

THE TRAGIC ISSUE OF DOWRY DEATHS IN INDIA

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ABSTRACT

In India, there are so many laws for women to protect them and to provide their rights but despite so many laws women in India still suffer maladministration, cruelty, cheating, inequality and so many things they suffer in their daily life. Every day 20 women die because of dowry. Dowry death means death caused by a woman because of the inability to provide dowry promised by the bride's family to the groom's family. Dowry is practised in so many parts of India and is still in use by so many despite having so many laws regarding dowry. Dowry is seen as wealth. Dowry means the transfer of parental property to the groom's family in marriage. It can be in the form of ornaments, jewellery, utensils, vehicle, property anything. It is seen as a gift given by the bride's family. When a bride's family for any reason fails to provide dowry then after marriage husband or his family members or any relative starts to torture the wife for dowry which sometimes results in the death of the wife either by suicide or by killing by her husband or his in-laws. Dowry is an ancient system and is still in practice it is being practised from every earlier time of our grandparents. Sometimes un-ability to provide dowry results in the cancellation of marriage. This practice of dowry puts a great burden on the family of the bride. Some women are not able to bear the torture by their husbands or their in-laws so they decided to end their life.

Keywords: Dowry, Death, Crime, IPC, women.

INTRODUCTION

Women, in India according to a survey in 2021 there are 662.90 million females and 48.04 percent females. As per NCB data of 2019, almost 20 women every day die because of the dowry system in India.¹ They are made strong in every aspect and they can manage easily everything but when it comes to their family some women become strong some women get weakened. Now it is not practised just because it was practised in our ancient times nowadays

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¹ <https://timesofindia.indiatimes.com/city/delhi/air-hostess-jumps-off-terrace-in-s-delhi-family-alleges-dowry-death/articleshow/65001556.cms>

groom's family think it as their right to take dowry and because of this thinking and practise bride's family feels pressurise and it affects bride's family in many ways.

Section 304B² defines dowry death and dowry and punishment of dowry. If within 7 years of marriage if the wife dies and the death must be caused by the burns, or bodily harm or death must occur other than natural circumstances.

Section 2³ of the dowry prohibition act defines the term dowry. It says Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to the marriage to the other party to the marriage. By the parent of either party to a marriage or by any other person, to either party to the marriage or any other person at or before marriage.

Section 174⁴ and section 176⁵ deal with the criminal procedure of dowry.

Post-Independence in India equal rights and positions have been to men and women we have constitutional laws that declare both men and women as equal and forbid discrimination based on caste, colour, sex, or religion.⁶ When if both have been given equal rights if they are independent then why customs are being given in exchange for a girl's marriage. Many factors influence dowry such as caste, colour, looks, height, weight, etc. Physical and mental health are the least concern in marriage the main concern is horoscope matching and status and economic status of the families of bride and groom. Dowry is seen as a status symbol not only of the groom's family but also of the bride's family they think of it as their pride for spending so much on their girls' wedding and making it happen lavishly. Education works in another way around, which should be taken as empowerment it works as a dowry increment the higher the education of the boy the higher will be the dowry which impacts the bride's family and put the load on the groom's father and family. The groom's family unabashedly expects a premium from the groom's family the higher the education or higher the earning the higher premium will be expected.

² Section 304-B, Indian Penal Code, 1860

³ Section 2, The Dowry Prohibition Act, 1961

⁴ Section 174, Code of Criminal Procedure, 1973

⁵ Section 176, Code of Criminal Procedure, 1973

⁶ Article 14, Constitution of India, 1950

SELF-EMPOWERMENT OF WOMEN

Self-empowerment can be social, economic, or educational. It ranges from self-strength to efficiency building of women. They are independent it can be defined as the sense of self-worth, their ability to determine their own choices, and social change for themselves or others. Women are no less than men nowadays they give competition to men and prove their worth. Even though being strong and independent they are treated as a thing by some.

DOWRY

Dowry deaths are deaths of women who are murdered or are driven to suicide by their husband, in-laws, or any relative of her husband due to dowry.⁷ Dowry can be in any form like it can be cash, ornaments, utensils, car, and furniture anything. It is asked by the groom's family as a gift against their daughter. Females are forced or driven to death by continuous torture or harassment by their husbands or in-laws. Dowry is demanded by the husband or his family. When the female family agrees or promises to pay the sum of money, things to the groom's family in return. When the female's family due to incapability or due to some reason fails to fulfill the promise done then husband or his family starts to torture the wife due to not giving them an assured amount of things.

