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DOWRY DEATH-TOO MUCH OF EVIL SYSTEM**ABSTRACT:**

In this research article, we are going to discuss evil act of dowry system which is still prevalent and is a threat to lives of many Indian women. We will also discuss anti-dowry laws to make the readers aware and make awareness ahead about the prohibition of dowry system and dowry deaths. To further make the readers understand the plight of women and her families, landmark judgements have been provided. These judgements also make the reader understand more clearly anti-dowry laws and judgements made by courts in several cases. Prior to conclusion is also provided possible reasons for the existence of this system of reducing a bride's value to some cash or kind of a securable value. At last is the conclusion which involves my point of view over this system and what should be done to break this evil act which is prevalent since ages.

KEYWORDS:

Act, judgment, dowry, law, case, prohibition.

INTRODUCTION:

'Dowry is a social virus'¹

National Crime Records Bureau (NCRB) has revealed a shocking report that on an average, 20 women die everyday in India due to physical or mental harassment, making them a target of dowry deaths.²

It is 2022, an era towards progress, prosperity, peace and harmony but it is quite shameful to say that dowry system is still prevalent in our country, not only in rural areas as we may have seen, but also in metropolitan cities like Delhi, Bengaluru. Even many educated families pretend to condemn this social act of reducing a woman's value to some money or kind as a condition for her marriage, they too are engaged in this evil act of dowry. Some families, kill their daughter-in-law if her family failed to fulfil their dowry demands even after marriage. Some families, in order to escape punishment, harass their daughter-in-law mentally, physically or emotionally compelling her to commit suicide. To further back this situation, a 27-year-old woman died out of starvation as a punishment for not completing dowry demand of her parent-in-laws. She weighed just 20 kilograms before she died.

Nearly 7000 women die everyday in India. The cruelty of this system has no limits and is eating up lives of many innocent women who deserve healthy married lives.

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ANTI-DOWRY LAWS IN INDIA:

Talking about dowry system in India and also the consequent dowry deaths, the **Dowry Prohibition Act, 1961³** which deals with the questions, such as:

'What is dowry?'; 'What is the punishment for taking or giving dowry?'; 'What is penalty also for demanding dowry?'; 'What legal actions can be taken to break down dowry system?' and so on.

Further, under **Indian Penal Code, 1860⁴**, it has defined:

¹ Wanda Teays, *The Burning Bride: The Dowry Problem in India*, 7, J. Fem. Stud. Relig., 29, 29 (1991).

² Rudrani Gupta, *20 Women Die A Day: Dowry Deaths Still A Threatening Reality In India?*, SheThePeopleTv, June 26, 2021, [India Dowry Deaths : 20 Women Die A Day: Dowry Deaths Still A Threatening Reality In India? \(shethepeople.tv\)](https://www.shepeople.tv/india-dowry-deaths-20-women-die-a-day-dowry-deaths-still-a-threatening-reality-in-india/)

³ Dowry Prohibition Act, 1961, No. 28, Acts of Parliament, 1961 (India).

⁴ Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).

1. **Dowry death** under *section 304B* which makes dowry death caused due to mental, physical or emotional harassment of a woman before or at marriage or within 7 years of marriage by the members or relatives of the groom's family and which is in connection with dowry. A penalty from 7 years to full life imprisonment has been laid down by the Indian Legislative Council under this section.
2. **Husband or relative of husband subjecting women to cruelty** under *section 498A* of IPC, 1860, which states that anyone, may it be the husband of the woman himself or even the relatives of the husband subject women any act of cruelty, is a punishable offence and shall be liable for an imprisonment up to 3 years with a fine also. This section has also defined **cruelty** as any act done willingly which compels a woman to commit suicide or injure herself due to mental or physical harassment; or an act of harassing a woman or her family or any person related to her family to draw money or any kind for an illegal dowry demand or on failure to fulfill dowry demand, the woman or her family or any person related to that woman gets harassed is an act of cruelty defined under this section.

Also, under **Indian Evidence Act, 1872**⁵, *section 113B* has talked about **Presumption as to Dowry Death**. Under this section, whenever there is question as to whether an individual has committed a dowry death and also soon prior to death of that woman, the woman was subject to harassment or in better words, cruelty, by that person, then, at that point, the court will assume that such person has caused dowry death to that woman.

LANDMARK JUDGEMENTS:

To further elucidate these laws, here are some of the Landmark Judgements:

1. *Arjun Dhondiba Kamble v. State of Maharashtra*⁶- In this case the court held that, “Dowry” in the sense of the expression contemplated by Dowry Prohibition Act is a demand for property of valuable security having an inextricable nexus with the marriage, i.e., it is a consideration from the side of the bride's parents or relatives to the groom or his parents and/or guardian for the agreement to wed the bride-to-be. But where the demand for property or valuable security has no connection with the consideration for the marriage, it will not amount to a demand for dowry.⁷

⁵ Indian Evidence Act, 1872, No. 1, Acts of Parliament, 1872 (India).

⁶ Arjun Dhondiba Kamble v. State of Maharashtra, A.I.R 1995 HC 273 (India).

⁷ Sonal Srivastava, What are the Laws prohibiting Dowry in India, Amity Law School, Lucknow, March 4, 2016.

