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Dowry death – will the mindset ever change?

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The curse of Dowry has been raising its ugly head now and then, but the evil has been flourishing beyond imaginable. The transfer of assets from the bride's family to the groom's family is known as dowry. The goal of this act was to assist young couples in starting their lives in luxury, to provide an inheritance for the bride since all ancestral property was inherited by males, to provide protection for the bride in the event of her husband's tragedy, and to honour the groom for his readiness to take the bride as his wife in marriage. Dowry has become a parasitic habit in India, eroding the lovely institution of nuptials.

The presents offered might be anything from a large or costly item to a little token of goodwill. In an alliance, this idea demonstrates men's supremacy over women. Even though dowry is prohibited in India, it is nonetheless accepted as a present from the bride's side at weddings.

Keywords: *dowry, murder, suicide, marriage.*

INTRODUCTION

Since ancient times we have seen so many felonies against women where they are tormented, and one such felony is dowry death. We all must have heard many cases related to the death of a woman for the demand for dowry.¹ It is very dishonourable for a society where a woman dies

¹ Dowry Death, (2008) 4 LW (JS) 38

for not being able to give dowry. If a woman is not able to reclaim a large amount of dowry from her family etc., are more probable to be victims of domestic violence.

According to the Dowry Prohibition Act,² the term "dowry" means "any property or valuable security given or agreed to be given either directly or indirectly by the woman's parents or relatives to the man's parents and relatives."

The origin of dowry can be tracked down within the patriarchal believes that the groom and his family should be compensated by the bride's parents for taking care of her for the remainder of her life. Traditionally, dowry to the groom's family commenced as a few clothes and household items³ for the bride and her in-laws, to make their lives easier with a new member, but with time, the groom's demands increased, and dowry started to include expensive commodities and cash. It is not considered inappropriate and slowly became a part of the culture and tradition of India.

Families, relatives, and neighbours deeply care about what a girl brings from her parent's house. It's also a matter of status and pride for both families. When the Britishers were ruling the nation, the situation got so severe that it was only a legal marriage when the procedure of Dowry took place. The Britishers went so far as to make it a necessary act.⁴

Even highly educated and economically self-independent girls would not marry without bringing jewellery, furniture, and other expensive goods from their parents. Breaking this tradition is usually related to disgracing one's family in society.

However, in some cases, the groom and his family pressurise the bride's family for a huge dowry. Marriages are fixed on the family's ability to meet those demands. Sometimes, the demand continues after marriage and ladies are violently abused and murdered if the stress is not met.

² Dowry Prohibition Act 1961, s 2

³ MN Srinivas, *Some Reflections on Dowry* (Oxford University Press, 1984)

⁴ Varsha Ramakrishnan, 'The Dowry System in India: Is the Trend Changing?' (*Pulitzer Center*, 14 October 2013) <<https://pulitzercenter.org/projects/dowry-system-india-trend-changing>> accessed 26 April 2021

In 2007, the total number of dowry deaths and dowry-related suicides reported in India were 8093 and 3148, respectively.⁵ There was a 74% increase in dowry-related deaths from 1995 to 2007, while there was a 31% increase in the reporting of dowry-related suicides.⁶

Rao recognised numerous foundational paternalistic circumstances which stay at the core of the problem of our Country's issues and describe why females fall victim to the torment, along with a female's principal action as a mother and daughter with few possible choices apart from getting married; (ii) a girl who continues to be unmarried after an age bar, her parents have to face several hurls from the society at large; (iii) divorce seems to be about non-existent; and (iv) young widows.⁷

Even if the dowry payment completes the marriage contract, there is no guarantee for the bride's health and well-being after the wedding. Many incidents come out in the public eyes through what gets recorded in the public media. This is frequently owing to patriarchal circumstances influencing the bride's family to demand higher dowries.

MINDSET BEHIND DOWRY SYSTEM

It is high time that we need a change in the viewpoint and mindset of the people about dowry. Educating children from an early age about the importance of gender equality, treating girls equally without any discrimination, educating and encouraging the girls to pursue a career of their choice instead of giving huge dowry to the grooms could be a start in that direction.

