

The Honourable Murder

The Trial of Kawas Maneckshaw Nanavati

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April 27, 1959: The Nanavatis are having lunch in their Cuffe Parade home. Kawas Maneckshaw Nanavati, Commander in the Indian Navy, has just returned after sea-time, and April is always a good season to be in Bombay. During lunch his wife Sylvia informs him that she has been having an affair with a rich Sindhi businessman, manager of Universal Motors, one Prem Ahuja.

Nanavati is a reasonable man. Lunch over, he drives Sylvia and the two children to the Metro Cinema for the afternoon show of *Tom Thumb* and then proceeds to the 'Mysore', his ship docked at Bombay Harbour. He signs out of the ship's armoury a semi-automatic revolver and six rounds of ammunition, and then drives to the Universal Motors office on Peddar Road. Ahuja has not arrived, he is told. He then drives to Ahuja's residence. Ahuja is bathing. Nanavati confronts him and enquires if it is Ahuja's intent to marry Sylvia and accept the children. Ahuja replies in the negative. It seems he "does not marry every woman he sleeps with". Nanavati is not happy with this reply. Three shots ring out; Ahuja lies dead. As Nanavati is leaving the building, the watchman at the gate asks him why he has killed Ahuja. Nanavati replies that he quarrelled with Ahuja and shot him dead because the latter had "connections" with his wife.¹

The next day, enterprising peddlers are selling 'Ahuja Towels' and toy 'Nanavati Revolvers' on the streets of Bombay. Now things start getting murky. For instance, how did Nanavati gain access to Ahuja's home with such ease? Did Nanavati gain entry because in fact Nanavati and Ahuja were not strangers? Was Ahuja a friend of Nanavati's? His brother almost? Meanwhile, Nanavati drives off and confesses to Provost Marshall Samuel, the Provost officer of the Western Naval Command, Bombay, who tells him to turn himself in to



the authorities. Accordingly, Nanavati confesses to John Lobo, Deputy Commissioner of Police, Bombay.²

In this essay, I suggest an alternative framework through which the above story of an adulterous wife, an enraged husband and a dead lover could perhaps be read. Through a consideration of the trial of Kavas Nanavati, I wish to open out a set of questions about the relationship between the operation of the bare act of the law, the culpable act, the victim of the act, the administration of 'justice', and the manner in which the act is rendered in subsequent narratives about community and the state. In this I will employ the conceptual framework of the 'honour crime'.

The term 'Honour Killing' is conventionally used to denote a specific category of extra-legal killings where the act of murder is seen to have been motivated by pre-modern affiliations/sentiments of some sort. Acts of violence committed against people for marrying outside of caste/religion/ethnicity, or other similar infringements where they are seen by their actions to have besmirched the honour of the family and the larger community, come under the broad rubric of the honour crime. Implicit in the use of the term are assumptions that mark it as being different from other crimes:

a) That individuals are culpable not for breaking the law as it stands, but for actions which violate norms and codes which may or may not be state-sanctioned, but which nonetheless govern the actions of people. The power of these codes derives not from their sanction by the state, but from other sources such as community and religion.

b) Individuals, then, are punished not so much for particular actions, though the action may be the catalyst for reprisal, but for a mode of being. Just as reprisal is aimed not at particular action but a mode of being, so too the act which is punished is seen to be directed not at particular individuals but at the entire community.

c) Most importantly, because of the above reasons, the honour killing enjoys a certain amount of legitimacy within the immediate community. Events told over time become part of the mythic lore of a community. They are told and re-told to define boundaries of action, to concretise norms and modes of being, to serve as warnings that will determine possible courses of action open to an agent. The underlying assumption is that certain acts lie outside the ambit of the rational life governed by a rational code such as the law.

