

The Menace of Dowry Deaths : Its Manifestations and Remedial Measures

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Abstract

The custom of dowry, deeply related to in India's male dominated society, has attained alarming proportion during the last few decades. In India there are many cases of human rights of violation against women and dowry death is one of such brutal violence where women are burnt for non bringing adequate dowry. However the problem of dowry death is not a new phenomenon. Tracing the history of dowry death through different stages, we find change in structure from ancient India, through medieval period to present India. At present context, the term dowry has degenerated into commercial transaction in which monetary consideration receive utmost priority. Dowry today is demanded and paid without any relation to bride's parents income and wealth. Failure to meet this demands results in illtreatment of brides and sometimes it has made a situation that bride has to commit to suicide. The present article tries to explain the extent of dowry death in India and its remedial measures.

Key words : *Dowry, Dowrydeath, Brideburning, socialcustom, Illtreatment, Commercial tranjection*

Introduction :

Dowry related violence is one of the brutal violence that are going against women in our society. Although our constitution has provided equal rights for both men and women but women in our society are the victims of large Scale violence, atrocities. Dowry has become a social evil, a social menace and it is widespread in all sections, religions, castes etc. In ancient time where there was

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no compulsion on giving gifts with the bride to her husband's home, but now there has been compulsion, demand for dowry which affects the bride and her family badly.

Here we are going to deal with certain reflections on the definitions of dowry, its existence in national, international level, laws passed by the govt. to tackle this problem and what steps can be taken to remove the menace of dowry deaths.

Aims and Objectives :

The main aims and objectives of our study are-

1. What are the causes behind the prevalence of dowry related violence in our society
2. This paper tries to find out what kind of harassment a victim has to undergo in a dowry related violence
3. And lastly, what are the ways to curb the menace of dowry death

Methodology :

This study is both descriptive and analytical. The author is mainly relying on secondary sources. Data are collected from books by prominent writers, scholarly articles and reviews, official sources and so on. No field study or empirical analysis is attempted in this paper.

Definition :

Generally, dowry refers to money, gifts, goods etc that wife brings to her husband in marriage. Here we try to put some of the definitions of Dowry..... Charles Winick has defined dowry as "valuables that relatives of either party to a marriage contribute to the marriage." Max Radin has defined it as "the property which a man receives from his wife or her family at the time of his marriage." The dowry prohibition act also defines dowry as any property given or agreed to be given either directly or indirectly:-

- (a) By one party to a marriage to the other party to the marriage; or
- (b) By the parent of either party to a marriage or by any other person to either party to the marriage or to any other person.

These are some of the definitions of dowry that basically signify that it refers to valuable gifts , items given to the bride during marriage.

Theoretical Explanations :

Dowry as a gift: The first systematic sociological theory of gift exchange among primitive people was propounded by Morcel Mauss who saw such systems as “total social facts.” Dumont’s religious-spiritual theory of gift , wherein dowry is regarded as the Dakshina which accompanies the supergift ,’kanyadaan.’is very similar to that of Mauss. Dumont poses a question here,why is it in marriage specially that the hindus ignore economic considerations? According to him the answer can be found by analysing the relationship between traditional social organisation and marriage . This is how he sees the cause of dowry as having evolved from this ancient practice where people tried to connect their material wealth into spiritual wealth by performing the religiously meritorious act of ‘Kanyadaan.’

Dowry as Female Pre-Mortem Inheritance :

Another theoretical cause of the dowry can be interpreted in the sense that traditionally daughters don’t have a share in parental property,hence dowry is actually a system to provide a share of property to the daughter who is otherwise excluded .Dowry is supported on the ground that it means compensating the girl for not getting her due share in her parental property.

Social custom and dowry : One of the main causes of dowry is that giving dowry is a social custom and it is very difficult to change customs all of a sudden .It has been practising from generation to generation.Some people resist it, but others want to go with traditional practices.

Hypergamous Marriage System : There is another system of marriage, called ANULOMA system according to which a girl belonging to a lower caste can be married in a higher caste.When boys belonging to higher castes marry with girls of the lower castes,they demand high Dowry.

Scenario of Dowry Related Issues in India :

Tracing the history of dowry death through different stages, we find change in structure from ancient India, through mediaval period to present India. At present context, the term 'Dowry' has degenerated into commercial transaction in which monetary considerations receive utmost priority. Dowry today is demanded and paid without any relation to bride's parents' income and wealth. Failure to meet these demands results in ill-treatment of the brides, and sometimes it has made a situation that the bride has to commit suicide. In India Dowry is the payment in cash or some kind of gifts given to a bridegroom's family along with the bride. It has been seen from various case studies that whatever items are given to the bride in marriage, don't remain with her after marriage. These are occupied by her in laws. In Recent years there has been sharp rise in the case of dowry deaths. According to latest statistics of Union Home Ministry, 8083 dowry deaths have been reported in 2013. Dowry demand starts right from the date of engagement and continues even after marriage with no limit of time. Many laws are passed by Govt. of India to tackle the problem, but these are resulted ineffective. The NCRB statistics show that 91202 dowry deaths were reported in the country from January 1, 2001 to December 31, 2014. A state wise break-up provided in the statistics show that the highest incidence of dowry deaths was in Uttar Pradesh and Bihar. During the period 23,824 dowry deaths were reported in U.P and in Bihar, 13,548 cases were reported during the period.