Youthful men should take a decision that they would not live on the money of another person's effort and also take a decision not to become marketable commodities sold by their parents. Indian parents should not consider marriage as a way of getting rid of their daughters, or paying someone to take the daughters of their hands. Some of the causes of the dowry system are-

⁵ GR Babu and BC Babu, 'Dowry deaths: a neglected public health issue in India' (*PubMed.gov*, March 2011) <<https://pubmed.ncbi.nlm.nih.gov/24038048/#:~:text=In%202007%2C%20the%20total%20number,reporting%20of%20dowry%2Drelated%20suicides>> accessed 26 April 2021

⁶ *Ibid*

⁷ Sri Krishna Kumar, 'Crimes against women & its impact on them' (*Legal Services India*) <<http://www.legalservicesindia.com/article/540/Crime-Against-Women-&-its-Impact-on-Them.html>> accessed 28 April 2021

1. The Greed Factor - The dowry requirement is often used as an example of society's collective greed. Extortion in the name of social prestige, indemnification for the groom's schooling costs, and his financial stability are all common features in Indian weddings.

2. Culture Structure - The dowry system reflects the patriarchal character of Indian society to a considerable degree. Men are seen to be superior to women in both physical and psychological characteristics. With such a cultural system in place, women are often seen as second-class citizens, only suited for domestic duties. The dowry system, which feeds the perception that a female child is a potential burden on the family's income, exacerbates this sentiment.

3. Religious Dictates - The dowry issue is exacerbated by religious constraints placed by society on marital rituals (most notably the groom's flexibility). Inter-religious marriages, as well as marriages between religious groups, are not permitted under these limitations. The number of potential matches is limited as a result of these limits. Boys of marriageable age with desired credentials become a reward, which fosters the practice of the highest bidder catching the catch.

4. Social Restraints - In addition to having comparable religious origins, the caste system and social position are also restricted. When planning a match, keep in consideration practises like caste endogamy and clan exogamy. Favourable mates must be from the same caste, a separate clan, and have the same or higher social status. Demanding dowry has comparable implications due to these limits.

5. Women's Social Status - Women's lower social status in Indian culture is so deeply ingrained in the nation's thinking that their treatment as bare commodities is accepted without question, not just by the family but also by the women themselves. When marriage is seen as the pinnacle of a woman's accomplishments, bad habits such as dowry become strongly embedded in society.

6. Illiteracy - Another factor for the dowry system's persistence is a lack of formal education. A considerable proportion of women are purposely kept out of schools, either owing to superstitions or the fear that educating females would jeopardise their ability to be decent spouses.

7. Desire to Prove Our Social Position - The dowry is often used to demonstrate our social status. The amount spent on one daughter's wedding is often used to determine one's social standing. The system of dowry demands is largely justified from this view.

DOWRY PROHIBITION ACT, 1961⁸

The Act was enacted to prohibit the giving or receipt of a dowry. The Act is applicable to individuals of all faiths in our country & aims to safeguard women from dowry violence and harassment. To safeguard the interests of the women, the Dowry Prohibition Act of 1961 and relevant parts of the Indian Penal Code⁹ were revised. The original Dowry Prohibition Act was amended¹⁰ to include all kinds of penalties for providing and receiving payment, as well as a penalty for requesting dowry in regards to marriages. In 1983,¹¹ the IPC was amended to create specific offences of dowry-related cruelty, burn victims, domestic abuse, and suicide abetment or if the women turns up dead because of the same.

