

Analysis on the Growing Rate of Dowry Death in India

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Abstract: *In India dowry refers to a property or any valuable security that is given or agreed to be given by one party within a marriage to another party. In India, the part who agreed to give dowry is mainly the parents of a girl to the groom's family. Taking dowry is itself a crime and prohibited as per the "Dowry Provisions act 1961". However, as per this research, it has been found that the act, which is imposed in this country for the prohibition of dowry, was failed due to various limitations within it. Dowry death is a major social issue, where a bride commits suicide or being killed by their husbands due to their intolerable demand and abusive behavior. The main aim of this research is to analyze the current state of the dowry system in India and determine the effectiveness of existing legislation in preventing dowry death.*

Dowry death has always been a big issue in our Indian society since years. The unexpected death of new married couple due to dowry has become the news of our everyday life. Protecting young married women from abusement, physical torcher, harassment and cruelty are the responsibility of the government to keep them safe. Laws have been made for such crime in India. Ban on giving and taking dowry - the Dowry Prohibition Act, 1961, is the most commonly used law since its commenced all over the country. The Section 304B (Dowry deaths) and 498 - A (Cruelty by husband or in-laws) were registered in the Indian Penal code in the mid 1980's. The Educational status of females has been improved and the society wants to get educated with dowry awareness programs along with severe punishments which will be helpful to deal with the crime made socially crime

This research paper has attempted to examine and evaluate legal provisions that have been adapted and adopted by the Indian Legal System in order to reduce the annoyance of Dowry Deaths, to identify loopholes, and to improve the legal system and society in general, as well as to highlight available remedies and how to further augment such remedies to benefit the genuinely aggrieved party.

Keywords: Dowry, Dowry Death, Growing, Evidence Act, Dowry Prohibition Act.

I. INTRODUCTION

Dowry deaths refer to a situation in which brides commit suicide or their husbands kill them after their marriage due to their dissatisfaction caused by the failure of the brides' families in paying dowries. Despite enviable modernization of this country and expanding rate of middle class families, dowry-deaths kept on rising in this country due to poor societal and ineffective legislative structure in past few decades. However, the figure 1 has reflected a different phenomena though a news article published by "Indian Express" in 2020. The number of death cases in 2020, has decreased slightly with amendments in Dowry-death Prohibition-acts. In 2020, there were 17 cases of dowry-deaths; whereas in 2019, the number was 52. Amendments were made in some of the terms of Indian dowry-death related legislations, which resulted in an improvement in curbing this issue.

Even though modifications in Indian criminal law reflect substantial legislative efforts to prevent dowry-related crimes, and that they have been in existence for many years, they have been widely criticized as unsuccessful. Yet while laws do not grant enormous power, the police nor the courts are able to properly enforce them. Due to the fact that women and their families are unable to establish guilt beyond a reasonable doubt, it often takes a long time for a case to be listed in court and the husbands and his families are exonerated, even in murder cases. There is a concern of dowry related legislation in India being routinely overused, specifically section 498-A of IPC because of mechanical arrest by

the police. In the case of Preeti Gupta and others v. State of Jharkhand and others, Section 498-A was challenged, and the Supreme Court expressed sadness about the likely misuse of anti-dowry laws and recommended a thorough investigation.

II. HISTORICAL BACKGROUND

Dowry is not something that has suddenly emerged as an evil in our society. It has its roots deep in the customs and practices of our culture. In ancient times when the parents used to give their daughters to the groom in marriage they used to gift lots of money, jewelleries and valuable things to her as a form of their love and affection towards her. First such mention of gifting their daughters a lot of wealth and other valuables can be found in writing of Manu where it was referred to as 'yautraka' which means a gifting material objects to confirm the union of two people in marriage. Later this took a form known as 'sulka' where groom and his family used to compensate the bride's family for the loss of their daughter. Thereafter, it evolved as 'stridhan' or 'kanyadhan' where the bride was given money and valuables so that she could stay financially independent from her husband even after their marriage. Stridhan or kanyadhan used to be the property gifted to the bride i.e. their daughter and not to the groom. It was after the inception of British Rule in India that the zamindari system evolved and the women were prohibited from holding any land or property in their own names. After this the bride's parents who wished to give gifts to their daughters at the time of their marriage had to give it to the groom who often misused that property transferred to him as a gift for his wife. Thereafter, evolved the system which is now known as dowry where the money and other valuables which were supposed to be the gift for the bride have now become consideration for the marriage and thereby the groom and his relatives consider it their right that needs to be fulfilled by the bride's parents and relatives just because they have agreed to marry their son to their daughter.

The term 'Dowry' has been defined under Dowry Prohibition Act, 1961 (hereinafter 'the Act')ii. S. 2 of the Act states that when a person who is a party to marriage or their parents or any other person associated to them demands some property or other valuable security before, during or at any time after the marriage from the other party to marriage or their parents or any other person associated thereof, it is called dowry. The act of both, giving or taking any property or other valuable security for the purpose stated above, done either directly or indirectly is called dowry for the purpose of this Act. However, the Act excludes dower or mehr from the scope of the term which is applicable in case of Muslim Personal Laws.

III. METHOD OF DATA COLLECTION

This paper is relied on Secondary data and the researcher has adopted doctrinal research methodology for this research paper. It was considered in the present research-paper for gaining access to reliable data associated with different factors that are fueling growth of dowry-deaths and efficiency of existing regulations in preventing the same. Secondary data collection has been appropriate for this paper as it has aided in gaining a deep insight into different facets of dowry-death issues in India. Besides that, it has aided in collection of original information as researcher has considered collection of all the data related to dowry-deaths and associated legislations from different authentic secondary sources including reliable websites, case law articles, Books and journals.