The honour crime is further complicated by the fact that while the state and an elite 'progressive' section sees such an act as a remnant of a 'pre-modern' sentiment of people and communities, functionaries of the state themselves might well adhere to these notions of what constitutes right action. In such cases, subtle mechanisms of deferral and erasure are mobilised to justify/validate the crime. Testimonies are not recorded, FIRs (First Information Reports) not lodged, evidence tampered with, victims threatened with social ostracism or even death; and more often than not, the case is closed due to lack of evidence.

Honour crimes, in particular, stand in tense relationship to the state and disrupt its claim to rationality. They make us lament the barbarity of a society based on modern systems of jurisprudence, but too 'backward' to rise above deeply embedded parochial affiliations of caste, religion, gender, race. The fiction of 'due process of law' still stands unblemished, however, because the honour crime is interpreted as a lapse not of the law *per se*, but of its implementation;

not a failing of the machinery of justice but the failing of those charged with dispensing justice.

This essay suggests that certain acts of murder/violence committed by agents of the state must also be understood within the conceptual framework of the honour crime. My argument restricts itself to India, the Indian legal system and the Indian state, which makes a distinction between state law and codes such as religious law and personal law specific to particular communities. I will examine the Indian Penal Code (IPC) where this distinction is fairly rigid, as well as other codes governing the conduct of those who serve the state in some capacity or the other. Such agents are bound by a dual code of conduct – state law, and a code of conduct such as The Army Act 1950, The Air Force Act 1950, The Navy Act 1957, etc. Unlike the traditional honour crime where the conflict arises between a state-mandated code of conduct (the law), and a code which derives its authority primarily from sources external to the state, here the conflict is between two codes, that are both state-mandated and therefore demand equal fealty.

In most instances the code of conduct and the law are in consonance; but what happens when they are not, where the imperative to ‘honour’ one, necessarily requires the violation of the other?

Nanavati's crime occupies this paradoxical space: it is a double-bind where the law and its opposite, the violation of the law, have to be followed at the same time. The Commander turns himself in because while recognising he has broken the law which says he must not kill, he has stayed true to an ideal which says he must protect his honour, the honour of his woman and the honour of the Indian Navy.

The certification of the ‘good’ man, then, is not just the law-abiding citizen, but also the man who takes the law into his own hands when required. This thematic is played out in countless Hindi films where the hero kills the villain and surrenders to the authorities. The upright man abides by the law. However, when in the moment of crisis he violates what he has thus far preserved, he is excused because of his exemplary devotion thus far – the man who takes off his uniform in order to live up to the codes of the uniform; the cop who shoots to kill in encounters with state enemies (dacoits, terrorists, militants) because his duty requires him to exterminate ‘undesirable elements’; the agent of the state who breaks the law to preserve the normative foundation on which the state is built.

In traditional honour killings, other networks are activated in order to validate the act of murder. In instances which involve the breaking of a law and the upholding of a state-mandated code, however, both the action and its answer are committed against the state and the state itself must evolve mechanisms to deal with the consequences. It must evolve mechanisms that, like dominant cultural forces in the first case, compensate for the law's inability to honour the code. One such device is the Presidential/Governor's Pardon: the court pronounces Nanavati guilty, and upholds the law. The Governor pardons Nanavati, and so does justice to the code. A strange dynamic is set up. We have the law, we have a code of honour that governs the actions and behaviour of servants of the state, and we have the device of the Presidential/Governor's Pardon, the fulcrum upon which the conflict devolves.

The Nanavati case rocked Bombay. A stunned Navy quickly closed ranks behind Nanavati, while the Sindhi community was up in arms over what was in essence murder in the first degree. Nanavati was charged with culpable homicide amounting to murder under

Section 302 of the IPC; he was also charged under Section 304 for culpable homicide not amounting to murder. The case was tried in the Greater Bombay Sessions Court under a special jury. The jury acquitted Nanavati eight to one. Dissatisfied with the verdict, the Sessions court judge referred the case under Section 307 to the High Court. The High Court in such instances is authorised to admit appeals if it finds the judgment to be “perverse in the sense of being unreasonable” such that “no reasonable body of men could have reached on the evidence”;³ and if it believes there were substantial misdirections to the jury, on the part of the judge, which resulted in a skewed verdict. Having ascertained that the case fell under both these criteria, the High Court considered the evidence afresh. This time Nanavati was found guilty, and the High Court handed down a life sentence. The case then went to the Supreme Court on appeal. The Supreme Court upheld the High Court conviction. Nanavati was charged and convicted under Section 302 of the Indian Penal Code of culpable homicide amounting to murder.