In the case of *Sabitri Dei v Sarat Chandra Rout*,¹² The SC overturned the local Sessions Court's ruling and sentenced the spouse and a relative under IPC sections 498-A,¹³ 304-B¹⁴ and sec. 4 of the Dowry Act.¹⁵

OTHER LAWS RELATED TO DOWRY

Indian Penal Code, 1860¹⁶

Section 304 B¹⁷ states that, “When a woman suffers physical injuries or burns during 7 yrs of togetherness and it is evident her spouse is responsible along with his family demanded dowry,

⁸ Dowry Prohibition Act 1961

⁹ Indian Penal Code 1860

¹⁰ Dowry Prohibition (Amendment) Act 1984

¹¹ Criminal Law (Second Amendment) Act 1983

¹² *Sabitri Dei v Sarat Chandra Rout* (1996) 3 SCC 301

¹³ Indian Penal Code 1960, s 498(a)

¹⁴ Indian Penal Code 1960, s 304(b)

¹⁵ Dowry Prohibition (Amendment) Act 1984, s 4

¹⁶ Indian Penal (n 9)

¹⁷ Indian Penal Code 1960, s 304(b)

the husband or relatives will be sentenced to a minimum of seven years in jail, with the possibility of life imprisonment."

Section 498 A¹⁸ states that, "If a woman is subjected to cruelty by her husband or family, the offender faces a maximum sentence of three years in jail and a fine."

*Indian Evidence Act, 1872*¹⁹

Section 113A²⁰ deals with the presumption of the instigation of the suicide of a married woman. Section 113B²¹ states that, "when the question arises whether the person has contributed to the death of a woman due to dowry and if the cruelty or harassment in connection with, any demand for dowry, shown before her demise, the court shall presume that the person had caused the dowry death."

DOWRY DEATH

The word "dowry" as stated in sec. 6 of Dowry Prohibition Act,²² "Dowry to be for the benefit of the wife or her heirs." It is just an asset (whether monetary or possessions) given by her parents or relatives to safeguard a woman's future and monetary interests.

If a woman is not able to secure a lot of assets in the form of dowry upon marriage, it is shame for the bride's family. Studies have shown that those in-laws who did not receive enough dowry, have shown disappointment towards their daughter in law, and the daughter in law is more prone to domestic violence, murder or forced to commit suicide.²³ Even after getting a reasonable sum of dowry upon marriage, some families force their daughter in law to acquire more money from her parents, adding to the mental and physical agony of the woman.²⁴

¹⁸ Indian Penal Code 1960, s 498(a)

¹⁹ Indian Evidence Act 1872

²⁰ Indian Evidence Act 1872, s 113(a)

²¹ Indian Evidence Act 1872, s 113(b)

²² Dowry Prohibition (Amendment) Act 1984, s 6

²³ S Srinivasan & AS Bedi, 'Domestic violence and dowry: evidence from a south Indian village' (2007) 35(5) World Development, Elsevier 857-880

²⁴ V Patel and others, 'Gender disadvantage and reproductive health risk factors for common mental disorders in women: a community survey in India' (2006) 63 Arch Gen Psychiatry 404-413

The patriarchal stagnancy in cultures and practices leads to dowry deaths. Groom's family take advantage of the dowry system's hold on them, which will bring them a fortune in the end. They often 'justifiably' leave or mistreat the lady for dowry since she and her family failed to pay the assets. In *Harjit Singh v State of Punjab*,²⁵ The court ruled that there's no indication that the poisoning ingested by the woman was a result of the hubby's brutality or harassing, thus the man was freed under sec. 304 B of the IPC, and the provisions of sec. 113 B of the IEA couldn't be applied to the man.

DATA RELATED TO PRESENT SITUATION

- 6,851 dowry deaths were reported in the country in 2001, the figure reached 7,618 in 2006 and touched 8,233 in 2012.²⁶ While 6,539 cases were charged and 6,060 sent for a trial in 2001, in 2012, the number of cases charged was 8,022 and 7,537 of that sent for trial.²⁷ 21,922 dowry death cases were pending trial from the previous year in 2001 and the figure touched 29,669 in 2012.²⁸ A State-wise break-up provided in the statistics shows that the highest incidence of dowry deaths was in Uttar Pradesh and Bihar.²⁹ During the period, 23,824 dowry deaths were reported in Uttar Pradesh and 19,702 sent for trial. In Bihar, 13,548 cases were reported during the period and 9,984 sent for trial.³⁰
- There is a decrease in the number of dowry deaths from 2014 to 2019.³¹ In 2019 more than 7.1 thousand deaths were there and in 2014 the number of deaths was 8.5 thousand.³²

