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Dowry deaths: The cancer of India society

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Abstract

Dowry system has given rise to many socio-economic problems with very serious consequences. Numerous incidents of bride burning, harassment and physical torture of newly-wed women and various kinds of pressure tactics being adopted by the husbands/in-laws pressurizing for more dowry have compelled the social reformers and the intelligentsia to give serious thoughts to various aspects associated with the institution of dowry (Sachdeva, 1998). Govt. of India enacted "Dowry Prohibition Act" in 1961, which was further amended in 1985 to control this menace. In spite of this Act, the "give and take" phenomenon of dowry is practiced widely throughout India, irrespective of caste and class (Ghansham, 2002). In many cases, when dowry amount is not considered sufficient, the bride is often harassed, abused and tortured (Singh, 2005). Dowry related violence and bride burning (dowry-death) are only peculiar to our country and beside husband, his kin also join together in persecuting the bride as the dowry and related customs provide a good excuse to them for humiliating, insulting and even beating up of woman (Haveripeth, 2013). The bride is helpless in her new home and physically so powerless that she cannot retaliate against the coercive tactics or actions of other; not many women have the guts to divorce their husbands on the ground of frequent mental or physical torture since they have nothing to fall back upon in a traditionally and poorly developed country like India (Singh, 2005).

Keywords: Dowry Death, Marriage, Violence, crime against women

1. Introduction

Dowry and dowry deaths transformed the quality and character of activism, translating the feminist assertion of the personal as political. Harassment, atrocities, and deaths within the four walls of private space, brought under public glare, stunned the nation and evoked widespread anger. It was a momentous phase for the women's movement. A broad platform, Dahej Virodhi Chetna Manch, was formed, including a diverse range of women's groups, cutting across political and feminist lines. Among them, Mahila Dakshata Samiti was the first in Delhi's feminist movement to take up the issue of dowry and Stri Sangharsh made it a household term (Radha Kumar, *The History of Doing*).

The present study is an in depth empirical study of dowry-related offences. It makes a critical analysis of judicial activism-a new development- in liberating women. The specific objective of this paper was to study the socio-educational profile of victims of dowry offences and relate it to the socio-cultural practice of dowry. It also makes an analysis of the laws related to dowry and their effectiveness. The findings of the study show that section 498-A and section 304-B have provided teeth to the Dowry Prohibition Act, 1961, but Article 51-A of the constitution remains ineffective because the socio-cultural norms related to the practice of dowry have remained unchanged and therefore, the practice of giving and receiving dowry continues as such. Even otherwise law abiding citizens are giving and receiving dowry. Adequate social awareness and education is necessary, along with legal punishment, to do away with this evil practice.

The Supreme Court of India says, "But by misuse of the provision (IPC 498a - Dowry and Cruelty Law) a new legal violence can be unleashed. The provision is intended to be used a shield and not an assassin's weapon". Laws formerly meant to protect from the dowry menace are being misused by urban ill-intentioned, unscrupulous women and their families as "an assassin's weapon".

There is a fast increasing social evil in Indian families, namely the mishandling of the Dowry and Cruelty laws (Criminal Laws), which were formerly meant to act "as a shield" for the protection of harassed women. Nowadays, the educated urban Indian women have turned the

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tables. They have discovered several loopholes in the existing Indian judicial system and are using the dowry laws to harass all or most of the husband’s family that includes mothers, sisters, sisters-in-law, elderly grandparents, disabled individuals and even very young children.

Dowry Refers As Below

- Dowry or Dahej is the payment in cash or/and kind by the bride's family to the bridegroom’s family along with the giving away of the bride (called Kanyadaan) in Indian marriage. Kanyadanam is an important part of Hindu marital rites. Kanya means daughter, and Dana means gift.
- A dowry (also known as trousseau or ocher or, in Latin, *dos*) is the money, goods, or estate that a woman brings to her husband in marriage. It contrasts with Bride Price, which is paid to the bride's parents, and dower, which is property settled on the bride herself by the groom at the time of marriage. The same culture may simultaneously practice both dowry and bride price.