Nature of harassment suffered by dowry victims :

In Indian society, brides have to face brutal kind of harassment in the name of dowry. They are tortured, burnt and even murdered. On the other extreme are some families where the girl is discouraged from frequently visiting her parents. Her isolation from her earlier natal source of support is complete. Should she be maltreated, it is unlikely that anyone would come to help her. Even she is murdered, the evidence can easily be destroyed because none is likely to testify on her behalf. There have been many instances where mother-in-law tortures the bride by rationing out to her the daily cloths. Frequent battering has resulted into Permanent disfigurement of finger. Even various case studies show that a 17yr old girl tried to commit suicide because of hopeless situation

she was in and had a miscarriage, where a woman had been tied with a rope. beaten till her teeth fell out, bones broke after which she was burnt. It may be noted that the impact of dowry can leave a woman helpless and desparate, which can cumulate in emotional trauma and abuse. They also become the victim of verbal humiliation many a time.

Important Cases on Dowry :

Related Issues :

Section 304B, IPC, Section 113B, Evidence Act:

The expression “soon before” would normally imply that the interval should not be much between the concerned cruelty or harassment and the death in question. There must be existence of proximate and live-link between the effect of cruelty based on Dowry demand and the concerned death.

Baldev Singh vs State of Punjab, Air 2009 SC 913 :

Sections 498A, 306 IPC:

Bride committed suicide within four months of marriage. Father of deceased gave evidence that accused-husband and brother in law of deceased had demanded taperecorder and cash soon after marriage. It was also corroborated by other witness. The accused persons also used to beat and harass her on account of bringing insufficient dowry. Such behaviour of accused persons had driven the bride to commit suicide.

Sahebrao vs State of Maharashtra, Air 2006 SC 2002 :

Section 304B, IPC, Section 3, Dowry Prohibition Act :

Victim wife died within six months of marriage. Body of the deceased was found in a well. It was alleged that the accused husband had caused injuries to the deceased and thrown her into the well. Fact of demand and payment of dowry was established by evidence of villagers, brother and father of deceased, minor discrepancies notwithstanding. Held that minor discrepancies were bound to occur when witness were examined after two years of solemnization of marriage. Besides, testimony of brother and father of deceased as to payment of dowry cannot be discarded on the ground that they failed to

establish that there was an agreement to pay the dowry.

State of Karnataka vs M.V.Manjunathgowda :

Air 2003 SC 809 :

Legislative Measures Undertaken by Govt. of India to Curb the Menace of Dowry :

One of the most important legislations that has been made so far to prevent the menace of dowry is the Dowry prohibition Act, 1961. It is an act that emphasis upon prohibiting the practice of giving or taking of dowry. It has made it clear that if any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more. It suggested for the appointment of dowry prohibition officer to take appropriate steps for enforcing the provisions of the Act.

- The dowry prohibition (Maintenance of lists of presents to the bride and Bridegroom) Rules, 1985 has made it clear that there should be certain rules in accordance with which lists of presents are to be maintained.
- Some of these rules are mentioned below:
- The list of present which are given at the time of marriage to the bride shall be maintained by the bride.
- The list of present which are given at the time of marriage to the bridegroom shall be maintained by the bridegroom.
- Every list of presents referred to in sub: rule 1 or Sub rule -2.
- Shall be prepared at the time of the marriage or as soon as possible after the marriage.
- Shall be in writing .
- Shall contain:-
- A brief description of each present,
- The approximate value of the present.
- The name of the person who has given the present, and
- Where the person giving the present is related to the bride or bridegroom,

a description of such relationship shall be signed by both the bride and the bridegroom.

Relevant Provision of Indian Penal Code (45 of 1860), Indian Evidence Act, 1872 (1 OF 1872) and Code of criminal Procedure, 1973 (2 of 1974) Relating to Dowry:

The Indian Penal Code (45 of 1860)

304 B. Dowry Death.-

- i) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within such years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for or in connection with , any demand for dowry, such death shall be called "dowry death" and such husband or relative shall be deemed to have caused her death.
- ii) whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

Indian Evidence Act, 1872 (1 of 1872) :

113A. Presumption as to abetment of suicide by a married woman:-

Code of Criminal Procedure, 1973 (2 OF 1974) :

Section	Offence	Punishment	Cognizable Or Non Cognizable	Bailable Or Non Bailable	By What court triable
1	2	3	4	5	6
304 B	Dowry Death	Imprisonment of not less than 7 years but which may extend to imprisonment for life.	Cognizable	Non Cognizable	Court of Session

498A	Punishment for Subjecting a married woman to cruelty	Imprisonment for three years and fine	Cognizable if information relating to the commission of the offence is given to an officer in charge of a police station by the person aggrieved by any person related to her by blood, marriage, by any public servant belonging to such class as may be notified by the state govt.	Non-bail able	Magistrate of the 1 st Class
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When the question is whether the commission of suicide by a woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her marriage and that her husband or such relative of her husband had subjected her to cruelty, the court may presume, having regard to all the other circumstances of the cases that such suicide had been abetted by her husband or by such relative of her husband.

