

## **DOWRY DEATH: CRIME AGAINST WOMEN**

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### **INTRODUCTION**

Culture is abiding ideas, attitudes and tradition shared by large group of people and transmit it from one generation to the next . India is one of those countries which have strong influence by culture. During the ancient times dowry was considered as a custom in our country. The only difference is dowry in those days is just as a gift to girls, who lost their share in the parental properties after marriage as it was male - dominated society that time.

The death of a woman which is caused by burns, body injuries and cruelty or mental harassment by her husband and in-laws for the demand of dowry, is assumed to be ‘ Dowry Death ‘.Dowry is the collective greed of the society. The dowry is the compensation for the groom's education and financial stability. It is the evil for the girl child. The demands are forwarded shamelessly and they are expected to do in silence. In the manifestation of patriarchal nature where the men are considered as superior to women in aspects of the physical and mental capabilities.

Dowry is considered as a dharma in context with the Indian culture. The demands made is far beyond the capacity of the women's family, resulting in the huge debt in order to fulfill the religious duty. The payment given to the groom and his family or his relatives subsequent to the marriage is also considered as dowry. The major cause of the violence against women is in relation and in connection with the failure to give the amount demanded as dowry.

### **BRIEFING**

Each year thousands of brides are burnt or killed by their in laws only because they fail to fulfill the increasing demand of money, property etc. Earlier records show that there is an alarming

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increase in the cases relating to physical and mental harassment resulting in unfortunate casualties of young brides. This phenomenon is seen as a regular social practice in our society .

Lack of the education is the another cause for the dowry system. The people are giving gifts to their daughters but the demands are keep on increasing year by year .If the family of the girl is unable to fulfill the demands of the groom & groom's family it results in the death of the bride & mental harassment etc. Continuous torture, bad behavior and cruel treatment resulting in depression and committing suicide.

The idea of giving the dowry to get a girl married results in increased sense of inequality through the genders . The girls are discouraged for getting education and doing jobs and are competent the do the housework . People of the groom's family are pushing the limits to get what they want from the bride's family and even the whole groom's family is participating. The limits of the social evils have extended from blackmail and beating to direct physical and mental abusing and now extended to killing the bride . The middle class is fighting to move up the social ladder and marriage is the easiest way to pick start the groom's carrier . The problem here lies in the expectation of the groom's family .

To combat the growing evil of dowry the legislature has enacted Dowry Prohibition Act in 1961 . The Act was the major step by the legislature to deal with the increase in the demands of dowry . As a result the legislature has enacted the Sec 304- B of Indian Penal Code which made Dowry Death a punishable offence with a minimum sentence of imprisonment for seven years and maximum sentence of imprisonment for life . Judiciary has also included a charge under the Section 302 of Indian Penal Code , a murder charge ,in addition charges under Section 304 -B of Indian Penal Code as it allows Court to impose the death penalty. The Dowry Prohibition Act ,1961 makes the giving and taking of dowry a punishable offence under the Section 3 , results in more than or equivalent to 5 years of imprisonment & fifteen thousand rupees or more . Under Section 2 of the Act , any property or valuable security given or agreed to be given either directly or indirectly by the parties to the marriage constitutes dowry .

In the Indian Evidence Act , section 113-A gives the power to presume abetment on the part of the husband or his relatives , if any women commits suicide within 7 years of marriage , if the husband or his relatives subjected her to cruelty.

#### **CASES OF DOWRY :**

In the State of Andhra Pradesh v. Raj Gopal Asawa & Anr , ( 2004 ) 4 SCC 470 , the Supreme Court convicted the accused under Section 304-B IPC , where the victim has committed suicide within 7 years from her marriage and it was proved before the court that she was subjected to cruelty in relation to the demands for dowry soon before his death . Therefore under the provision of Section 304-B of IPC , the accused was punished with the imprisonment. Dowry shall have the same meaning as in Section 2 of the Dowry Prohibition Act , 1961.

In Bachni Devi & Anr. Vs. State of Haryana<sup>1</sup>,Through Secretary, Home Department , the Supreme Court held that the appellants' demand for a motorcycle for use for the second appellant's business was a demand for dowry. It was particularly important to the Court in deciding this case that the victim, who died by committing suicide, had been harassed and ill-treated once the demand for the motorcycle was not met. Further, in Ashok Kumar Vs. State of Haryana<sup>2</sup> , Supreme Court confirmed that where a husband has demanded a specific sum from his father-in-law and on it not being given, has tortured and harassed his wife, this will qualify as a demand for 'dowry'.

**LAWS DEALING WITH CASES OF DOWRY****1. SECTION 304-BOF INDIAN PENAL CODE**

- 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 considered as “dowry death” and such husband or relative shall be deemed to have caused her death.