IV. DISCUSSION

As much of the debate on violence against married women and dowry deaths have centered around inflation of dowries and failure of bride's parents/relatives to meet the groom's family's demands not just at the time of wedding but also subsequently at other family events, and consequent brutal harassment of the bride and, in extreme cases, her murder. Ideally, therefore, the analysis should have focused on dowries. Lacking recent state-wise data, we have worked with proxies such as female/male ratios. The higher the ratio, the acuter is the marriage squeeze as an excess of females adjusts through a rise in age at marriage and higher dowries.

Dowry deaths may occur by various means, including poisoning, hanging or burning. Based on the the usual sex ratio of women per 1000 men, we find a positive effect of marriage squeeze through dowries on dowry deaths. Another approximation to marriage squeeze, the ratio of women 10-20 years to men 20-30 years and also has a significant positive effect on dowry deaths.

Another important analysis is that education matters. The higher the proportion of married women (married between the age of 10-20 years) with middle to matriculation level of education at the time of census survey (2001/12), the lower is the incidence of dowry deaths. There may be two underlying reasons. One is that education acts as a partial substitute for dowry. The second is that women with some education are likely to be more assertive, and resist harassment from the male spouse and his relatives, and thus dowry deaths may be lower.

Media reports tend to highlight more dowry deaths in major cities/states and those occurring in remote, poorer areas are often neglected. As NCRB data are not available separately for rural and urban areas in a state, there is no way of verifying directly whether the occurrence of dowry deaths is more frequent in rural or urban areas. Together with the frequency of dowry deaths, the numbers registered also combine the effect of the efficiency of judicial and police systems. If urban women also are better educated and more assertive, the negative but negligible effect of affluence of a state (measured as SGDP per capita at constant prices) is a manifestation of these offsetting factors.

V. CONCLUSION

As per the above discussion, it has been found that, Dowry death could be a social curse that could be a burning issue in Indian society. Organized approach by ladies wale organizations, police, public retainers and bar by applying truculent discipline for dowry deaths felons. It is determined that the government of Bharat together with Indian bar makes united and significant laws to protect the life interest and quality of girls and provides more justice to the victim of urgency or atrocity by better half and his cousins. Amendment within the education system junction rectifier to Associate in nursing improvement within the education standing of girls and door to door employment service can lower down dowry deaths.

Still, sure corrective measures have to be compelled to borrow to carry off or a minimum of check this social forthcomingness of dowry death, however most significantly it wants a public can and commitment to down feather materialistic rapacity of dowry demands. From this research it is found that most of the public are not in favor of taking and giving dowry and the public mostly thinks that dowry death is still in existence and according to public cruelty social factors is the main cause of dowry deaths. If the Greeks find it difficult for a rich person to urge marriage as a “Dowry” additionally that is totally wrong and extrajudicial. A part of the bridegroom’s folks was to grant security and compensation for heritage rights to the girl so as to change her to guide a sedate and harmonious relationship along with her husband and his family.

VI. SUGGESTION

Even after several attempts that have been made to criminalize dowry and related offences, the number of such cases has not reduced. Therefore there is a need to revise the laws and approach of the government in order to find an apt solution for this problem. Some suggestions in this regard are as follows:

- **Spreading awareness-** The most important aspect of happening of such incidences is that women are still not aware of their rights and so they bear all the unjust treatment of their in laws. It is necessary that initiatives are taken to make them aware of their rights and to let them know that they need not suffer in any circumstance.
- **Educating People** – It is also necessary that people should realise that giving and taking dowry is not helping them gain prestige in the society but it is looked down by the educated people. Educating people in this regard can be beneficial in curbing this practice.
- **Strict laws and Speedy trial** – Laws relating to such offences shall be made more severe and such cases shall be dealt with under speedy trial.
- **Enforcement mechanism** – The enforcement mechanism of such cases shall also be made strict and any such incident of give and take of dowry or demanding it shall be made actionable suo motu. People shall also take initiative in reporting any incident that comes to their knowledge and the person reporting shall get immunity from being identified

REFERENCES

- [1]. Deng, Geetika and Vani S. Kulkarni (2018) “Why Dowry Deaths have risen in India?” submitted for publication. An earlier version is available as a GDI (Manchester) working paper 2017/5

- [2]. Adv. Sakshi Saran (2019) “Dowry Death” by School of Legal Education for publication Vol.10.3
- [3]. Agarwal, B. and Panda, J. (2007) “Toward Freedom from Domestic Violence: The Neglected Obvious”, Journal of Human Development, Vol. 8, No. 3.
- [4]. Arunachalam, R., and T. D. Logan (2006) “On the Heterogeneity of Dowry Motives”, NBER Working Paper 12630, Cambridge, MA.
- [5]. Becker, G. (1981) A Treatise on the Family, Harvard University Press, Cambridge, MA
- [6]. Bloch, F., and V. Rao. (2002). "Terror as a Bargaining Instrument: A Case Study of Dowry Violence in Rural India " American Economic Review, 92 (4): pp. 1029-1043.
- [7]. Ghosh, B. (2013) How does the legal framework protect victims of dowry and domestic violence in India? A critical review, Aggression and Violent Behavior 18, 409–416.
- [8]. Rajaraman, I. (1983) “Economics of Bride-Price and Dowry”, Economic and Political Weekly, Vol. 18, No. 8 (Feb. 19), pp. 275-279.
- [9]. Rao, V. (1993b) “Dowry `Inflation' in Rural India: A Statistical Investigation” Population Studies, Vol. 47, No. 2 (Jul., 1993), pp. 283- 293.
- [10]. <https://blog.ipleaders.in/section-304b-ipc/>
- [11]. <https://www.drishtijudiciary.com/to-the-point/ttp-indian-penal-code/dowry-death>