113. B. Presumption as to dowry death:-

When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for , or in connection with any demand for dowry the court shall presume that such person had caused the dowry death.

Existing Practice of Dowry in International Level:

Now, we are going to make some reflections on the existence of dowry in other countries of the world, such as in Bangladesh, Pakistan, Iran and Turkey.

Bangladesh :

The original custom in Bangladesh was the bride price, called pawn, where the groom's family makes a payment to the bride's parents. This has been

replaced by the dowry called joutuk.

Bangladesh has seen a rise in the expected size of dowry in recent decades, as its middle class has grown, and there has been accompanying rise in the rate of dowry deaths.

In Bangladesh, dowry killings are more frequently done by stabbing or poison rather than burning. Acid throwing is also done by the groom's to the face of the bride in order to disfigure her face and create social isolation. Although there has been certain legislations for prohibition of dowry deaths such as Dowry prohibition Act, 1980, dowry prohibition (Amendment) ordinance, 1982, and Dowry prohibition (Amendment) ordinance 1986, but the problem of dowry death is still there in Bangladesh.

Pakistan :

IN Pakistan, dowry is called "Jahez". Pakistan's Muslim community considers dowry as an obligatory Islamic practice. They cite Sunnah of the prophet to justify the practice of giving dowry as well as receiving dowry (Mahr), the prophet gave items as dowry to his daughter Fatima at her marriage to Ali, and as second Sunnah the marriage of Zainab- another daughter of the prophet is mentioned, who received expensive jewelery from her family at the time of her marriage.

The pressure among some Pakistanis to provide a large amount of dowry results in some bride's families going into debt, including debt servitude.

Dowry deaths are a widespread problem in Pakistan, often referred to as "Stove deaths" to blame the deaths on accidents killing a bride by setting her on fire is the preferred method.

Iran :

Dowry has existed in Iran for over 1000 years and called Zahiz. It is vestments furniture, jewelry, cash a bride's family gives to the bride to take with her to the groom's family.

Turkey :

Dowry is known as ceyiz in Turkey. According to tradition, even in

contemporary times, the dowry is displayed for showing off, before the marriage in rural Turkey, at the bride's family, or groom's family, the display is typically attended and examined by females, particularly from the groom's family. In some cases, if the groom's family is not satisfied by the displayed dowry the wedding is cancelled.

Steps to Be Taken for Curbing the Menace of Dowry :

Certain step can be taken in order to curb the menace of Dowry death. These are:-

Firstly , abolition of dowry will be meaningless unless it is tied to drastic reform of all laws relating to the status of women. Equal inheritance right should be given to women.

Secondly, Media should play an active role in this regard. It should carry a know your legal right campaign aiming at making women aware about their legal right.

Thirdly, govt. has passed many important laws like dowry prohibition Act, 1961, but these have resulted ineffective. There should be adequate monitoring whether the provisions of the laws are properly implemented or not. As suggested by the Act, there should be provisions for dowry prohibition officers whose responsibility would be to take appropriate steps for enforcing the provision of the Act. Therefore early institution of these officers as a separate professional cadre will also help in this regard.

Fourthly, all efforts should be made for speedy setting up of family courts to deal with the cases of crimes against women and there must be speedy settlement of dowry related cases. It has been seen from various case studies that times taken for investigation is too long, often evidence is destroyed by that time. Investigation should be brisk.

Fifthly, the Anti dowry cell should be given more power in terms of taking action.

Sixthly, a wide ranging social movement aiming at removing the menace of dowry is needed in the country. The NGO's, self help groups, other social organization must take an active part in educating the masses about the evils of dowry. The people have to change and reform their mindset first. They must

not give priority in taking dowry, demanding dowry from the bride's family. Dowry is deep-rooted social evil, people find it different to give up such practices easily. But for the sake of humanity, people must try to welcome the bride as their daughter to their home and avoid harassing her in the name of dowry.

Conclusion :

Thus it has been seen that both in national as well as in international level there has been the cases of dowry related violence. Women have become the victims of brutal kind of harassment, torture in the name of dowry. Laws are there but these are only in papers. The benefits of the laws, are not enjoyed by the victims. National crime records bureau in 2014 states that India in every 51 minutes a woman is sexually harassed, in every 54 minutes she is raped, in every 102 minutes there is dowry death. It basically shows that there has been large scale violation of women's right. They are not even treated as human beings in our society that just in the greed of money, property people don't hesitate to kill /murder/ and burn the young brides. The movement to combat dowry should be built around the core idea that men and women are equal and should have equal access to education, employment, property etc. The voluntary organization, NGO's can play a greater role in this regard by associating activity with the Anti-dowry cell.

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