

## DOWRY DEATH AND DOWRY SYSTEM IN INDIA

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Dowry death is the death of a woman due to the failure of her family to fulfill the demands of her husband or his family for a dowry. Dowry deaths occur when a woman is killed, often by burning, by her in-laws due to the failure of her family to fulfill the demands of her husband or his family for a dowry. Dowry is a long-standing practice in India, where a family gives a large sum of money, property, or other valuable items to the groom's family at the time of marriage. The practice is rooted in traditional Hindu and Muslim customs but has since become a way for families to display their wealth or social status.

In India, the dowry system has been illegal since 1961, but the practice is still widespread. According to the National Crime Records Bureau, there were 8,233 reported dowry deaths in India in 2017. This number is likely an underestimate, as many cases go unreported. Although the dowry system is illegal, it is still deeply entrenched in Indian society. In some cases, the dowry is used as a form of extortion, with the groom's family demanding more and more money or items from the bride's family. This can result in brides being harassed, beaten, or even killed if the demands are not met. Efforts have been made to address the issue, including public awareness campaigns and criminal penalties for those who demand or accept dowry payments. But, despite these efforts, the practice continues to persist in India.

Dowry death, or bride burning, is the term used to describe the murder or suicide of a married woman whose family is unable to pay the required dowry (a payment made to the groom, usually from the bride's family). This practice is most common in India, Pakistan, and Bangladesh, and is seen as a way for the groom's family to gain more property or money from the bride's family. It is estimated that 8,000 women are victims of dowry deaths in India every year. The practice is illegal in India, though it is still widely practiced due to a cultural acceptance of the practice. Dowry deaths are a major contributor to gender inequality in the region, and are a violation of human rights. It is important to raise awareness of the issue, in order to bring an end to the practice. One of the major issues with the dowry system is that it can lead to a shortage of eligible grooms for women. This is because the groom's family may demand a large dowry, which many families are unable to afford. As a result, many women are

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unable to find a suitable match, leading to a shortage of eligible grooms. This can also lead to a rise in the number of arranged marriages, where the bride's family is forced to agree to a match with a less suitable groom in order to avoid a dowry dispute.

## **INTRODUCE OF DOWRY DEATH OF WOMEN**

Dowry death, or bride burning, is the term used to describe the murder or suicide of a married woman whose family is unable to pay the required dowry (a payment made to the groom, usually from the bride's family). This practice is most common in India, Pakistan, and Bangladesh, and is seen as a way for the groom's family to gain more property or money from the bride's family. It is estimated that 8,000 women are victims of dowry deaths in India every year. The practice is illegal in India, though it is still widely practiced due to a cultural acceptance of the practice. Dowry deaths are a major contributor to gender inequality in the region, and are a violation of human rights. It is important to raise awareness of the issue, in order to bring an end to the practice.

### **Aruna Ramchandra Shanbaug vs Union of India**

#### **Facts of the case -**

Aruna Ramchandra Shanbaug was a staff nurse employed in located in Mumbai. One of the sweepers of the hospital attacked her on 27th November 1973. He choked and strangled her via a dog chain in order to restrain any movement from her end in an attempt to rape her. Upon realizing that Ms. Aruna was menstruating he sodomized her. The very next day, on 28th November 1973 Ms. Aruna was found lying on the floor with blood everywhere and all over her. One of the cleaners found her in unconscious condition. The strangulation via the dog chain ceased the supply of oxygen to her brain causing severe damage to the cortex of the brain. She sustained a brain stem contusion too along with a cervical cord injury. A petition for the case was filed under article 32 of the Indian Constitution by a friend of Ms. Aruna in the year 2009, after as many as 36 years of the incident. For so many years Ms. Shanbaug has been in a "Permanent Vegetative State". She has become extremely feeble and infirm.

#### **Judgment-**

The court drew the distinction between active and passive euthanasia. Active euthanasia can be seen as the positive and deliberate termination of one's life by injecting and administering

lethal substances. It is considered to be a crime worldwide except permitted by legislation. In India, active euthanasia is a straight infringement of section 302<sup>2</sup> and section 304<sup>3</sup> of the IPC. Moreover, physician-assisted suicide is an offense under section 309<sup>4</sup> of IPC. Passive euthanasia on the other hand is the withdrawal of life-supporting systems or medical treatment. The main distinction between active and passive euthanasia is that in "active" something is done deliberately to end life whereas in "passive" something is not done. A proper procedure and guidelines were enlisted by the apex court for granting passive euthanasia in the "rarest of rare circumstances" while rejecting the plea made by the petitioner. The High Court under article 226 would be entitled to make decisions regarding the withdrawal of the life support system. A bench must be constituted by the Chief Justice of the High Court when an application is received, before which a committee of three reputed doctors nominated must be referred. There should be a thorough examination of the patient and state and family members are provided with a notice issued by the bench. The High Court must give a speedy decision. The dowry system in India is a traditional practice that has been prevalent for centuries. However, it has negative effects on society, such as a shortage of eligible grooms, financial strains on the bride's family, and domestic violence. The Indian government has taken steps to combat the dowry system, but enforcement of these laws is often weak. It is important for the government, civil society, and individuals to take more stringent measures to combat this social ill.