Dowry means the transfer of parental property at the marriage of a daughter. Dowry is an ancient custom and is still in existence. Dowry continues in many parts of the world and is sometimes used as the contract for marriage and disallowance or not being able to pay can result in cancellation of marriage. Dowry is very deep-rooted in India and it is very difficult to remove it and change the mentality of people because it has been practised since our ancient times. And they have been living with it and seen the procedure. They ask for dowry as a gift from the bride's family in favour of marriage. Dowry is eating us since old times and killing females as a result of the inability to fulfill the demand before or after marriage by the groom's family. Dowry is not fulfilled and sometimes a perverted sense of revenge occurred. It has perhaps become the most alarming issue during the last two decades because of growing violence against women related to dowry. It is said that dowry is not taken on the grounds of greed but it is taken as a token of love and gratitude for the bridegroom. The bride's parents give dowry as a token of love and for the harmonious relationship of the bridegroom and with

⁷ The Indian Penal code (45 of 1860) s 304

her in-laws. Every bride's parents give dowry according to their wealth and ability to groom's family so that bride has her stable position in in-laws house.

Marriages are indeed made in heaven it is a social institution where two people capable of entering into an institution enter into a marriage and perform all rituals and promises to sustain a strong bond and maintain marital life with full dignity and honesty. Marriage is considered as a very powerful and pure relationship among two people who promise to stay with each other. Some people prove it right the saying that bond and marriage are made in heaven but some prove it wrong by their lust for dowry with results in the dissolution of marriage or even sometimes results in the death of female because of torture and abuse by groom's and his family members or relatives. Every parent gives their daughter to the groom and family with the trust that they will take full care of their daughter and provide her with the love they gave to their daughter. Most of the women are not only ill-treated, harassed, or tortured but most of the women are even burnt to death by their husbands or their parents. In India, the dowry puts a great burden on the bride's family.

DOWRY PRACTICE: BOON OR BANE

The dowry practice which is still being practised in many parts is a boon for some and is considered a bane for some. If we think it from the perspective of the groom's side then it is considered as a boon, they think it as their right of taking Dowry and see it as their wealth. The higher the well-being of higher education of the groom the higher will be the premium taken by the groom's family from the bride's family. And if we think it from the perspective of the groom's side then it is considered as a bane for some. Dowry impacts woman as well as their family physically and mentally it puts the burden on the bride's father's shoulder. It puts a great burden on the families of the bride and sometimes the dissolution of marriage on not being able to provide a dowry to the groom's family. So for the groom's, it is a boon but for the bride's side, it is a huge bane for them.

ENACTMENT OF LEGISLATION LAWS

THE DOWRY PROHIBITION ACT, 1961

The prohibition Act the first legislation to deal with the evil system of dowry came into force on 1 May 1961. The main object of this act is to prohibit the system of giving and receiving

dowry. The evil system is still in practice by so many and so many women still chose to die because of abuse they face by their husbands or their in-laws just because their parents were not capable of providing or fulfilling the lust of dowry of the groom's family. Under the dowry prohibition act, dowry includes property, goods, money, vehicles given by either party to the marriage, by the parents of either party or by anyone else in connection with the marriage. **The Dowry Prohibition Act, 1961** applies to persons of all religions in India whether he is Hindu, Muslim, or of any religion. This act is equal for all and prohibits everyone from practising it. After the enactment of this provision, there were still so many cases of violence against women on the failure of meeting the dowry demands. This act laid down so many preventive provisions⁸ but it could not meet its objective. The failure of achieving the objective was not because of loopholes in the law but it was because of the fact the dowry system is too well entrenched in many parts of our country and they think of it as their way to show their wealth and prosperity. So in 1984, this act went under amendments.

The dowry prohibition Act attempts to check the prohibition of the dowry system's fails mainly because of the failure of the poor public support behind the legislation. It is very loosely practised and provide minimal punishment for violation of the system. Still, it is not taken very seriously in many parts and is being violated in many areas. **Section 2**⁹ of this act provides us with the definition of dowry which says any property of valuable security given or agreed to be given either directly or indirectly, by one party to a marriage to the other party to the marriage, or by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

There are so many cases that clear the term dowry. **The Nisha Sharma dowry case**¹⁰ is an anti-dowry lawsuit in India that represented how IPC 498A law can be misused. In this case, the plaintiff Nisha Sharma misused the law and accused the Munish Dalal of dowry to whom she was going to marry. Munish Dalal and his mother were sent to jail. This case was highlighted at that time.