2. *Bhoora Singh v. State of Uttar Pradesh*⁸- In this case, the deceased wrote down a letter to her father that she was being harassed and ill-treated by her parent-in-laws with unpleasant activities for not fulfilling their dowry demands before being set on fire and burnt alive by her in-laws. The court held in this case that an offence of demanding dowry under section 4 of Dowry Prohibition Act, 1961 has been made.
3. *Baldev Singh v. State of Punjab*⁹- In this case, Satwant Kaur (Respondent) was married to the appellant, Baldev Singh but within one month of marriage, both the parties to the marriage started having disputes. The appellant's family demanded a television and a fridge as a dowry. However, Satwant Kaur committed suicide by eating poison, prior to which she wrote a letter to her brother saying that she had been continuously tortured and faced harassment by her in-laws and husband and this was in connection to dowry demanded by them. The court found Baldev Singh (appellant) and his mother guilty under section 304B of the Indian Penal Code, 1860¹⁰
4. *Kamesh Panjiyar v. State of Bihar*¹¹- In this case, the deceased, Jaikali Devi was married to appellant. At the time of their marriage, the appellant and his family demanded a dowry in the form of sum of Rs.40,000 in cash and it was paid to them by the bride's family. But soon after marriage, the appellant and his family demanded a buffalo, again as a dowry but the deceased's family could not fulfil the demand of the appellant and his family as a result of which, the deceased was subjected to torture by them. The decision held the appellant guilty and was held to imprisonment for 7 long years.
5. *Deen Dayal and Ors. v. State of Uttar Pradesh*¹²- Again comes another case of dowry death, where the victim died by falling in a well. The parents of the deceased contended that the deceased's family continuously demanded dowry which they could not fulfil

⁸ *Bhoora Singh v. State of Uttar Pradesh*, Cri. L.J. 1992 Alld. HC 2294 (India).

⁹ *Baldev Singh v. State of Punjab*, (2008) 13 SCC 233 (India).

¹⁰ Indian Penal Code, 1860, No. 45, Acts of Parliament, 1860 (India).

¹¹ *Kamesh Panjiyar v. State of Bihar*, (2005) 2 SCC 388 (India).

¹² *Deen Dayal and Ors. v. State of Uttar Pradesh*, (2009) 11 SCC 157 (India).

and thus the accused, Amar Singh had killed the deceased. The Allahabad High Court held the accused liable under section 498A of IPC for dowry death of the deceased. Further an appeal was preferred in Supreme Court by the appellant but Supreme Court held the appellant liable as the deceased's body had severe injuries and there was no water found in her windpipe or lungs as per the postmortem reports and hence cruelty was proved.

WHAT CAN BE THE REASONS FOR EXSITENCE OF DOWRY SYSTEM?

This is 2022 and Dowry system was banned in India in 1961. In other words, giving or taking or even demanding dowry, directly or indirectly was considered illegal since 1961. But still this system is threatening lives women of our country. Some of the reasons could be:

1. **Existence of a patriarchal society-** We have been living in a male dominated society since ages, however, circumstances have changed with the evolution of time where women have stood up for their rights, where there is a need of equality among men and women has been understood, but it cannot be ignored that there still exists that society where a woman's strength, potential, self-respect has always been considered lower than a man. Where some immature minds define a woman as an object or a property of use with no emotions and self-respect.

Existence of dowry system was from traditional Indian marriages that used to reduce a bride's value to the amount of money she brings with her to her in-law's home. Boys are taught that they are pride of their families whereas girls are realized as a burden over their families and they have to adjust themselves in their married lives and should learn to sacrifice their wishes, they should always prioritize their families over their interests. This could be one of the reasons why this system is still prevalent in India.

2. **Lack of education-** We may have seen in our life the cases of dowry mostly in backward classes or in rural areas. Due to illiteracy, people may not understand the consequences of the wrongful act of committing dowry and pressurizing the bride and torturing her. These uneducated people get their daughters married in a house which

demands dowry but fail to realize that the grooms' family are just pretending to take care of their daughters in consideration for dowry while they are actually keeping their daughters as an object to fulfil their selfish motives.

3. **Lack of awareness-** Many people might be ignorant about the anti-dowry laws again due to lack of education being one of the reasons. To prove this fact, a mass campaign was held by Kudumbashree which held a survey in Kochi district in Kerala where it was found that 896 women were found unaware of the anti-dowry laws in India.¹³

It was also found through survey around 400 women from around 45,000 individuals in that district opened up on domestic violence.¹⁴

Women should stand up for themselves otherwise people would never understand worth of a woman's life because a woman standing up for herself is automatically standing up for the rest of the woman facing wrath of the society.

CONCLUSION:

Dowry deaths should be stopped. Every individual can prove to be a great asset for a country's economy. 7000 deaths of women every year on an average has also led to great loss of country's productivity. Dowry deaths also brings a bad reputation to a country's pride.

It is quite unfortunate that we consider our country as '*Bharat Mata*' on one hand paying respect to women while demanding dowry on the other hand by using a woman as a source fulfilling selfish motives.

Laws are there to take up action against dowry system, it is up to those who should stand for right. As it is also believed that an individual doing sins is a criminal but also an individual who is silent and who lets wrong happen to an individual or an individual who tolerates the crime or the wrong deeds are considered equal or even more wrong to a criminal.

¹³ M P Praveen, Many Women are unaware of dowry law, finds survey, The Hindu, July 21, 2021.

¹⁴ M P Praveen, Many Women are unaware of dowry law, finds survey, The Hindu, July 21, 2021.

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