Dowry is an ancient custom, and its existence may well predate records of it.⁵

- Dowry (Dahej/Hunda) as we all know is paid in cash or kind by the bride’s family to the groom’s family along with the giving away of the bride (Kanya-dana). The ritual of Kanya-dana is an essential aspect in Hindu marital rites. Kanya=daughter, Dana=gift. The word ‘Hunda’ appears to be derived from ‘Handa’ which means a pot. This could be due to the now extinct practice of offering dowry in a pot.

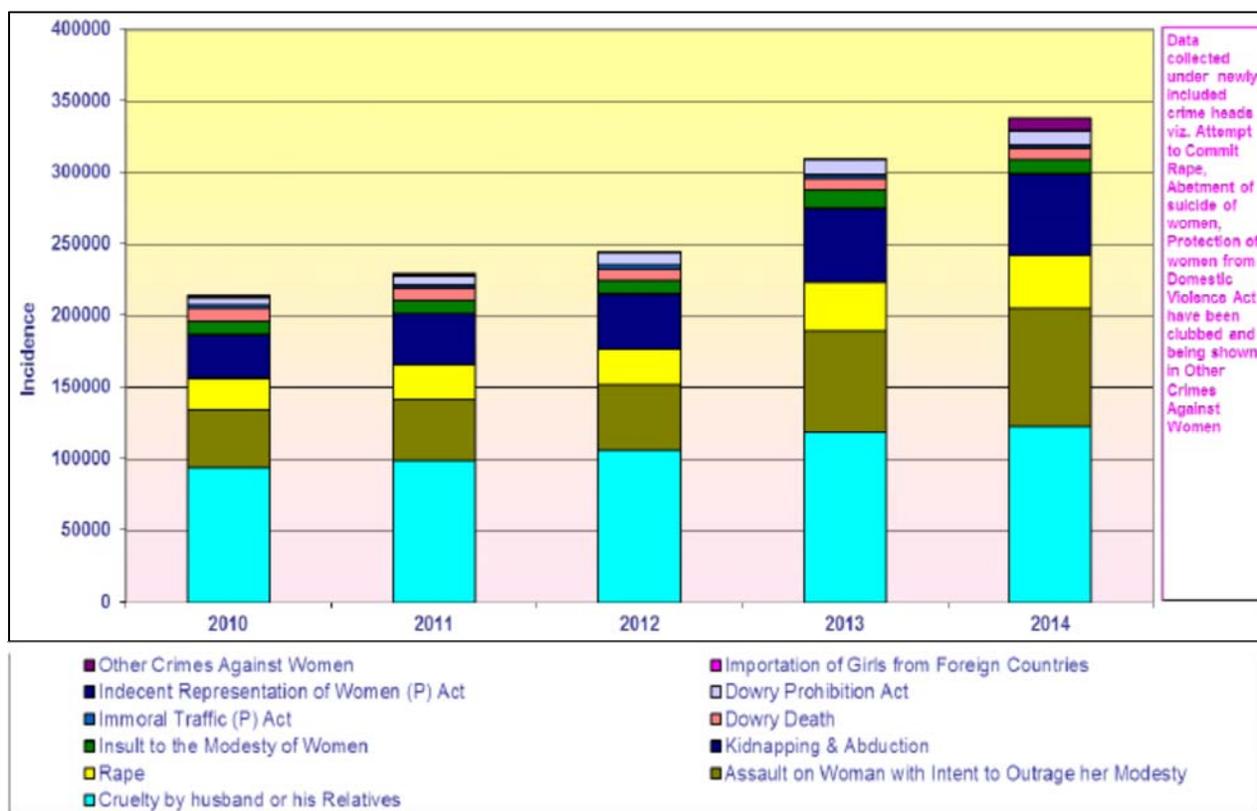
Objective of the research paper

- To indicate of crime in India against women
- To analyze the existing laws and Indian judiciary especially relating to dowry.

Methodology of research paper

The proposed study is concerned dowry cases. These papers are only secondary data basis. The study has covered a period of 4 years from 2010 to 2014.

Table 1: Crime head wise incidence of crime against woman during 2010-2014 Incidence: 8,455 Rate- 1.4



Definition of Domestic Violence

Definitions of domestic violence can be broad or focused, amorphous or targeted. The reason that the definition of violence is important is because it shapes the response. For example, a community response, whether it be legal reform or the provision of support services, is shaped by a particular understanding of what constitutes domestic violence and whether it is to be conceptualized as an intra-family conflict, or a criminal violation of rights. The definition implied by the law is especially critical as it defines standards and thus impacts broader social perceptions of the problem. Elements of the definition that

need to be considered then are the boundaries of the relationship between the perpetrator and the abused, the norms of acceptable behavior, and the specific acts those constitute violence.