Outside the courtroom another trial was under way, almost as significant, and much more dramatic than the in-court proceedings. The Nanavati case had become a battle of Sindhi (victim) vs. Parsi (murderer).⁴ Political loyalties were similarly divided. Ram Jethmalani, the well-known (Sindhi) Bombay advocate, though not directly involved as a prosecutor, had been instructed by Mamie Ahuja, Ahuja’s sister, to keep an eye on the case and ensure a conviction. Karl Khandavala (the eminent Parsi jurist), the Indian Navy, and the Parsi Panchayat were backing the Commander. *Blitz*, the immensely popular weekly tabloid owned by the charismatic Parsi newspaper baron Rusi Karanjia, ran a sustained campaign for Nanavati’s release. As the trial proceedings began, *Blitz*, under the stewardship of its able editor, ran a parallel trial by media that wholeheartedly not just acquitted Nanavati, but indeed celebrated the elegant Commander. “Three Shots that Shook the Nation” screamed the headlines to a nine-page pictorial record of the case.⁵ *Blitz* sold the case as a classic story of love, betrayal and the restoration of honour. It recounted the Nanavati love story, how the dashing naval officer had met his wife in England where they had married. How Sylvia had been tricked and seduced by the villain Ahuja, whom *Blitz* described biting as “a symbol of those wealthy, corrupt immoral and basically un-socialist forces which are holding the nation and its integrity to ransom”.⁶

Blitz exhibited none of the discretion that is normally reserved for the dead. “Some”, it wrote, “may attribute this sickening event to the heat of the season, but this is a mistake. Persons such as he do not share the lot of the common man. They live in a world of privilege. For their sins, their outrages, their crimes, they and they alone are to blame”.⁷

The Parsi community pulled out all stops in its campaign for its prodigal son. At a rally in the Cowasjee Jehangir hall, over 3,500 Parsis, with 500 more clustered around the door and spilling into the streets, expressed their solidarity with the Governor’s decree that Nanavati be placed in naval custody till the Supreme Court had adjudicated on the appeal against a life sentence handed down by the High Court. The enthusiasm of *Blitz* seemed to have infected even the more staid and conservative mainstream press. A small article in *The Pioneer*, while not much more than an announcement, still contained in its brief report of not more than 150 words a comment on the accused’s sartorial sense, “...the tall commander arrived dressed simply in grey trousers and a white shirt”.⁸

Blitz, however, was not all fun and games. Important points of law and evidence were debated in its pages. One such bone of contention was the matter of the towel. The defence claimed that the heated exchange of words between the outraged husband and his wife's paramour had escalated into a physical skirmish, during which the gun had gone off, accidentally killing Ahuja. Nanavati thus pleaded innocence under Section 80 of the IPC.⁹ However, it was conjectured that if there had indeed been an altercation the towel around the just-bathed Ahuja's waist should have slipped; and even if it were tied unusually tightly, once Ahuja was shot the muscular contractions would have made it fall. "Did the towel fall?" was the question doing the rounds on anxious lips in Bombay.

Even after Nanavati was convicted, *Blitz* did not let up. For the three years that Nanavati was incarcerated, it continued its relentless campaign for his release. It would not be altogether misguided to attribute the subsequent pardon in some part to *Blitz*'s exertions in keeping the case alive in public memory.

