



Dowry Death and Law

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ABSTRACT:

The classification of causes of death is real in its consequences: for the reputation of the deceased, for her family, for those who may be implicated, and for epidemiological and social research policies and practices that may follow from it. This paper here refers specifically to the processes involved in classifying deaths of women from burns in India. In particular, it examines the determination of dowry death, a class used in India, but not in other jurisdictions. The specific objective of this paper was to study the victims of dowry offences and relate it to practice of dowry. It also makes an analysis of the laws related to dowry and their effectiveness. The findings of the study show that section 498-A and section 304-B have provided teeth to the Dowry Prohibition Act, 1961. Even otherwise law-abiding citizens are giving and receiving dowry. Adequate social awareness and education is necessary, along with legal punishment, to away with this evil practice. High incidence of unnatural deaths of young newly married females following disputes over the dowry is a dark spot on the noble tradition of our society. Most common causes of death was due to burn injury. The unnatural death of newly married young woman due to dowry is routine headline of every newspaper. Dowry death is a burning issue of the Indian society since year.

"Widowhood imposed by religion or custom is an unbearable yoke and defiles the home by secret vice and degrades religion. If we would be pure, if we would save Hinduism, we must rid ourselves of this poison of enforced widowhood". **Mahathma Gandhi**

Keywords: Religion, Custom, Widowhood, Dowry Death.



INTRODUCTION

Dowry is the payment in cash or kind by the bride's family to the bridegroom's family. The bride's parents offer dowry to the groom's family in the form of money and materials. Dowry originated in upper caste families as the wedding gift to the bride from her family dowry is another social evil which is affecting Indian society like a disease and there seems to be no solution or cure to this. In fact, dowry is a type of violence committed against women. This is a specific crime committed only against married women. In the legal sense, dowry mean any property or valuable security given or agreed to be given, either directly or indirectly, by one party to a marriage to the other party at or before or after the marriage as a consideration for the marriage of the said parties.

The origin of this social ill can be traced back to the custom or tradition of giving gifts to brides in marriage and this system of gifts was a voluntary system which had its sanction in our religious beliefs that the father of a girl has a duty to give a part of his property to his daughter in her marriage as after marriage she would be going to another home and the son would be getting the rest of the property of the father. But in course of time the system of making gifts got converted and changed into an exploitative system of compulsory demands made by the family of groom. And the system took the shape of dowry system. The custom of dowry giving thus continues to lead to economic exploitation and ill treatment of brides, and humiliation of other people affected by it.

Dowry Death or Bride Burning :

Related to the system of dowry and as an outcome of it is the inhuman practice of Dowry death or bride - burning. Each year thousands of young brides are burnt or killed by their-in-laws because they fail to fulfill their ever increasing demand of money of property. Records show that there is an alarming increase in case relating to harassment, torture, abetted suicides and dowry deaths of young brides. It is increasing day by day due to social inheritance, traditional mentality and life style in the family. Dowry death big challenge to the modern society, moral values, police, and forensic experts as well as to legal officers and justice not only to eliminate this



social hazard but also to punish the culprits in effective manner to make the world free from it forever. In majority cases of bride killing or bride burning or dowry death, problem is created by the female themselves against their own sex. It has been usually found that approach of mother in law is different from that of the bride's mother.

Initially at the time of marriage, money is given by bride's family as per demand of the in laws but later or hunger of dowry is increasing extremely high which is followed by torture of bride and ends up in her death. In other words, in bride burning cases, crime is normally abetted and even committed by the females themselves. According to the Indian law, where the death of a woman is caused by any burn or bodily injury, or occurs otherwise than normal circumstances, within 7 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 of his relatives for, or in connection with any demand for dowry, such death shall be called 'Dowry death'.

Even after years of campaigning by voluntary organizations against the menace of dowry and their efforts to create awareness on it, the number of dowry deaths and dowry harassment cases is on the rise. Only in 2010, more than 9000 dowry related deaths have been reported which shows the level of violence being faced by the young brides. These deaths are, in reality, cold blood murders where an innocent girls gets killed only because could not bring the money or property demanded by her own husband and his relatives.

The most disturbing and unfortunate fact in such cases is that in most cases it is the women who plays the dominating role in said crimes and men in the family either act as passive supporters or active participants. And especially husbands have no regards of their matrimonial obligations of protecting and safeguarding their wives.

Dowry Prohibition Act :

The Dowry Prohibition Act,1986 makes both giving and demanding of dowry a punishable offence. But despite the Act, dowry system is continuing unabated and in fact it's increasing by the day. Legal drives to ban the practice of dowry in India have met with little success. The



Dowry Prohibition (Amendment) Act (1986), makes the giving and taking of dowry "as a condition of marriage by law, while excluding "voluntary gifts".