**2. SECTION 498-A OF INDIAN PENAL CODE**

- Husband or relative of husband of women subjecting her to cruelty. Whoever, being the husband or the relative of the husband, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

**3. Section 174 OF CODE OF CRIMINAL PROCEDURE**

- It outlines the response to homicide, suicide or death, accident under the suspicious circumstances and is applied to the women particularly such deaths within seven years of marriage.

**4. SECTION 113-A OF INDIAN EVIDENCE ACT**

- It gives the power to presume abetment on the part of the husband or his relatives, if any women commits suicide within seven years of marriage, if the husband or his relatives subjected her to cruelty.

**5. DOWRY PROHIBITION ACT**

- It is an act which particularly deals with the cases of dowry and the death caused due to dowry. The punishment could be imprisonment for 5 years and a fine more than Rs 15000 or the value of the dowry received, whichever is higher.

National Crime Records Bureau ( NCRB ) reveals that after the registration of dowry deaths , police have charge sheeted around 94 percent of the accused but only 34 percent have been convicted . The remaining cases are pending in various courts of our country. Anti-dowry laws are not to be judged by their intention but by their implementation. Media reports tend to highlight more dowry deaths in major cities / states and which are occurring in remote& poor areas are often ignored.Conviction against dowry deaths are generally slow and low for several reasons. One of the fear is of retaliation from the groom's family if they are powerful. Even if an FIR is registered, it may take up to 2-3 years to get a verdict.

Why the people are blaming the practice of dowry in India ? It starts in our homes. The parents which demands dowry becomes the victim when their own daughter's marriage arrives. Behind the every case of dowry there is also a mother-in-law and sister-in-law . Unless there is a system of education which teaches us the common values which we can share. Mind sets and beliefs don't get changed easily and the only way to address them is by education and awareness. The expansion of education among girls and more rewarding employment opportunities for girls and women, which will enhance the bargaining power of women . If a women is gaining employment while the men is unemployed it may cause tension and domestic violence.

It is not enough to just introduce act and amend sections to fight against the evil. This requires strict and ruthless enforcement of laws There must be creation of social awareness against the evil of the dowry system which must be the first step towards eradicating the practice. There should be Campaigns to spread the knowledge about the legal provisions against dowry. There is also the need to promote the need for educating the girl child. . Education is not just required to find your vocation and to achieve the goal in life, it is essential to gain eyes and ears to a world beyond the one we can immediately see. By educating the girl child they will have the knowledge about their rights which will enable them to speak up against practice of dowry and ongoing marginalization. They will also be able to endeavor for self – dependence and not view marriage as their only salvation.

There is an extremely slow judicial process from filing a case to fighting it to conclusion is like a nightmare that no one wants to undergo. There are number of uneducated and semi -literate person from economically weaker background with no understanding of the judicial system and the process and whose daughter is just killed for dowry. The government needs to ensure that

there should be zero-tolerance policy for such offenders and ensure enforcement of the laws through systematic changes. India as a country requires major catch up of its existing mindsets in order to push back against the sinful custom of dowry. They need to realize the fact that in today's society women are perfectly capable of doing anything that men can. Women themselves need to come out of the belief that they are inferior to men and they need to depend on men to provide them. Education is the only game changer to overcome the problem of the dowry and the death caused due to dowry. Education needs to be proactively provided at the two levels i.e. at the home and the school . The children receives their first education from their parents. So it's the duty of the parents to teach their child and focus on the moral education. The schools can also take the shares of responsibility in developing citizens not only the students.

Promoting love marriages will help in abolishing the caste system and it will help in throwing away the dowry system into the dust bin. Spreading the message against the dowry system by conducting periodical legal aid camps and offering counseling to the victims as well as to the general public which will help to spread the awareness among them against the dowry system. There should be creation more strict provisions in the Dowry Prohibition Act like awarding a higher punishment to those who give, take or demand for dowry. Imposing punishments like imprisonment to those who cause the death of the victim by harassment for dowry.

The root cause for the existence and continuation of the dowry system is that parents of the bride despite being poor agree to the unreasonable demand for dowry made by the parents of the bridegroom. Therefore they should make a policy or a rule that they people will never agree or make any compromise on the issue of the giving or taking dowry , no matter how long their daughter may remain unmarried. It requires commitment to eradicate the system of dowry. Perhaps whole generation may have to suffer to get rid of this evil system. The media can bring intimate partner violence out of the private arena into the public eye. Masculinity seems to be more effective than those that ignore the powerful influence of gender norms and system of inequality. Effective women focused initiatives strengthen resilience against violence by combining economic employment, relationship skills and greater awareness of women's rights.

**CONCLUSION**

The brides should not be treated as the mines of gifts & money and the women should be educated so as to fight with the evil of dowry. There should be immediate action in the case of the death of the women for the dowry. Instead of suffering from dowry harassment or losing the precious lives of the brides, it is better to remain unmarried for a common cause and for the benefit of the progeny. In brief the challenges are too many but the effective solution are very few.