The Pardon

Nanavati spent three years in prison. The Commander was not an unimportant man. Besides the celebrity status bestowed on him by *Blitz* and Bombay society, Nanavati had also been the Defence Attaché to V.K. Menon when he was serving as High Commissioner in the UK, and was close to the Nehru-Gandhi family. Pressure was mounting for his release. The government, however, was in a difficult situation. It could not pardon Nanavati without angering the Sindhi community. The Nanavati pardon, bestowed by the then-Governor of Maharashtra Vijayalakshmi Pandit, is an interesting story of back-door political dealing. During the time of Nanavati's incarceration, another individual called Bhai Pratap, an ex-freedom fighter and now wealthy trader and Sindhi philanthropist, was also in jail. Bhai Pratap was wrongly convicted for misuse of imported goods. He too had powerful friends in high places. The government made a simple political calculation. It could release Nanavati if it simultaneously pardoned Bhai Pratap, thereby assuaging the sentiments of both communities.

There was still the matter of Ahuja's sister, however. Ram Jethmalani, formerly asked by Mamie to ensure a conviction for Nanavati, now essayed a different role. He convinced Mamie Ahuja to declare in writing that she had no objection to Nanavati's release. Bhai Pratap and Nanavati were pardoned on the same day.¹⁰

"*Gambhir aur Achanak*"¹¹ (Grave and Sudden)" or The Unreasonable Acts of the Reasonable Man

Among other things, the Nanavati case is significant from the point of view of judicial history because, besides being the last case in India to be tried by jury, it also has one of the most detailed explications on Sub-Section 1 of Section 300. The exception relates to "grave and sudden provocation" which, if upheld, reduces a crime from murder to culpable homicide not amounting to murder, and therefore carries a significantly reduced sentence. In this case, the verdict hinged on whether the situation at hand qualified for the exception. In order to qualify, provocation must be both grave and sudden. In the words of the judgment, "Under this exception, culpable homicide is not murder if the following conditions are

complied with: (1) The deceased must have given provocation to the accused. (2) The provocation must be grave. (3) The provocation must be sudden".¹² The court continues, "It is not all provocation that will reduce the crime of murder to manslaughter. Provocation must be such that temporarily deprives the person provoked of the power of self-control, as the result of which he commits the unlawful act which causes death".¹³

The first part of the clause describes the nature of the provocation. It must be grave. The second relates to the act by the accused, i.e., it must be sudden. Even if both these conditions are met, however, the test finally devolves equally on the actor as on the act. The court notes, "The test to be applied is that of the effect of the provocation on a reasonable man...so that an unusually excitable or pugnacious individual is not entitled to rely on provocation which would not have led an ordinary person to act as he did".¹⁴

The law situates itself upon the legal fiction of the "reasonable man", i.e., one "having sound judgment", "moderate", "fair and sensible".¹⁵ Law, however, adds another dimension to the personality of the reasonable man which the dictionary definition fails to list. Since the reasonable man is reasonable precisely because he is not prone to extremities of emotion, in most instances his judgment can be trusted. This includes his judgment call to action in situations of stress and extreme provocation. The reasonable man is one who, in certain situations, displays his reasonableness by an act of extreme unreason. Indeed, if he did not react in this manner, we would be highly suspicious of his reasonableness in the first place.

This definition of the reasonable man is enshrined in the exception of grave and sudden provocation. The exception recognizes that under situations of extreme stress, we are all bound to sometimes lose control. The gravity of the provocation is seen here as leading to sudden acts with grave consequences. The court then lists several cases cited by the defence in which the accused has been acquitted under the exception. Not surprisingly, each case documents in detail the depths of madness to which a wife's infidelity has driven a husband. When confronted with evidence of spousal dalliance, the only obvious (and indeed right action) to take, if one is a reasonable man, is to follow one's impulse of murderous rage that may result in the death of the offending party. Paradoxically, in these situations the murderer is indeed the victim. In its citation of an earlier case, the court notes, "As stated above the whole unfortunate affair should be looked at as one prolonged agony on the part of the husband".¹⁶ The definition of the reasonable man, then, rests on an understanding that he is reasonable until such time as the foundations of his masculinity are not unhinged.

