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Dowry Death: A Critical Study of Emerging Judicial Trends in India

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Abstract

Dowry in India is one of the major social issues, that has plagued India for centuries and is continuously surviving in the 21st century. This practice refers to giving of any property or any valuable security that is given or agreed to be given by the bride's family to the groom's family. Therefore, for the prevention of violence and deaths and to prohibit the giving or taking of dowry the "Dowry Prohibition Act, 1961", came into existence. However, due to this research, it can be observed that the act which is imposed in this country for the prohibition of dowry, has failed to serve its purpose. Dowry death is a major evil, where a bride commits suicide and in some cases being killed by their in-laws due to the demand and abusive behavior.

As per the observation made, the major reason behind the dowry death in India is illiteracy of the girl child and lack of awareness of the rights provided by the legislation. As per the literary sources there has been a decline in the rate of dowry deaths which is mainly due to regular amendments of legislative structure to seek proper justice. The main objective of this research paper is to critically analyze the current judicial trends in India and determine the existing legislation in preventing dowry death.

Keywords: *Dowry Death, Awareness, Literacy, Dowry Prohibition Act, Social Problems.*

Introduction:

“Any young man demands for dowry as a condition in his marriage, discredits his education as well as his nation by dishonoring womanhood”- Mahatma Gandhi

Dowry related violence is one of the brutal violence going against women in our society although our constitution of India has introduced various equal rights for both men as well as women but still in today's period women in our society are victims of large scale of violence and harass-mental activities. Dowry has become a huge social level and it is spread up widely, in every religion or cast etc.

Marriage is considered to be a sacred institution, where a man and a woman forms a sacred connection and be part of an unbreakable tie connecting both of them together but it also has a nasty side which is known as "Dowry." The tradition of taking Dowry is still being practiced in most of the religions and families in India. Many of the families have lost their daughters while witnessing this heinous dowry practice.

In early times, there was such no compulsion of giving gifts/ dowry with the bride while marrying the husband and his home, but now Aspen being so educated and modern nation still there has been seen more compulsion and more of the demand of dowry, which directly affects the bride as well as her family mentally as well as financially.

Definition

Generally, Dowry refers to “the gifts money properties or goods etc which has to bring to her husband's home while marrying and most of the times it is seen that valuable items like expensive car, motorcycles, fridge, Air conditioner, properties etc are taken as a contribution from women's family." And in India, it is still observed that despite of introducing dowry prohibition act 1961 they are still illegal practices of Dowry death witnessed in many cities and states of India.

The dowry prohibition act also defines dowry as any property given or agreed to be given either directly or indirectly: -

- (a) By one party to a marriage to the other party to the marriage; or
- (b) By the parent of either party to a marriage or by any other person to either party to the marriage or to any other person.

Research Objective

1. To analyze the current judicial trends upon dowry deaths in India and state the critical effectiveness of preventing dowry deaths.
2. To access the efficiency of judiciary in preventing the dowry deaths.
3. To provide proper suggestions to enhance the efficiency in providing justice to victims of dowry death.
4. To identify the factors which are leading towards the increasing number of in India.
5. Do study and analyze the main reasons behind the hesitation of women for reporting against dowry related violence in India

Research Questions

1. What factors influences dowry deaths in India?
2. How much effective is the existing legal system in providing proper justice?
3. What measures can be adopted to enhance the effectiveness of judicial system in India?
4. What are the reasons for the failure of the laws relating dowry death and to eliminate the dowry system from our society?
5. How much effective are the legislations in prevention of the death and providing proper justice to the people affected in India?

Research Methodology

The present research of this paper is primarily based on doctrinal and legal research. The data is collected from secondary sources. Secondary sources that are used are such as textbooks, commentaries, and digests, research papers, manuals, journals, reports published by universities, the work of research institutions, public libraries, newspapers, and magazines, government departments, the authoritative reports of committees and commissions, etc

Research Problem

Dowry death according Section 304B of the Indian Penal Code, is the death of a woman when caused within seven years of her marriage by any burns or bodily injury or under any other obvious circumstances soon before her death subjecting to cruelty or harassment by her husband or any relative of her husband in connection with any demand for dowry such death shall be called “Dowry death”.

Section 113B of the Indian Evidence Act, provides about the ‘Presumption as to dowry death’ it states that if a person commits any of the above act, it shall be presumed that such person had caused the dowry death (Indian evidence act). Thus, dowry death refers to situation in which brides commit suicide or their husband or any of his relative kills them, after their marriage due to their dissatisfaction caused by not getting dowry. It is also noticeable that if a person gives or takes or abets the taking of dowry, he shall also be liable to be punished under the Dowry Prohibition Act.

However, the figure which is being reflected by news article published by the Times of India shows that According to National Crime Records Bureau (NCRB) reports on an average, every hour a woman succumbs to dowry deaths in India with the annual figure rising upwards of 7000. Another statistical figure which shows reality of our society and laws and also the sheer weakness of our legislative and judicial system

According to Statistics, “the state of Uttar Pradesh had the highest number of reported dowry deaths in 2020, with more than 2,000 cases. But this was a gradual decrease from the year 2023, which recorded approximately 8.5 thousand dowry deaths” (Press Information Bureau)

Historical background

When we follow the dowry death's history through its various phases, we can see how India's structure changed from ancient times to the Middle Ages and finally to the present. In the current meaning, the word "dowry" has devolved into a commercial transaction where money is the most important factor. Nowadays, the amount of dowry required and paid is unrelated to

the income and wealth of the bride's parents. When these expectations are not satisfied, the brides suffer mistreatment and occasionally find themselves in situations where they are forced to take their own lives. In India, dowry refers to the gifting of cash or other items to the bridegroom's family in addition to the bride. Numerous case studies have demonstrated that the bride does not keep the gifts that are presented to her during the marriage, but instead they are used by her in-laws.

