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Dowry Deaths and Dowry System in India

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Dowry is the amount of property or money that is given by the family of the bride to her husband in the course of a marriage. It is one of the deeply-rooted societal ills that has become an obstacle to women's lives. Dowry deaths are related to the death of the bride by suicide or killing by her husband and his family with the motive of demanding property or money from time to time. India has taken steps and made laws regarding the prohibition of dowry. This article will analyze the dowry laws in general as a social matter. By further articulating the rulings by the judges it will show that it has failed to make any significant repair in the situation in which the dowry victims are placed. In the end, this article will attempt to investigate the ills of the Dowry System and its consequences in India.

Keywords: *dowry system, marriage, dowry deaths, suicide, cruelty.*

INTRODUCTION

In ancient times, the bride's father supported the newlyweds with money along with other necessities that are needed for the new family, the motive behind this was the devotion to their children. After a while, this custom was adopted differently by the groom's family and connected with social position and family prestige, and this tradition of gifts and blessings became mandatory and gradually received the infamous fame called dowry. Therefore, a certain amount of goods and a sum of money is considered a dowry. It is also considered as

the bride price that covers money, asset, and even movable as well as immovable property resulting in significant societal harm. The bride is forced to bring large amounts of money, gold, technological equipment, and other extravagant gifts from her family in the form of a dowry for her in-law. Apart from that, the main reason for the dowry system is the greedy nature of humans.

However, the concerning part is Dowry deaths, which refer to the murders or suicides of married women committed by their husbands and their family soon after the marriage because they were dissatisfied with the dowry. After time to time harassment and physical abuse, a bride is sometimes drenched in kerosene and set on fire. The disturbing part of dowry-related crimes is that they are mostly performed within the safe boundaries of the home, and the perpetrators are almost always close family members who live there. Such incidents are the result of newlywed women's husbands and families actively conspiring against one another. According to the Indian National Crime Record Bureau, dowry-related deaths occur in India at a rate that is by far the highest in the world. 8,233 dowry killing cases were registered in India in 2012 and in 2020 nearly seven thousand dowry death cases were reported.

LAWS PROHIBITING DOWRY AND DOWRY DEATHS

The Dowry Prohibition Act, 1961¹

This act was implemented to prevent the dowry system from India. This Act defines dowry as any property or valuable security² given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, to either party to the marriage or any other person, at or in relation to the marriage of said parties, either before or at any time following the wedding. It does not include Mahr or Dower to whom the Muslim Personal Law applies.³ A minimum five-year prison sentence and a fine of Rs. 15,000 or the dowry amount, whichever is higher,

¹ Dowry Prohibition Act, 1961

² Indian Penal Code, 1860, s 30

³ Dowry Prohibition Act, 1961, s 2

are the punishments for providing and accepting dowry.⁴ Under this Act, demanding dowry is also punished by a period of at least six months and up to five years, as well as a fine of up to Rs. 15000.⁵ By making the offences non-bailable and cognizable the punishment becomes stringent and the burden of proof lies on the person accused of taking dowry.⁶

The Indian Penal Code, 1860

The Indian Penal Code, 1860 was amended in 1983 and 1986 to add sections 304-B and 498-A, which were added as a result of the ongoing failure of dowry legislation in India. This code aims to outlaw the dowry system in India as well as the associated violence, which was previously a common occurrence in the nation.

1. Section 304-B- Dowry Death

This section deals with dowry death in India. It states that if the death of a woman is caused by either bodily injury, burn, or under unnatural situations, within seven years of her marriage, and it is proved that she was being harassed by the husband and or the family of the husband about dowry⁷, the offender will be punishable by imprisonment of minimum seven years and maximum life imprisonment.⁸ In the case of death under the conditions stated in Section 304-B (1), the husband and the husband's family will be considered to have caused the death connected to the dowry and will be held responsible for the offence unless it can be shown that they did not cause it.⁹ That is, in comparison to other offences where the accused is presumed innocent until proven guilty, in this case, the burden of proof transfers from the prosecution to the accused.

2. Section 498-A- Husband or relative of husband of a woman subjecting her to cruelty

⁴ Dowry Prohibition Act, 1961, s 3

⁵ Dowry Prohibition Act, 1961, s 4

⁶ Dowry Prohibition Act, 1961, ss 8 & 8(a)

⁷ Indian Penal Code, 1860, s 304-B(1)

⁸ Indian Penal Code, 1860, s 304-B(2)

⁹ Indian Evidence Act, 1872, s 113-B

This section deals with cruelty and harassment committed against a woman by either her husband, his family, or both. The punishment under this section is imprisonment which can extend up to three years and a fine. This section includes both mental and physical cruelty¹⁰ which is likely to drive the women to commit suicide, and harassment of the woman to obtain any unlawful demand for any property or valuable security.¹¹

3. Section 306 - Abetment of Suicide

This section punishes persons who abet the commission of suicide by another person. This covers cases where a woman's husband or the family of her husband put her in situations where she commits suicide. Such a case is regarded as abetment of suicide for dowry if it occurs within the first seven years of marriage.

4. The Code of Criminal Procedure, 1973

For the crime of giving and receiving dowry, the police and magistrate conduct criminal proceedings under Sections 174 and 176 which include inquiries and investigations. The 1983 amendment to the Act mandates that the police send the body for a post-mortem examination if a death happens within seven years of marriage or under any suspicious circumstances. This clause also gives the executive magistrate the authority to look into a woman's death in these situations.