This presumption, however, does not seem to extend so easily to similar crimes by women who murder their husbands. In her work with undertrial women prisoners in Hyderabad, Vasudha Nagraj notes the vicious attitude of the courts, prosecutors and public opinion towards women charged with the murder of their husbands. Most cases involve murders, sometimes with the assistance of lovers, after years of domestic abuse and neglect. It would be stretching the provisions of the exception unduly to incorporate situations in which women have attacked a sleeping man, but the court has also noted in the same judgment that, "...one must not confine himself to the actual moment when the blow, which ultimately proved to be fatal was struck, that is to say, one must not take into

consideration only the event which took place immediately before the fatal blow was struck. We must take into consideration the previous conduct of the woman".¹⁷ This implies that the inflicting of prolonged physical and mental abuse should constitute the 'previous conduct' of the man. The researcher notes that there is almost always never any discussion of the history of abuse that preceded the killing. Rather, the court is "fixated completely in the then and there of the crime".¹⁸ These women are not acting in defence of their marriage. They cannot therefore be seen to be acting reasonably. These women are not 'reasonable men'.

The definition of a relationship between three people, some of whom have shared sexual intimacy, some of whom have committed murder and some of whom have been murdered, changes dramatically depending on the marital status of the actors.

The bare act of the law that notes a situation of grave and sudden provocation (where the notion of the 'gravity' of the provocation depends upon the intensity of emotional disorientation caused by a confession of infidelity) seems to take cognisance of gravity only when the actors happen to be married. It is a common practice in cases of rape for the Caste *Panchayat*¹⁹ to administer justice by marrying the victim to her rapist. We hear echoes of this in Nanavati's asking Ahuja whether he was prepared to marry Sylvia, as well as in the tenor of the judgment.

Nested in a quibble on the constitutionality of the referral by the Sessions Court judge to the High Court, is a discussion on whether there were misdirections to the jury on the part of the judge. Significantly, one of the grounds upon which it held that misdirections to the jury had occurred, was that the judge had failed to convey to the jury the significance of three love letters exchanged between Sylvia and Ahuja wherein they had decided to marry. The High Court felt that if indeed this had been admitted as evidence the jury would have reconsidered Sylvia and Nanavati's claim that Ahuja was trying to back out of the proposed marriage. The court noted:

"These letters show the exact position of Sylvia in the context of her intended marriage with Ahuja, and help to test the truthfulness or otherwise of some of the assertions made by her to Nanavati. A perusal of these letters indicates that Sylvia and Ahuja were on intimate terms, that Ahuja was willing to marry her, that they had made up their minds to marry...Both Nanavati and Sylvia gave evidence giving an impression that Ahuja was backing out of his promise to marry Sylvia and that was the main reason for Nanavati going to Ahuja's flat for an explanation. If the Judge had read these letters in his charge and explained the implication of the contents thereof in relation to the evidence given by Nanavati and Sylvia, it would not have been possible to predict whether the jury would have believed the evidence of Nanavati and Sylvia".²⁰

We can now trace how a certain understanding of honour runs through the case from the act, to the law, to the jury, to the trial by media, through the High Court, to the Supreme Court and finally to the executive decision by which Nanavati is pardoned. Nanavati's "reasonable" action is imbricated in a sense of honour which is itself enshrined as a silent law in the regime he is governed by, i.e., the Indian Navy.

An unwritten code within the Navy prohibits intimacy between Naval personnel and the wives of other Naval personnel. The code is not mentioned explicitly in the Navy Act 1957.