A frequent perception of domestic violence against women is that it is limited to physical harm perpetrated on adult women within a marital relationship. While this understanding may capture a large universe of the experience of women, it is predicated on the assumption that women primarily live in nuclear families. Across cultures, there are a variety of living arrangements ranging from joint families to nuclear families to single parent families.

Moreover, women may be in an established relationship or in the process of separation or divorce. Violence is often not restricted to the current husband but may extend to boyfriends, former husbands, and other family members such as parents, siblings, and in-laws. A definition that acknowledges these multiple possibilities would lead to interventions that are more inclusive of the experiences of all women. Definitions of domestic violence rest upon not only the nature of the relationship between the perpetrator and the victim but also upon norms of acceptable behavior. This incomplete representation undermines awareness of the widespread, daily psychological, physical, and sexual abuse women confront that is often unrelated to dowry. As a result, newspapers may fail to report the less sensational stories that do not involve bride-burning and unnatural death. Indian legislation on marital violence perpetuates this narrow definition. For example, both Section 498A of the Indian Penal Code and the Dowry Prohibition Act emphasize violence within the context of dowry harassment.

Definition of Dowry

Previously, dowry has been an central and institutionalized aspect of customary arranged Hindu marriage. Over hundreds of years, nevertheless, the definition of the term has evolved from the traditional and intentional gift giving of the bride's family to a form of monetary extortion demanded by the groom's family. Studies on the origins of the institution hypothesize that dowry originally and ideally denoted gifts of kanyadana, such as ornaments, expensive clothes and other precious items referenced in ancient texts on marriage ritual, voluntarily presented to both the bride and groom's families during the time of marriage (Sheel 17). Moreover, the practice was derived from the high cultural and spiritual merit accorded to gift givers and gift giving in the Vedas and other Hindu literature. As such, dowry was originally used as a means to both sanctify material wealth and also enhance social status in marriage. The modern phenomenon of dowry, however, reflects a transform in the system such that the presentation of gifts no longer remains a voluntary method. Presently in India, bride's families are often bound to provide dowry in the name of gift giving. Evaluated in terms of total cash value, the amount of the dowry is negotiated by the groom's family based on their social and economic status. The higher the socioeconomic status of the groom's family, the higher the dowry demanded (Sheel 18). The exact negotiation for dowry is often done through a mediator so that the marriage retains some semblance of sanctity and does not appear to be an entirely monetary transaction. The modern practice of dowry, therefore, is characterized by a shift from voluntary to forced gift giving, as well as the primary role of the groom's family in determining the demand for gifts from the bride's family. In the way it is currently understood, the term dowry is a broad reference to the totality of assets transferred from the bride's family to the groom's at the time of a marriage. The total transfer can be broken down into three basic parts. Firstly, there are the property transfers

to the bride, which according to Indian law should legally be under her name and control. Second, there are those gifts that continue to be part of the ceremonial aspect of the marriage and symbolize union between the two families. Ideally, these would be matched by reciprocal gifts of equal value from the groom's family. Finally, there are those assets that can be called "marriage payments" and are given "with the explicit understanding that without them the marriage contract will be voided (Sen 78)." In an economic analysis, it is this final aspect that constitutes the actual significant economic cost of dowry for a bride's family, and is perhaps the most costly among the three aspects of the dowry.

