I was too frightened to sleep." Deepak also raped her frequently, telling her that this was his right. She received no help from his family - Deepak threatened them if they ever intervened.

Over the years, Ahluwalia bore two sons, who often witnessed the violence. One night, when she had gone to sleep after cooking Deepak's dinner, he woke her up and demanded money. When she refused, he tried to break her ankles by twisting them. He then picked up a hot iron and held it to her face. Eventually Deepak fell asleep and Ahluwalia was consumed with the rage she had suppressed for 10 years. Approaching him with a can of petrol, she poured it over Deepak's feet and set them alight. "I couldn't see an end to the violence," she says now. "I decided to show him how much it hurt. At times I had tried to run away, but he would catch me and beat me even harder. I decided to burn his feet so he couldn't run after me."

Five days later, in May 1989, Deepak died, and Ahluwalia was charged with murder. She pleaded not guilty, but the defence made little of the violence she had endured. The prosecution suggested that Ahluwalia was a jealous woman who had killed her husband because he was having affairs. She was convicted of his murder in December 1989, and sentenced to life in prison.

Following a campaign, led by SBS, Ahluwalia's conviction was quashed on appeal in 1992. The court accepted some new evidence - that she had not been aware she could plead guilty to manslaughter on the grounds of diminished responsibility, and that she had been suffering from severe depression when she killed her husband.

Ahluwalia admitted manslaughter at the retrial, and was released and greeted by hundreds of cheering supporters and media from around the world. The next day, her beaming face was on the front page of many newspapers, surrounded by her family, campaigners and legal team.

Ahluwalia's successful appeal against her murder conviction set a historic precedent - that women who kill as a result of severe domestic violence should not be treated as cold-blooded murderers. As Ahluwalia says, "I never intended to kill him, I just wanted him to stop hurting me."

Now 50, Ahluwalia has been transformed from a cowed woman, with little confidence, into a strong, bright, funny individual. When I call her, she insists I come to dinner. "Come tomorrow, I have already started cooking," she says. Her enjoyment of life is obvious and she says she is, once again, the happy individual she was before her marriage. "I had a happy childhood," she says, "and was not used to being treated badly until I met Deepak."

R v Ahluwalia (1993) 96 Cr App R 133 Court of Appeal

The appellant poured petrol and caustic soda on to her sleeping husband and then set fire to him. He died six days later from his injuries. The couple had an arranged marriage and the husband had been violent and abusive throughout the marriage. He was also having an affair. On the night of the killing he had threatened to hit her with an iron and told her that he would beat her the next day if she did not provide him with money. At her trial she admitted killing her husband but raised the defence of provocation however, the jury convicted her of murder. She appealed on the grounds that the judge's direction to the jury relating to provocation was wrong and she also raised the defence of diminished responsibility.

Held:

The judge's direction on provocation was correct. The Duffy direction was good law and the judge had directed the jury on the issue of the abuse suffered by the appellant and thus the jury would have considered the effect of this in reaching their verdict. The appeal on the grounds of provocation was therefore unsuccessful.

However, the appeal was allowed on the grounds of diminished responsibility. The Court did, however, stress that it was exceptional that fresh evidence would be allowed.

Lord Taylor CJ:

"Ordinarily, of course, any available defences should be advanced at trial. Accordingly, if medical evidence is available to support a plea of diminished responsibility, it should be adduced at the trial. It cannot be too strongly emphasised that this court would require much persuasion to allow such a defence to be raised for the first time here if the option had been exercised at the trial not to pursue it. Otherwise, as must be clear, defendants might be encouraged to run one defence at trial in the belief that if it fails, this court would allow a different defence to be raised and give the defendant, in effect, two opportunities to run different defences. Nothing could be further from the truth. Likewise, if there is no evidence to support diminished responsibility at the time of the trial, this court would view any wholly retrospective medical evidence obtained long after the trial with considerable scepticism."

1.

Look at the case of ***R v Ahluwalia (1993)*** and the guardian version of the same case. Answer the following questions:

- a. Draw a time line of the main events of the facts of the case.
 - b. Do you think that the sanction of the court was too harsh or too lenient? Why?
 - c. What is diminished responsibility and why was it accepted as a defence in this case?
 - d. What are the differences between the guardian article and the legal summary?
 - e. Explain your views of this case.
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2.

Find an article on **one** of the following:

- Murder
- Voluntary manslaughter
- Involuntary manslaughter

Make a short summary of this explaining:

- a. What are the facts?
- b. Was the decision in the case correct in your view?
- c. How could you criticise the case?

This will be presented in class when you return.

3.

R v Cunningham [1982] HL
Woollin, R v [1998] HL
White, R v [1910] CA

You need to focus on one of the above cases. Find facts of this case on <http://e-lawresources.co.uk/The-law-of-murder.php> or just type the case name on google search.

You need to create an article on this case. This will need to include:

- Publishing company*
- A catchy title*
- A storyline (including quotes from relevant people)*
- The decision given by the judge*
- Public members views on the case*
- Relevant image(s)*