However, it is presumed that violation of this code constitutes conduct “unbecoming of a naval officer”, which is enshrined in Sub-Section 2, Section 64, Chapter VIII of the Navy Act 1957.²¹ It strikes me as interesting that outside of the sentiment that the statement expresses, and given that it is not actually enshrined as law, there is an exactitude to the phraseology employed by Naval officers I have spoken to when listing what actually constitutes ‘Conduct Unbecoming’. A significant item on this list of transgressions is “Stealing the affections of a brother officer’s wife”, which is considered an extremely serious offence and invites dismissal from active service. The officer concerned is unofficially asked to turn in his resignation.²²

As far as the Navy is concerned, therefore, there is nothing strange about Nanavati’s “reasonable” decision to kill Ahuja. Moreover, Ahuja was a civilian, and therefore ‘not one of us’. The Navy’s disdain for the law in this particular instance must have been fairly obvious, as evinced by the Bombay Bar Association’s anger at the Navy’s disrespectful attitude towards the Court, to address which Danial Latifi, advocate in the Supreme Court, was asked to appear on behalf of the Bombay Bar Association.²³

The jury is employing a similar model of behaviour when it acquits Nanavati in the face of overwhelming evidence. The High Court quibbles over the intentionality, intensity, deliberateness and temporality of the act. The Supreme Court upholds the High Court’s conviction, on the grounds that the provocation, while grave, is not sudden and therefore does not fall under the exception.

The court notes, “When Sylvia confessed to her husband that she had illicit intimacy with Ahuja the latter was not present. We will assume he had momentarily lost his self-control”.²⁴ The judgment describes the course of events, and then goes on to say, “Between 1:30 pm when he left his house, and 4:20 pm when the murder took place, three hours had elapsed and therefore there was sufficient time for him to regain his self-control, even if he had not regained it earlier. On the other hand his conduct clearly shows that the murder was a deliberate and calculated one”.²⁵

Section 497 of the Indian Penal Code reads:

“Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor”.²⁶

Thus, under law, the offence of adultery is only committed against the husband of the adulterous woman. A man cannot level an adultery charge against his wife, but can do so against the ‘other man’ involved. Besides the obvious implication that women are devoid of independent sexual agency, the Act rests on an understanding of the relationship between men and women in a marriage, to be, in essence, a property relationship. Adultery is an offence that a man commits by trespassing upon the property of another. This is why she is not liable as abettor, and why a charge of adultery cannot be filed against her. Let us for

a moment reverse the roles of murderer and victim. In the event Ahuja had killed Nanavati, there would have been no consideration of grave and sudden provocation, let alone the possibility of acquittal.

Finally, the pardon too, while it might have hinged on political machinations of the back-door variety, is communicated in the language of honour. This is cemented in the extraction of what amounts to a 'No Objection Certificate' from Mamie Ahuja.

The bare act of the law, then, is never actually just that. Law is woven within layers of considerations, which is why no case is like any other. Interpretation is the discursive mode through which a judge tries to ensure equality before the law on the one hand, and to preserve the uniqueness and specificity of circumstance on the other. In this essay I attempted to explore the operation of one such consideration, i.e. the ways in which a certain understanding of honour enters the law, the means by which it situates actors in the case and how it determines the outcome of the case. The law itself is the site where cultural understandings of right conduct and right action are produced. The argument is not to understand law in cultural terms, i.e., to say that the interpretation of the bare act of the law will change depending upon current cultural mores, but to say that the law is itself a site for the production of culture.²⁷ The rule of law needs to be understood in terms other than what it is permissible to do. It needs to be understood, in other words, outside of the binaries of *mens rea*, the intent to act, and *actus reus*, which is to act.

