

A SOCIAL EVIL- DOWRY DEATHS IN INDIA

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Abstract

The evil of crime and violence against women are deeply rooted within the edifice of the Indian patriarchal system and the increase in the crime rate can be seen to be directly proportional to the social and economic advancement of the world. One such prevalent vice is of 'Dowry' that has been prevalent for a long period now and is recorded in different religious and social writings. The existence and ubiquity of dowry have scarred the psyche of Indian women across the country and has also raised questions about the value and importance of marriage as an institution. Dowry refers to the property, money, ornaments or any other form of wealth which a man or his family receives from his wife or her family at the time of marriage. Dowry is both a practice and a problem with Indian marriage.

The primary quest of this paper is to determine the meaning and nature of dowry and the extent and the manner in which it is committed. The paper deals with the representation of dowry in history and its evolution through ages. The paper further delves into how dowry has turned into the most problematic dowry deaths in India. This paper also examines the various legal provisions and statutes surrounding the dowry and dowry deaths in India. The paper also focuses on psychologists and physicians that introduced impact and role of dowry in Indian society in a comprehensive way. Finally, the paper concludes the concept of dowry death with an ever challenging road ahead.

Introduction

For centuries on the Indian Soil, an evil has thrived as a parasite and flourished across the nation. One of the most prominent social evils that one could think of is 'Dowry'. It is ironic how marriage has been given the upper pedestal of being a sacred institution, where almighty himself has made the couple in heaven yet we try to purchase the best possible groom for the

bride. This is what marriage has been reduced to in today's world; an economic means, more like a business deal than the sacrosanct institution that it is highly acclaimed to be. 'Couples are made in heaven' they say. Did God think of buying suitable grooms, while making the couples in heaven as claimed by many? Traditionally dowry was meant to be a form of gift rather today where it has become social malice, a parasite sucking the souls and lives of billions of lives in the country. Marriage in India is a relationship not only between two people but between two families, and in ancient times it was not seen from an economic perspective.

History of dowry

Religion, traditions, age-old prejudices, and so on has put Indian women in a subservient and exploitable position in numerous areas of life. Low rates of interest in education, an absence of monetary autonomy, esteem inclinations working against them, and so on, have brought about the women being reliant on men people and different foundations of power like the family, neighborhood and the general public. They are normally unmindful of their rights and regardless of whether they are not, they don't have simple access to equity. The issues identified with women are being brought and examined up in different light, in the ongoing occasions. Of these, savagery against ladies is increasing in the world over.

Initially, the motivation behind a dowry was to give "seed money" or property for the foundation of another family unit, to enable a husband to sustain and ensure his family, and to give the wife and kids some help on the off chance that he was to die.¹ A husband in this way had certain property rights in his significant other's dowry. Moreover, the spouse may convey to the marriage property of her own, which was excluded in the dowry and which was, thus, hers alone. This property was "paraphernal" (Greek: paraphernal, the root of paraphernalia) and was known as paraphernal property or extra-dotal property.²

¹ Reddy KSN. *The Essentials of Forensic Medicine and Toxicology*. 31st edition. Om Sai Graphics, 2012, p. 273.

² Mathiharan K., Patnaik AK. (edi) *Modi's Medical Jurisprudence and Toxicology*. 23rd edition. LexisNexis, Butterworths, 2006, p. 21.

Indeed, even in the most seasoned accessible records, for example, the Code of Hammurabi³, the dowry is depicted as an effectively existing custom. Directions encompassing the custom include: the spouse being qualified for her dowry at his wife's death as a component of her dower, her dowry being inheritable just by her very own youngsters, not by her significant other's kids by other ladies, and a woman not being qualified for a (resulting) legacy if her father had given her dowry in marriage. On the off chance that a lady passed on without children, her better half needed to return the dowry, however, could deduct the estimation of the lady's value; the dowry would regularly have been the bigger of the sums.

One of the essential elements of a dowry has been to fill in as a type of security for the spouse against the likelihood of abuse by her significant other and his family. As it were, the dowry gives a motivating force to the spouse not to hurt his better half.

A dowry (otherwise called trousseau or ocher or, in Latin, dos)⁴ is the cash, merchandise, or domain that a lady conveys to her husband in marriage. It appears differently in relation to Bride Price, which is paid to the bride's parents, and dower, which is property settled on the lady of the hour herself by the prep at the season of marriage. A similar culture may at the same time hone both dowry and bride price. Dowry is an antiquated custom, and its reality may well originate before records of it.

The ever going tussle of women fighting against discrimination

Women in all social orders are the transmitters of history, traditions, and conventions of their kin. From womb to tomb, women are made to pay the consequences for their womanhood. Victimization of women starts even before her introduction to the world. In India, since long back, women were considered as the persecuted segment of the general public and they were dismissed for quite a long time. Amid the national Struggle for Independence, Gandhi gave a call for the liberation of women. He composed that he is uncompromising in the matter of

³ Hammurabi, Edwards, C., Donaldson, J. and Donaldson, J. (1906). *The Oldest Laws in the World Being an Account of The Hammurabi Code and the Sinaitic Legislation with A Complete Translation of the Great Babylonian Inscription discovered at Susa By Chilperic Edwards Author of "The Withness of Assyria," etc.* London, E.C.: Watts & Co., Johnson's Court, Fleet Street.

⁴ Dhillon, A. (2019). 'Death by dowry' claim by bereaved Indian family, the Guardian.

women's rights. The distinction in sex and physical framework means no distinction in status. Women are to be seen as the equivalent of men, and not inferior. In this way, the main undertaking in independent India was on giving a constitution guarantee to anchor to every one of its native justice.