### **THE DOWRY PROHIBITION ACT**

The Dowry Prohibition Act is a law in India that was enacted in 1961 with the intention of prohibiting the practice of dowry. Dowry refers to the transfer of property, cash, or other gifts from the bride's family to the groom's family as part of the marriage negotiations. The practice of dowry is deeply rooted in Indian culture and has been widely prevalent for centuries. However, the practice has been criticized for its negative effects on society, including domestic violence, financial strains on families, and a shortage of eligible grooms for women. The Dowry Prohibition Act makes it illegal to demand or give a dowry. It also makes it illegal to harass or threaten a person for the purpose of obtaining a dowry. The law also provides penalties for those who violate it, including imprisonment and fines. The Act also provides for the forfeiture of any property obtained as a result of dowry. This means that any property that is obtained through the practice of dowry can be seized by the government and returned to the person from whom it was received. The Dowry Prohibition Act also provides for the creation of special courts to hear cases related to dowry. These courts are designed to handle the large

number of cases related to dowry and to ensure that they are dealt with quickly and efficiently. The Dowry Prohibition Act is an important law that has been instrumental in combatting the practice of dowry in India. However, the enforcement of the law is often weak, and the practice of dowry remains widespread in many parts of India. The government, civil society, and individuals have to play a more active role in spreading awareness and implementing the law more strictly. In recent years, there has been a growing call for stricter enforcement of the Dowry Prohibition Act and for harsher penalties for those who violate it. This includes calls for the criminalization of dowry-related domestic violence, which would make it easier for victims to seek protection and justice. The Dowry Prohibition Act is an important law in India that aims to combat the practice of dowry. However, more needs to be done to ensure that the law is enforced more strictly and that harsher penalties are imposed on those who violate it. This will help to reduce the negative effects of the practice of dowry on society and protect the rights of women and their families.

## CONCLUSION

Dowry deaths are a serious problem in India and are a tragic outcome of the traditional practice of dowry. Dowry deaths occur when a woman is killed or driven to suicide by her husband or in-laws due to their dissatisfaction with the dowry given by the bride's family. These deaths are often the result of domestic violence and abuse related to dowry demands. The practice of dowry not only puts a financial burden on the bride's family but also puts the bride at risk of violence and abuse. The Indian government has taken steps to combat dowry deaths by enacting laws such as the Dowry Prohibition Act of 1961 and by creating special courts to hear cases related to dowry. However, enforcement of these laws is often weak, and the practice of dowry remains widespread in many parts of India. It is important for the government, civil society, and individuals to take more stringent measures to combat the dowry system and its associated issues. This includes increasing awareness and education about the negative effects of dowry, strengthening enforcement of existing laws and creating harsher penalties for those who violate them, and working to change societal norms and values that perpetuate the practice of dowry. Eliminating dowry deaths and the dowry system requires a collective effort by individuals, government, and civil society to work towards creating a society that prioritizes equality, respect, and mutual consent in marital relationships. It also requires addressing the issue of domestic violence and providing more support for victims of abuse. This will help to reduce the number of dowry deaths and create a safer society for women and their families.

The Dowry Prohibition Act of 1961 is an important law in India that aims to combat the practice of dowry. Dowry, a traditional practice, has been prevalent in India for centuries, but it has been criticized for its negative effects on society, including domestic violence, financial strains on families, and a shortage of eligible grooms for women. The law makes it illegal to demand or give a dowry, and also makes it illegal to harass or threaten a person for the purpose of obtaining a dowry. Penalties for violators include imprisonment and fines, and the law also provides for the forfeiture of any property obtained as a result of dowry. While the law is an important step in the right direction, enforcement of the law remains weak in many parts of India and the practice of dowry remains widespread. The government, civil society, and individuals have to play a more active role in spreading awareness and implementing the law more strictly. There is also a growing call for stricter enforcement of the Dowry Prohibition Act and for harsher penalties for those who violate it, such as criminalizing dowry-related domestic violence. Eliminating the dowry system and its associated issues can only be achieved by changing the societal norms and values that perpetuate it. It requires a collective effort by individuals, government, and civil society to work towards creating a society that prioritizes equality, respect, and mutual consent in marital relationships.