NOTES

1. *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 540.
2. Information compiled from: Sharma, Vijay. "Defence vs. Prosecution", "Inspired by Nanavati", "Nanavati Released!", "The Nanavati Trial".
http://www.hindustantimes.com/news/specials/proj_tabloid/tabloidhome1912.shtml#
(accessed on 26 December 2004).
3. *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 522.
4. See Gera, Nalini, *Ram Jethmalani: The Authorised Biography* (Viking/Penguin, 2002, New Delhi); see also Sharma, Vijay, "Nanavati Released!",
http://www.hindustantimes.com/news/specials/proj_tabloid/tabloidhome1912.shtml (accessed 5 February 2005).
5. Prakash, Gyan. "Blitz's Bombay". In *Seminar*, August 2003, No. 528.
6. Quoted in Indra Sinha, *The Death of Mr. Love* (Simon and Schuster, 2002, London).
7. Ibid.
8. "Murder charge against Naval Officer", *The Pioneer*, 29 April 1959.
9. Section 80 is contained in Chapter IV of the IPC relating to General Exceptions. It reads: "Nothing is an offence which is done by accident or misfortune, and without any criminal intention or knowledge in the doing of a lawful act in a lawful manner by lawful means and with proper care and caution". Nanavati claimed that during the course of an altercation the gun had gone off accidentally killing Ahuja.
10. See Gera, Nalini, *Ram Jethmalani, the Authorised Biography* (Viking/Penguin, 2002, New Delhi); see also Sharma, Vijay, "Nanavati Released!"
http://www.hindustantimes.com/news/specials/proj_tabloid/tabloidhome1912.shtml
(accessed 26 December 2004).

11. 'Gambhir aur Achanak' is the Hindi translation of the phrase "grave and sudden". *Achanak* was also a famous film directed by Gulzar, starring Vinod Khanna and Fareeda Jalal among others, which was based on the Nanavati case. Unlike another earlier fictionalised rendition of the case, *Yeh Raaste Hain Pyar Ke*, starring Sunil Dutt and Leela Naidu, which sank without a trace, *Achanak* did extremely well at the box office. Interestingly *Achanak* (which means sudden/suddenly) refers only to the second part of the provision.
12. *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 543.
13. *Mancini v. Director of Public Prosecutions*, 1942 AC 1 at p.9, cited in *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 543.
14. *Rex vs. Lesbini*, 1941-3 KB 1116, cited in *Mancini vs. Director of Public Prosecutions*, 1942 AC 1 at p. 9.
15. *The New Oxford Dictionary of English*, (ed.) Judy Pearsall (Oxford University Press, 1998, UK).
16. *Jan Muhammad vs. Emperor*, AIR 1926 Lah 861 at pp. 662-863, cited in *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 545.
17. *Jan Muhammad vs. Emperor*, AIR 1926 Lah 861 at pp. 662-863, cited in *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 545.
18. Vasudha Nagraj, "Narratives of Passion Crimes", presentation at the 'Language, Media and the City' workshop held at Sarai-CSDS, Delhi on 2-3 April, 2004.
19. "The Battle against Fear and Discrimination: The Impact of Violence against Women in Uttar Pradesh and Rajasthan", Amnesty International, May 2001.
<http://web.amnesty.org/library/Index/engASA200162001?OpenDocument&of=COUNTRIES%5CINDIA>
20. *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521, at p. 539.
21. Sub-Section 2, Section 54, Chapter VIII of the Navy Act 1957 reads: "Every officer subject to naval law who is guilty of any scandalous or fraudulent conduct or of any conduct unbecoming the character of an officer shall be punished with imprisonment for a term which may extend to two years or such other punishment as is hereinafter mentioned".
22. Author's discussion with Capt. Rajesh Sethi (Retd.).
23. Nauriya, Anil. "Danial Latifi 1917-2000: In Memoriam". In *Seminar*, August 2000, No. 492.
24. *Kawas Nanavati vs. State of Maharashtra*, 162 (1) Cri. L. J. 521 at p. 546.
25. *Ibid.*
26. Recently the Justice Malimath Committee for reforms in the criminal justice system has recommended amendments to provisions of the Indian Penal Code that disallow prosecution of women for the offence of adultery. In a report to the Centre the committee notes, "The object of this section (Section 497 of the IPC) is to preserve the sanctity of marriage. Society abhors marital infidelity. Therefore, there is no reason for not meting out similar treatment to the wife who has sexual intercourse with a man (other than her husband)".
<http://www.rediff.com/news/2003/aug/12adultery.htm>
(accessed 15 January 2005).
27. Liang, Lawrence. "Conceptualising Law and Culture". In *Seminar*, May 2003, No. 525.