IPC-498a is

- **Cognizable:** The accused can be arrested and jailed without warrant or investigation
- **Non-Compoundable:** The complaint cannot be withdrawn by the petitioner
- **Non-Bailable:** The accused must appear in the court to request bail

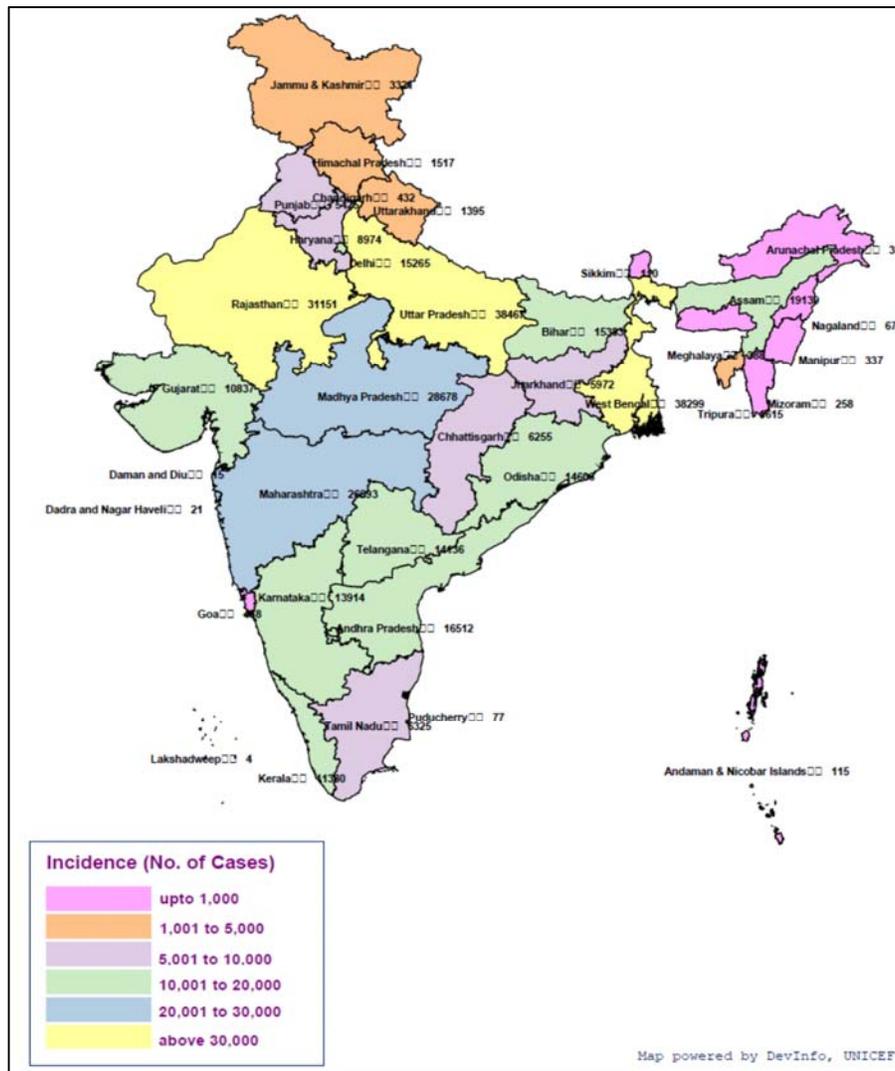
Judicial Trend

There has been an excess of judicial pronouncements on dowry cases ever since the enactment of the dowry prohibition law. But even the drastic changes introduced by the amending Acts have not been able to contain this menace; on the contrary, it is on a constant rise. Expressing its concern Premchand observed as under: "Degradation of society due to pernicious system of dowry and the unconscionable demands made by greedy and unscrupulous husbands and their parents and relatives, resulting in an alarming number of suicidal and dowry deaths by women, has shocked the legislative conscience." In this case, the husband persistently demanded money from his wife and quarreled with her everyday over it. Reacting adversely, the wife said that she would prefer death to that sort of life. The husband, thereupon, responded by saying that he would feel relieved if she died. The wife, thereafter, set herself afire. The Supreme Court held the husband guilty of instigating his wife to commit suicide. It must be stated that the mental torture caused to the wife due to maltreatment for bringing less dowry would amount to cruelty within the meaning of the newly created section 498-A I.P.C. even if the girl does not commit suicide. An overall view of dowry violence and torture suggests that socio-psychological factors and suffocating surroundings of young wives are the main causes of this malady. In case of bride burning, the defense story generally tries to establish death due to fire accident destroying all the possible clues of deliberate burning. Therefore, there is need for an ex investigation in such cases within the frameworks of the amended provisions of the Indian Penal Code, the Code of Criminal Procedure and the Indian Evidence Act. The law has got to be augmented and geared up to combat the evil of dowry to prevent further degradation of the society.

