

## The Significance of R v Kiranjit Ahluwalia

**R v Kiranjit Ahluwalia** was one of several high-profile cases before the courts in the early 90s, which pointed to the inadequacy of the law on murder with regard to women who had killed their husband after themselves being victims of violence.

In response to trial decisions that were seen as miscarriages of justice and their “rectification” by the Court of Appeal, the Government announced a review of the law of homicide. The Law Commission subsequently published a consultation paper, **Partial Defences to Murder**, and in January 2009, the Government published the responses **Summary of Responses and Government Position** to its consultation on proposals for reform of the Homicide Act 1957.

With regard to killings in a domestic context, their main proposal was to abolish the existing partial defence of **provocation** and replace it with two new partial defences of: **killing in response to a fear of serious violence**; and (to apply only in exceptional circumstances) **killing in response to words and conduct which caused the defendant to have a justifiable sense of being seriously wronged**. Sexual infidelity on the part of the victim would not constitute grounds for reducing murder to manslaughter. It was also proposed that a new definition of diminished responsibility based on the concept of a “recognised medical condition” be introduced.

On 4 October 2010, the law of murder in England and Wales was changed as a result. The law of provocation was finally abolished.

**The Coroners and Justice Act 2009** introduced a new partial defence to murder known as ‘loss of control’. However, defendants still have to meet one of two qualifying triggers to show that the fatal act resulted in a loss of control: either that they feared serious violence or that a thing or things said and done (or both) constituted circumstances of an extremely grave character and caused the defendant to have a justifiable sense of being seriously wronged. The main point is that the requirement of ‘suddenness’ was removed, which made it easier for battered women to show that they acted as a result of rage slowly building up. At the same time, factors such as sexual infidelity and a desire for revenge, traditionally excuses used by men who killed, would no longer be grounds for reducing murder to manslaughter.