Statistics involved

There are various dowry related death complaints or abuse by husband or in laws reports seen in many parts of India on daily basis The crime against woman courts daily witnesses around thousands of cases pending per day in all over India which deals with related matters or dowry death cases in India.

According to (NCRB) National Crime Record Bureau, a total number of around 8,233 deaths were witnessed in 2022 which were related to the dowry death and which brings out the stats that every 90 minutes, a bride was burned. (Poonam & Deepak Kumar Doshi, 2021)

In Indian culture, wives must endure severe forms of abuse because of the dowry. They suffer from burns, torture, and even murder. Some families, on the other hand, go so far as to discourage their daughters from seeing their parents regularly. She has completely cut herself off from her previous natal source of support. It is doubtful that anybody would come to her aid if she were to be mistreated. The evidence may be readily destroyed even if she is slain because no one is likely to testify on her behalf.

Legislative measures taken by the Government to Curb Dowry system In India

The Dowry Prohibition Act of 1961 is among the most significant pieces of legislation created to date to combat the threat posed by dowries. This statute places a strong focus on outlawing the custom of offering or receiving dowries. It has made it clear that anyone who gives, takes, or aids in the giving or taking of dowry after the Act's implementation faces a minimum five-year prison sentence and a fine of up to fifteen thousand rupees, or the amount of the dowry's value, whichever is higher. It recommended that a dowry prohibition officer be appointed and given the authority to implement the rules.

It is evident from the dowry prohibition (Maintenance of lists of donations to the bride and bridegroom) Rules, 1985 that lists of presents must be kept up to date in compliance with certain guidelines.

A few of these guidelines are listed below:

1. The bride is responsible for keeping track of the gifts that were presented to her upon marriage.
2. The list of gifts presented to the groom at the time of the marriage will be kept on file by the groom.
3. Each list of gifts mentioned in either Sub-rule 1 or Sub-rule -2
4. Should be ready for marriage at the moment of the union or as soon as feasible after it
5. It must be in writing.

Section 304 B of the Indian Penal Code and Section 113 B of the Indian Evidence Act: The phrase "soon before" generally implies that there should not be a significant gap between the alleged abuse or intimidation and the death in issue. A direct and living connection must exist between the death in question and the impact of cruelty based on dowry demand.

Landmark case:

Baldev Singh vs State of Punjab

Within four months of marriage, the bride committed suicide (IPC Sections 498A and 306). The deceased's father testified that shortly after the couple was married, the accused-husband and the deceased's brother-in-law sought money and a tape recorder. It was supported by further witnesses as well. In addition, she was beaten and harassed by the accused individuals since she didn't provide enough dowry. The accused individuals' actions had pushed the bride to take her own life. (AIR 2009 SC 913)

Impact of Dowry system on Women & Society

1. Influencing women's career-the greater background for dowry is women's low participation in labor force and their lack of financial independence while comparing with the males of our society. The lower strata of our society generally since there girls or daughters to work and become financially strong, so as they do not have to face any problem while giving the dowry during her marriage.
2. Gender discrimination- this also has a direct impact on our system as it has frequently been seen that women are treated with less dignity and less favorable as compared to the men, whether in terms of finance or education or respect or any other field in our society.
3. Crime against women- The dowry system can result in increasing rate of crime against women, which commonly includes physical as well as mental harassment and harm to the woman of our nation
4. Many women end up being unmarried- daughters and women despite being well educated and financially capable they have still fear of giving dowry, as many of them in today's time remain single and independent as their parents are of older thoughts and according to them, there are many demands for pre-marriage and post-marriage system formalities, which they need to fulfill of the husbands or the family of husband, hence this kind of fear directly impacts on the mental status of women generally and so they decide of not getting married rather than getting married and giving dowry to their husband or in laws.

Although it is illegal, one of the major issues that women in the nation confront is Dowry. It has a greater impact than any other a social problem and upends the entire social structure by denigrating women. Dowry did not become a barrier to a girl's marriage until the mediaeval era, when women were viewed as less valuable than males, the Purdah system hardened, and polygamy peaked, seeing women as burdens.

Conclusion

Women are now frequently the targets of severe cruelty and exploitation in the name of dowries. There are laws, but they only exist in written form. The victims do not reap the advantages of the legislation. According to data from the National Crime Records Bureau in 2014, a woman in India experiences sexual harassment every 51 minutes, rape every 54 minutes, and dowry killing every 102 minutes. In essence, it demonstrates that women's rights

have been widely violated. Our culture does not even consider them to be human beings, as seen by the property people who slaughter and burn young brides out of avarice.

The fundamental tenet of the anti-dowry campaign should be that men and women have equal rights and should have equal opportunity for resources such as property, work, and education. NGOs, or volunteer organisations, can contribute more in this way by linking their efforts to the Anti-dowry cell.

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