CASES WITH SUPREME COURT RULINGS

1) *Shanti v State of Haryana*¹²

After marriage, the deceased woman continued to reside in her marital house. According to the allegations, she was abused before being killed and burned because her mother-in-law and sister-in-law were putting pressure on her to bring a scooter and television as part of the dowry. Both of the accused were found guilty by the sessions court under section 304-B of the

¹⁰ Indian Penal Code, 1860, s 498A(a)

¹¹ Indian Penal Code, 1860, s 498A(b)

¹² *Shanti v The State of Haryana* (1991), AIR 1226

IPC, 1860, and given life sentences under sections 201 of the IPC (disappearance of evidence) and 498-A of the IPC, 1860. Under section 498-A of the IPC, 1860, the high court overturned the conviction; however, it sustained it under section 304B. It was held that harassing the deceased for dowry, treating her cruelly, and finally killing and then quickly cremating the body even without informing the parents falls under section 304-B, IPC

2) *Prem Chand v The State of Punjab*¹³

Veena, the deceased was married to respondent Prem Chand in 1973 and passed away on September 15, 1975, from burns and injuries. Veena Rani, who has passed the MA and B Ed exams, worked at the State Bank of Patiala and made between Rs. 600 and Rs. 700 each month. The defendant, who holds a law degree, opened a practice in his hometown of Sangrur, and Veena was transferred there. Veena had an unpleasant marriage from the start due to the accuser's repeated demands that she acquire money from her parents and the fact that she had to pay for the household out of her wages. She was frequently beaten by the defendant as well. She protested to her brothers and brothers-in-law about the abusive treatment the accused had given her. The Supreme Court ruled that violating Section 306 of the IPC, 1860, by arguing over dowry with the dead every day and making unpleasant statements that pushed her to burn herself on fire constituted an abetment of suicide.

3) *Ashok Kumar v The State of Haryana*¹⁴

On October 9, 1986, Rekha, the deceased, and Ashok Kumar, the appellant, were married. Following his ability, desire, and means, the deceased woman's father, Harbans Lal, provided a significant amount of dowry for her marriage. However, the appellant and his family members, including Mukesh Kumar, the appellant's brother, and Smt. Lajwanti, the appellant's mother, was not happy with the dowry. One week before the incident, the deceased went to her father's home in Kaithal and narrated the event that they had wanted a refrigerator, a television, etc. She made it clear that her husband needed money totaling Rs. 5000 to start a new business. The appellant and his family, namely Lajwanti and Mukesh, are

¹³ Prem Chand v The State of Punjab (1989), AIR 1661

¹⁴ Ashok Kumar v The State of Haryana (2010), AIR 2839

accused of burning the deceased by throwing kerosene oil on her, which is what caused her to pass away in the hospital at around 4 p.m. on May 16, 1988, since the deceased's father was unable to handle the situation. The Trial Court found all three defendants – Ashok Kumar, Mukesh Kumar, and Lajwanti – convicted of the offence covered by Section 304-B of the IPC, 1860, and sentenced them to ten years of imprisonment and a fine of Rs. 1,000. The Supreme Court ruled that the phrases "or on any time after the marriage" and "in connection with the marriage" as well as the phrase "soon before her marriage" should be given a broad interpretation rather than a narrow one under Section 304-B and Section 2 of the Dowry Prohibition Act, 1961.

4) *Pawan Kumar v State of Haryana*¹⁵

The appellant married the deceased in 1985. There was a demand for a scooter and a refrigerator after a few days of marriage. The deceased was abused and taunted repeatedly. Her husband and she went to the funeral of her maternal uncle, but the deceased ended up going to her sister's house rather than her husband's. She reportedly told her sister and brother-in-law that her husband was abusing her because of dowry demands and that when they weren't met, he started harassing her. She resisted when her husband came to take her home, but her sister persuaded her to go with her husband. The deceased committed suicide the next day. It was held that cruelty includes both physical and mental torture therefore husband is liable for causing Dowry's death.

5) *The State of Punjab v Iqbal Singh*¹⁶

Mohinder Kaur burned herself and her three children on fire at her husband Iqbal Singh's home on the afternoon of June 7, 1983. The marriage had been stable for seven or eight years prior to the event. The deceased was a teacher, and her husband worked as a clerk at the Punjab State Electricity Board office in Amritsar. They had disputes regarding the dowry shortly after their marriage. The husband started mistreating the deceased wife as a result of the extra dowry demand, which strained their relationship. Before putting an end to it reveals

¹⁵ *Pawan Kumar v The State of Haryana* (1993) 3 SCC 309

¹⁶ *The State of Punjab v Iqbal Singh* (1991), AIR 1532

that her husband was mistreating her when intoxicated and seeks an additional payment of between Rs. 35,000 and Rs. 40,000. Moreover, she claimed that her mother-in-law and sister-in-law collaborated to accuse her falsely and encouraged her husband to abuse her. The issue was whether the appellants were guilty of the crime. It was held that the creation of circumstances that provoked or forced the wife to commit suicide falls under Section 306 of IPC, 1860.

CONCLUSION

The curse of dowry deaths or dowry-related harassment and abuse has long been discussed in Indian society. Only a systematic effort by the police, government employees, institutions that support women, and the judges, who impose deterrent punishment for dowry deaths, can help. It is evident that the Indian government and the court are working together to create laws that support and safeguard women's lives and dignity. They also work to bring people who have suffered abuse or harassment from their husbands or other family members to justice. Women and other individuals can become more aware of their rights with the aid of an upgraded and well-planned educational system. Education will also aid in finding jobs, which will reduce the incidence of dowry cases and fatalities. However, nothing can be addressed without particular corrective actions like public support and refusing to indulge in any materialistic dowry greed. More women should be recruited as police officers so that harassed and abused women will feel more at ease telling police officers about their experiences. To ensure that the investigation is objective and uninfluenced, it should not be carried out by someone with less than assistant police rank. Additionally, harsher penalties for such offences will be beneficial in eradicating the dowry problem from society. However, nothing will be more effective than approaching the issue logically and practically.