



Dowry Death in India

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Abstract— Dowry is a tradition where the bride's family gives substantial financial gifts to the groom's family as part of the marriage arrangement. This paper addresses the issue of dowry deaths in India, focusing on how this cultural practice adversely affects society, particularly women. The practice of dowry has led to severe consequences, including the torture and death of brides when dowry demands are not met. The paper underscores the urgent need for strict laws and societal change to combat this enduring problem.

Index Terms— dowry death, cruelty, abuse, Indian Penal Court.

1. Introduction

The document starts here. Copy and paste the content in the paragraphs. Marriage is often considered a heavenly bond and a cherished dream for many girls, who hope for a loving and caring husband, and understanding in-laws who become their new family. It's a social institution where two people commit to building a strong relationship and future together. However, despite the promises made during the wedding ceremonies, the reality can be harsh when the practice of dowry comes into play. Dowry is like a cancer that weakens society and can destroy marriages, undermining the very foundation of love and trust.

2. Dowry and Reasons

The dowry system in India involves the transfer of durable goods, cash, and property from the bride's family to the groom's family as part of the marriage arrangement [1]. This practice often includes giving expensive jewelry, cars, and household items to the groom's parents during the wedding [2]. Originally, the dowry was intended as a form of inheritance for the bride, ensuring her security if anything happened to her husband, and honoring the groom for accepting the bride in marriage.

However, the dowry system has evolved into a source of greed, affecting almost all ordinary families in India. It reduces women to commodities, valuing them based on the wealth they bring. Even after a dowry is paid, brides often face mental and physical abuse from their in-laws, who continue to demand more [3]. This abuse can tragically lead to the suicide or murder of the bride.

The persistence of dowry in India is due to several factors. It is challenging to enforce laws against dowry, and the groom's family often makes excessive demands. Moreover, the bride's family continues to comply, believing that a large dowry will ensure better treatment for their daughter [4]. This belief only exacerbates the problem, raising the dowry standards and

making marriage contingent on the bride's family meeting these demands.

The amount of dowry varies significantly based on the social status and educational qualifications of the bride and groom. There is a troubling correlation between a man's education and the dowry his family demands—higher education often means a higher dowry. Despite widespread awareness of the dowry's negative consequences, many families still view it as a means to secure happiness for their daughters, perpetuating this harmful tradition

3. Indian Laws and Regulations

To address the issues of dowry, India enacted its first national dowry-related law, the Dowry Prohibition Act, in 1961. This law includes various preventive and corrective measures, but unfortunately, it hasn't fully achieved its objectives. According to Section 2 of the Act, any property or valuable gift given or agreed to be given directly or indirectly in connection with marriage is considered dowry.

In the case of *Inder Sain v. State* [5], it was determined that "consideration" refers only to intent or reward for marriage and does not include any property given after the marriage. Similarly, in *Sanjay Kumar Jain v. Delhi State* [6], the court stated that the practice of dowry is a significant stain and curse on the nation's culture, democracy, and society.

Due to the problematic definition of dowry and the lack of strict enforcement, additional provisions were introduced, such as dowry death under Section 304B of the Indian Penal Code, 1860, and Section 113B of the Indian Evidence Act, 1872, to combat dowry-related crimes more effectively.

A. Dowry Death-Section 304(b) IPC

Section 304(b) of the Indian Penal Code defines "Dowry Death" as the death of a woman caused by burns, physical injury, or under unnatural circumstances within seven years of her marriage, where it is proven that she was harassed or abused by her husband or his family in relation to dowry. This crime is punishable by imprisonment for a term of seven years to life.

The seven-year period is significant, symbolizing the seven steps taken by the bride and groom around the sacred fire during their wedding ceremony, with each step representing one year. In the case of *Punjab v. Iqbal Singh* [7], the Supreme Court explained that this seven-year period is considered tumultuous, a time after which the legislature believes the couple would have settled into their married life.

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Essentials of Dowry Death under Section 304(b) of IPC:

- The death was caused by burns, bodily injury, or occurred under unnatural circumstances.
- The death occurred within seven years of marriage.
- The woman was subjected to cruelty or abuse by her husband or his family.
- The cruelty or abuse was related to dowry demands and occurred shortly before her death.

In *Satbir Singh v. State of Haryana* [8], the Supreme Court held that once the prosecution establishes the elements of Section 304(b), the burden of proof shifts to the defence to prove innocence. The provisions of Section 304(b) are stricter than those of Section 498(a) of the Penal Code. Dowry death is a serious and clear crime, triable by a Sessions judge.