Table 2: Crime head wise of crime against women during 2010-2014

Sl. No.	Crime head	Year					Percentage variation in 2014 over 2013
		2010	2011	2012	2013	2014	
1	Rape	22,172	24,206	24,923	33,707	36,735	9.0
2	Attempt to commit rape*					4,234	-
3	Kidnapping & abduction of women	29,795	35,565	38,262	51,881	57,311	10.5
4	Dowry deaths	8,391	8,618	8,233	8,083	8,455	4.6
5	Assault on women with intent to outrage her/their modesty	40,613	42,968	45,351	70,739	82,235	16.3
6	Insult to the modesty of women	9,961	8,570	9,173	12,589	9,735	-22.7
7	Cruelty by husband or his relatives	94,041	99,135	1,06,527	1,18,866	1,22,877	3.4
8	Importation of girl from foreign country	36	80	59	31	13	-58.1
9	Abetment of suicide of women					3,734	
A.	Total IPC crime against women	2,05,009	2,19,142	2,32,528	2,95,896	3,25,329	9.9
10	Commission of Sati Prevention Act	0	0	0	0	0	
11	Indecent Representation of Women (P) Act	895	453	141	362	47	-87.0
12	The Dowry Prohibition Act	5,182	6,619	9,038	10,709	10,050	-6.2
13	Protection of women from domestic violence Act*					426	-
14	Immoral Traffic (Prevention) Act#	2,499	2,436	2,563	2,579	2,070#	-
B.	Total SLL crime against women	8,576	9,508	11,742	13,650	12,593	-7.7
	Total(A+B)	2,13,585	2,28,650	2,44,270	3,09,546	3,37,922	9.2

*Newly included crime head; # Modification in data in 2014, as figures refer to women related crimes only.



Map 1: Incidence of crime against women during 2014 (All India 337922)

Conclusion

A judge of belongings reported at the Family Counseling Centers (FCCs) in India shows that dowry is a major factor for wedded discord. 32.6% of the married women who approached the FCCs complained of dowry-related violence. This violence manifested itself in physical, emotional and economic forms. Most women turned to their parental families for help against this violence (27.3%), and only 9.1% approached the police and even fewer, 11.4%, approached NGOs. In an overwhelming majority of cases (43.7%), the parents submitted to the dowry demand; only 13.2% filed a complaint with the police and just over 14% sought separation or divorce. Clearly, dowry is a deep-rooted social evil, whose victims are either reluctant or unable to get redress from the law enforcement agencies meant to support them or the NGOs.

The cases of dowry deaths have increased by 4.6% during the year 2014 over the previous year (8,033 cases). A total of 8,501 victims were reported under 8,455 dowry deaths cases in the country during the year 2014. 29.2% of the total cases of dowry deaths were reported in Uttar Pradesh (2,469 cases) alone followed by Bihar (1,373 cases). The highest crime rate in respect of dowry deaths was reported in Bihar (2.8) followed by Uttar Pradesh (2.5) as compared to the national average of 1.4.

Ironically, dowry demands have spurred the rate of divorce petitions and contributed to an irretrievable breakdown of marriages, leaving women to suffer badly. In fact, the very sanctity of marriage has been thrown to winds and it has now assumed the form of a commercial bargaining. The dowry menace has also contributed to sex delinquency to some extent, as many girls are compelled to lead a promiscuous life just to earn enough for meeting dowry expenses of their marriage. In recent years, it has been seen that not only brides but even the teenage girls, knowing full well that their parents will not be able to arrange dowry, are drawn to commit suicide out of sheer frustration and desperation. The problem of dowry is associated with the institution of marriage where the security and the life of a girl for the rest of her life is involved. It would, therefore, be expedient that dowry-related crimes, excepting dowry deaths, and bride-burning, should be tried by Family Courts which provide a more congenial atmosphere for both parties to settle their differences amicably. It may also be suggested that besides punishing the erring husband or his relative, as the case may be, with a term of imprisonment, he should be deprived of certain civic rights such as disqualifying him from holding any public office or contesting election etc. That apart, his name should be widely publicized in local newspapers and the amount of fine imposed on him should be equivalent to the value of dowry property taken or demanded by him.

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