The humiliation and hardship which the family of the bride has to face is enormous. The Dowry Prohibition Act, 1986 failed to check the evils of dowry system and it also lacked in providing solutions to the ever increasing menace of dowry deaths. So, the Parliament thought it fit to bring a specific provision to deal with the said crime of bride burning. Thus, an Amendment, a new section i.e. section 304-B was inserted in the IPC which creates a new offence in the name of 'Dowry Death'. But the success of the act essentially depends on public co-operation. The legislation and so far failed because of its self -contradictoriness and the mixed attitudes found in the Indian society today. In order to be effective, the act should be accompanied by political, social and economic changes in the status of women both inside and outside the family. The provision in detail provides ingredients which are to be looked into in case of death of a married woman and if those ingredients are there such death would be considered as dowry death. As per the provision, maximum punishment of life imprisonment has been provided for dowry death to the husband or any relative of husband.

Law in relation of Dowry deaths :

In view of the increasing number of dowry deaths, guidelines have been laid down by the Government of India for examination of such cases, and the law in respect there of has been suitably amended. The Indian Penal Code (IPC) and Criminal Procedure Code (CrPC) and Indian Evidence Act (IEAct) are amended per as the criminal law (second Amendment) Act, 1983 and was approved by President of India to deal effectively with cases of dowry deaths and also the cases of cruelty to married women by their in laws. A 1985 amendment has replaced the phrase "in consideration for the marriage" with the words "in connection with the marriage". This has widened and improved the definition of dowry : according to the old definition, things given after the marriage could not be defined as dowry because they were not given to effect the marriage.

(1) IPC , Section 304-B deals with dowry death:



When the death of a married woman is caused by any burns or bodily injury or occurs under abnormal or suspicious circumstances within seven years of her marriage duration and it is clearly shown that soon before her death she was subjected to cruelty or harassment or torture by her husband or any relative of her husband or in laws for, or in connection with, any demand for dowry, such death shall be called as "dowry death".

(2)IPC Section 498-A deals with husband or relative of husband of the woman subjecting her to cruelty : Whoever being the husband or the relative of the husband or in law of a woman, subjects such woman to cruelty years and shall also liable to pay fine.

(3) CrPC Section 176 (1) provides inquest by executive magistrate and CrPC Section 174 (3) provides as follow :

When (1) The case involves suicide by a woman within seven years of her marriage (ii) The case relate to the death of a woman within seven years of her marriage in any circumstances rising a reasonable suspicion that some other person committed an offence in relation to such woman, or (iii) The case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf, the police officer will forward the body for autopsy to the nearest medical officer for opinion.

(4) IE Act Section 113-B deals with presumption as to dowry death:

When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death, such woman had been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the court shall presume that such person had caused the dowry death.

(5) Magistrate inquest in dowry death :

In dowry deaths, investigating officer plays a very important role to bring out justice as well as on other hand to save the husband or in laws if at all they are not guilty for the offence and falsely being caught up in trap. He has to investigate every dowry death case with consideration

of both mental and physical torture which has been imparted on the victim by the husband and in laws over long period which has ended in suicide by the lady.

(6) Forensic experts and dowry death :

Forensic experts come into picture only when dowry death cases are sent to them for post-mortem examination for obtaining necessary opinions. In doctor's view, dowry death cases are like any other unnatural female death cases yet. Forensic experts, as a rule, must try his level best to find out the causes of death only on the basic of scientific facts observed in any given case and not on assumptions or predetermined concept.

Social factors and Dowry death:

Dowry is a social sin, which is common amongst upper and middle classes of Hindu community of India, and is the key factor for unnatural deaths in newly married females since years. Dowry occupies only one end of the shore of social exploitation sea, within the same field are cruelty, penalty and molestation, physical or mental torture etc. After marriage, girl is push into an unknown world and is trapped into network of insecurities and thus she is totally on the kindness of the husband and his family members who might not look after her. According to Professor M.N. Srinivas, the increase in dowry- giving is also attributable to a sharp increase in the emulation of the higher castes by the lower castes. There is improved access to education and jobs in the organized sector, dowry is a practice adopted to exhibit a new status.

Conclusion:

Dowry is a custom turned as a social evil. Dowry as well as bride price humiliate dehumanize women in India. It is true that the increasing coercive character of dowry has led to a decline in the and public health approach acknowledges that dowry death is preventable and promotes a framework in integrated system of interventions across multiple levels within society including the individual, the family, the community and the health care system. Through laws are necessary to provides basic rights and to punish offenders, what is requires is a more holistic



approach to dealing with the phenomenon of violence against women, particularly in dowry and bride price. For all watching this rise your voice against dowry. Resist taking and giving dowry.

The practice of dowry abuse is rising in India. The most severe in "bride burning" the burning of women whose dowries were not considered sufficient by their husband or in-laws. Most of these incidents are reported as accidental burns in the kitchen or are disguised as suicide. Cultural practices such as the payment of dowry tend to subordinate women in Indian society. Through prohibited by law in 1961, the extraction of dowry from the bride's family prior to marriage still occurs. When the dowry amount is not considered sufficient or is not forthcoming. The bride is often harassed, abused and made miserable. Improvement of educational status of females by educational cum awareness programs along with severe punishments to offenders will be helpful to deal with this social curse.

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