²⁵ *Harjit Singh v State of Punjab* AIR 2002 SC 3040

²⁶ Ignatius Pereira, 'Rising number of dowry deaths in India: NCRB' (*The Hindu*, 6 August 2013) <<https://www.thehindu.com/news/national/rising-number-of-dowry-deaths-in-india-ncrb/article4995677.ece>> accessed 01 May 2021

²⁷ *Ibid*

²⁸ 'Dowry thrives in modern India' (*DW*) <<https://www.dw.com/en/dowry-thrives-in-modern-india/a-17076670>> accessed 01 May 2021

²⁹ NR Nithya, 'Institutionalization of Dowry in India: Social Custom or Modern Malaise?' (2013) 2(9) International Journal of Science and Research, India Online <<https://www.ijsr.net/archive/v2i9/MzEwODEzMDY=.pdf>> accessed 03 May 2021

³⁰ NR Nithya (n 29)

³¹ Statista Research Department, 'Total number of reported dowry death cases in India from 2005 to 2019' (*Statista*, 25 February 2021) <<https://www.statista.com/statistics/632553/reported-dowry-death-cases-india/>> accessed 03 May 2021

³² *Ibid*

- NCRB recently in 2017, noticed approximately 7k dowry related deaths.³³ The rate rose to a significant percentage from 2001 to 2016.³⁴
- National Crime Records Bureau noticed 4668 such deaths in 1995.³⁵ The numbers rose at an exponential rate to 7634 in 2015.³⁶
- As per experts, several cases go unreported and the actual statistic could be three or four times the above-mentioned figures.³⁷

CONCLUSION AND SUGGESTIONS

As it is said whenever there is light, there is shadow too. The educated Indian opposes the dowry system in debates or essays and shake their head every time media reports yet another case of dowry death, but the very same Indian does not oppose the dowry given to them on their wedding. The mindset of the urban class people of India is that "if it is not demanded, it is not dowry".

It is understood that dowry is a practice that has been going on since ancient times and has become a custom of Indian marriages. The difference between the customs of those times and today is that during the marriage, assets were once given to the bride directly. Earlier when no way of contacting over long-distance existed, the young women had no easy way to reach back to their parents. Bringing their inheritance with them to their new home gave them a degree of monetary freedom and established equal status in the new family.

In modern times, where women are financially independent, it eliminates the need for dowry, and even if dowry is given, it should be for the benefit of the woman, not her in-laws. It should

³³ Rudrani Gupta, '20 Women Die A Day: Dowry Deaths Still A Threatening Reality In India?' (*Shethepeople*, 21 April 2020) <<https://www.shethepeople.tv/top-stories/opinion/dowry-deaths-reality-in-india-but-until-when/#:~:text=National%20Crime%20Bureau%20of%20India,21%20per%20day%20in%202016>> accessed 05 May 2021

³⁴ *Ibid*

³⁵ Chhayanka Nigam, '21 lives lost to dowry every day across India; conviction rate less than 35 per cent' (*India Today*, 22 April 2017) <<https://www.indiatoday.in/mail-today/story/dowry-deaths-national-crime-records-bureau-conviction-rate-972874-2017-04-22>> accessed 05 May 2021

³⁶ *Ibid*

³⁷ Sheetal Sekhri & Adam Storeygard, 'Dowry Deaths: Response to Weather Variability in India' (*NCBI*, 2 October 2014) <<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4224306/>> accessed 05 May 2021

be noted that the wealthier sections of the social practice the dowry system to get a better groom. The middle class/ poor sections of the society are also forced to follow the system and debt everything they earned through their hard work in order to get a better groom.

Every Indian need to understand the effects the dowry system has on society, the countless deaths it causes, the physical and mental agony it puts the bride and her family through. Practice what you preach needs to be the new mantra, if not, the number of cases of dowry death will keep accelerating each year.