B. Cruelty on woman by Husband or Relatives-Section 498(a), IPC

When a woman is subjected to abuse or violence by her husband or his family, Section 498(a) of the Indian Penal Code (IPC) comes into play, making such cruelty punishable by imprisonment for up to three years and a fine. This cruelty includes both mental and physical torture. It encompasses any deliberate behavior likely to drive the woman to commit suicide, cause danger to her life or health (mental or physical), or involve harassment through unlawful demands for dowry, such as property or goods.

In *Vijeta Gajra v. State of NCT Delhi* [9] the court ruled that within the context of Section 498(a) IPC, a foster sister is not considered a "relative" and thus cannot be held liable for causing cruelty to the complainant.

In *Arnesh Kumar v. State of Bihar* [10] the petitioner sought special leave from the Supreme Court for anticipatory bail after previous unsuccessful attempts. Section 498(a) IPC was enacted to counter the harassment of women by their husbands and close relatives. However, the Supreme Court acknowledged that while Section 498(a) is a cognizable and non-bailable offense, it has sometimes been misused. Disgruntled women have used this provision as a weapon rather than a shield, often leading to the arrest of husbands and their relatives without sufficient cause.

C. Others

Intentional Death of women-Section 302 IPC: If the person intentionally causes the death of a woman, it is punishable under section 302 of the IPC

Abetment of Suicide of Woman-Section 306 IPC: If the husband and his relatives create a situation that led to the suicide of a woman within seven years of marriage, they fall within the scope of section 306.

Section 113B of the Indian Evidence Act, 1872, addresses the presumption of dowry death. If a woman dies in connection with a dowry demand, and it is shown that she was subjected to harassment or cruelty shortly before her death, the court will presume that the person responsible for the harassment or cruelty is responsible for her death.

4. Misuse of Law

Though these laws are in place to protect women, there have been instances where the provisions have been misused, with false cases being filed to harass the husband's family. Women should not misuse the very section designed to protect them. However, the mere possibility of misuse does not invalidate the law itself, and thus, Section 498A is constitutional.

In the case of *Sushil Kumar Sharma vs Union of India and Ors on 19 July 2005* [11] the petitioner challenged the validity of Section 498A of the IPC under Article 32 of the Constitution, arguing that the provision, intended to protect women against dowry harassment, was being misused as a weapon against innocent family members. The petitioner called for preventive measures to be taken to address such misuse, suggesting that investigating agencies and courts should carefully analyze each case without presuming the guilt of the accused.

An illustrative example is the Nisha Sharma dowry case, an anti-dowry lawsuit that began in 2003. Nisha Sharma accused her prospective groom, Munish Dalal, of demanding dowry [12] gaining widespread media coverage and being celebrated as a role model for women. However, it was later revealed that Nisha had fabricated the charges to avoid the marriage, and in 2012, all accused were acquitted.

5. Conclusion

The National Crime Bureau of India recorded nearly 7,000 dowry-related deaths in 2017 alone. The number of dowry deaths has increased from about 19 per day in 2001 to 21 per day in 2016. These figures only account for reported cases; many more go unreported. India faces an alarming trend where approximately 20 women die every day due to dowry-related harassment [13], either through murder or being driven to suicide.

For example, in January 2020 in Bengaluru, a husband demanded cash just weeks after marriage, despite already receiving 1 kg of gold as dowry. When the additional demand was denied, he burned his wife. Similarly, in Kerala, a 27-year-old woman was starved to death by her in-laws because their demand for two lakhs in dowry was not met.

Enacting strict laws can help control dowry-related violence but cannot eradicate it due to societal unawareness and lack of family support. Often, when a girl complains to her parents about the abuse from her husband's family, her parents opt for compromise instead of taking legal action. Laws alone are not enough; societal support and a shift in attitudes towards dowry are crucial.

Dowry is essentially a family paying a man to accept their daughter as his wife, while the groom's family tries to extract the maximum "price." This practice, associating economic gain with women in marriage, has long persisted in India and needs to end. Anti-dowry laws have proven inefficient on their own. Society needs to recognize and rectify its mistakes, and popular media can play a vital role in reflecting and challenging societal norms.

India must unite to end this practice. Instead of saving money for dowries, families should invest in educating their daughters,

empowering them for a better future.

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