⁸ The Dowry Prohibition Act, 1961 s 8(2)

⁹ The Dowry Prohibition Act, 1961 s 2

¹⁰ Nisha Sharma and Munish Dayal Anti Dowry Lawsuit 2003, "All let off in Nisha Sharma dowry case after 9 years". CNN-IBN. 1 March 2012. Archived from the original on 4 March 2015. Retrieved 28 March 2015

SECTION UNDER IPC FOR DOWRY SYSTEM

Section 403B:

(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "**dowry death**" and such husband or relative shall be deemed to have caused her death.

Explanation: For this sub-section, Dowry shall have the same meaning as in **section 2** of the **Dowry Prohibition Act, 1961**.

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

The above section explains the causes and ways of dowry death. This section explains that if any woman within her 7 years of marriage causes any bodily harm, burns, or death other than usual or natural circumstances then it would be regarded as dowry death. If before death she has tortured or suffered any unusual harm by his husband, or any relative of her husband shall be called as dowry death and such person shall be deemed to have caused her death.

Dowry death is also explained in the **Dowry prohibition act¹¹** which explains dowry and dowry death in detail. Punishment for dowry death must not be less than 7 years which may be extended to imprisonment for life or so.

LANDMARK CASE

Kamesh Panjiyar vs State of Bihar (2005)¹²:

In this case, Jaikali Devi (deceased) was married to the appellant. At the time of their marriage appellant demanded rupees 40,000 as a dowry which was given to him but after marriage, the appellant demanded a buffalo which the deceased family was unable to provide to him and was not fulfilled to the appellant. Then due to failure of their demand the appellant and his family started torturing the deceased and after some days deceased family got to know this so her

¹¹ The Dowry Prohibition Act, 1961 s 2

¹² Kamesh Panjiyar @ kamlesh Panjiyar vs. State of Bihar (2005) 2 SCC 388

brother went to talk to the appellant but he was insulted and sent back then after days rumours went around and deceased's brother heard so he went to meet her at the appellant's house and found her dead and there were so many injuries on the body of the deceased. Appellant claimed that she had some rheumatic disease which lead to her death.

Judgement: Session court found the appellant guilty and punished him with imprisonment of 10 years. On appeal preferred by the appellant high court of Bihar, the court reduced it to 7 years. Supreme Court upheld the decision of the session court that under section 304 of IPC it was not necessary to give direct evidence of causing death. Cruelty before death is sufficient.

Punishment: Punishment for dowry death shall be imprisonment of 7 years or more of which may be extended to imprisonment for life. Dowry death is a non-bailable and cognizable offence. Giving and receiving dowry is a criminal offence and the criminal proceedings under dowry are done under **section 174** and **section 176 of the Criminal Procedure Code,1973**. If any person demands Dowry then he may be sentenced to not less than six months which may extend to 2 years or with a fine or both.

HOW CAN WE STOP THE DOWRY SYSTEM

Educating our daughters and encouraging them to have their career teach them to be independent and responsible so that no one can underestimate them and ask premium or can demand any kind of sum in favour of their marriage if our girls would be independent ad know their rights then no one can misuse them or insult them in any way. Every parent should teach their daughter what is right or what is wrong for them and take make them brave enough to take a stand for themselves. Every parent should teach their daughter equally and should treat their daughter-in-law the way they treat their daughter and respect them in every way and their decisions. If every parent would treat their daughter-in-law the way they treat their daughter then they will surely understand her pain and her father's problems. This will not encourage the process of giving and taking dowry. It is necessary to teach everyone to know the drawbacks of dowry and how evil this is and how evil it can be and how deeply it can affect others, especially the girl. We should avoid the process of dowry and also enlighten others about this evil system and its drawbacks of this.

CONCLUSION

The Dowry system is evil and it affects the women and the family of the bride. The Dowry system is good unless and until it is given as a gift to the bride or groom's family by the bride's family and is not demanded by the groom's family affecting the bride's family. If the groom's family demands Dowry in return for marriage then it is completely illegal and wrong. Dowry is creating violence. Groom's parents are misusing this pure tradition. Dowry is complete injustice with the woman and is not giving equal justice and status to the woman. Because of Dowry men will always be superior to men and is creating a mess and negative impact in society. It is a bane for our society as well as for girls of our society as it affects them very deeply.