Of all types of separation in the public arena, sexual orientation based segregation is the most captivating. This is on the grounds that this segregation isn't based on racial starting point or financial status or ethnic character. This segregation depends on the social development of organic contrasts. An outcome of any type of segregation is viciousness. Brutality against women is particularly uncontrolled in our public domain. Brutality against women is a result of social qualities, the economic well-being of women, and lawful assurance that women get. There are such a large number of unanswered inquiries and some impression of our dull reality.

Dowry

As per the meaning of 'Dowry' under section 2 of the Dowry Prohibition Act 1961, dowry is a property which lady conveys to her significant other at marriage and incorporates the land, a wide range of properties, profitable securities given or consented to be given straightforwardly or in a roundabout way at the season of marriage. The term dowry does exclude reimbursement of marriage costs. The term dowry does exclude Mahr.

Dowry or Dahej is the installment in monetary terms or/and kind by bride's family to the groom's family alongside the giving away the bride herself (called Kanyadaan) in Indian marriage. Kanyadanam is an essential part of Hindu conjugal customs. Kanya implies little girl, and Dana implies blessing. A dowry (otherwise called trousseau or ocher or, in Latin, dos) is the cash, merchandise, or bequest that a women conveys to her better half in marriage. It appears differently in relation to Bride Price, which is paid to the bride's family, and dower, which is property settled on the bride herself by the prepare at the season of marriage. A similar culture may all the while practice both dowry and bride price. Dowry is an old custom, and its reality may well originate before records of it. The custom of Kanya-dana is a basic viewpoint in Hindu conjugal rituals. Kanya: daughter, Dana: gift. The word 'Hunda' gives off an impression of being derived from 'Handa' which implies a pot. This could be because of the now wiped out routine with regards to offering dowry in a pot.

Introduction to Dowry Demise

The high rate of unnatural deaths of youthful recently wedded females following arguments about the dowry is a dim spot on the respectable convention of our society. Sadly, mindfulness and instruction, especially of youngsters, has not controlled the circumstance.

Indeed, even following quite a while of battling by intentional associations against the threat of dowry and their endeavors to make mindfulness on it, the number of dowry deaths and dowry badgering cases is on the ascent. They have all around arranged violations, executed inside the four dividers of a house by the relatives. The vast majority of the casualties pass on the spot and the individuals who survive falter to create an impression before a judge either because of dread psychosis by virtue of the absence of elective help, or they are convinced or debilitated not to do as such.

Impact of Dowry

The act of dowry misuse is ascending in India. The most extreme one is 'bride burning', the ruthlessly killing brides whose dowry were not viewed as adequate by their significant other or in-laws. The greater part of these episodes is accounted for as unplanned consumes in the kitchen or are veiled as suicide. It is evident that there exist profound established biases against women in India. Social practices, for example, the custom of dowry in general subordinates the position of women in Indian culture. Despite the fact that denied by law in 1961, the extraction of dowry from the bride's family preceding marriage still happens. At the point when the dowry sum isn't viewed as adequate or isn't prospective, the bride is regularly annoyed, manhandled and made hopeless.

Some studies propose a connection between abusive behavior at home and dowry demands. Dowry death has been observed to be higher when a husband and additionally his family trusts settlement installments are deficient.⁵ In an examination whether Dowry Improve life for

⁵ Banerjee, K (1999) "Gender stratification and the marriage market in India". *Joy Fam. issues* 20(5): 648-676

Brides found that in wedded females who paid share at marriage have a higher probability of revealing abusive behavior at home contrasted with the individuals who did not; truth be told, paying no endowment is similarly as defensive, if not more in this way, as far as forestalling maltreatment as the biggest endowment installments.⁶

Statistics

Dowry is established in Indian culture and incorporates masterminded relational unions, the subordinate status of ladies, guardians' feelings of dread that nobody will wed their little girl without a share, and the centrality of the foundation of marriage, which makes it troublesome for guardians to try and mull over their girls staying single. Specialists state a more consumerist and optimistic culture has essentially fueled the conventional drivers for shares.

Twenty-one dowry deaths are accounted for the nation over consistently. The conviction rate, be that as it may, is under 35 percent. The National Crime Records Bureau (NCRB) states that in 2015, about 7,634 women passed away in the nation because of dowry provocation. They were either killed or felt constrained to take their very own lives.⁷ In 2016, the number of dowry related deaths toll up to 1, 10,378.⁸

Laws related to dowry

With the primary intention to restrict the overwhelming interest in share; government presented the Dowry Prohibition Act on first July 1961. Despite the fact that the Dowry Prohibition Act has been set up since 1961, the act of endowment goes on undaunted. When it is not requested inside and out, it is inferred that the bride's family should give 'dowry' and accommodate a specific way of life for the groom and his family.

⁶ Suran, L, Amin, S.H. and Chaudhry, K (2004). "Does dowry improve life for brides? A test of the Bequest theory of dowry in rural Bangladesh". Population Council Policy Research Division, working paper series No.195.

⁷ India Today. (2019). *21 lives lost to dowry every day across India; conviction rate less than 35 per cent.*

⁸ Feminism in India. (2019). *Dowry-Related Violence Kills Over 20 Women Daily.*

Indian Penal Code, 1860: Section 304-B

At the point when the demise of a wedded women is caused by any bodily injury or burns or happens under anomalous or suspicious conditions within seven years of her marriage term and it is obviously demonstrated that soon before her passing she was exposed to brutality or provocation or torment by her better half or any relative of her significant other or in-laws for, or regarding, any interest for share, such passing will be called as "dowry death", and such spouse or relative or in-laws considered to have caused her demise. Whoever submits endowment demise will be rebuffed with detainment for a term least of seven years which may stretch out to detainment forever.

Magistrate inquest in instances of dowry deaths

In dowry deaths, examining magistrate assumes an imperative job to bring out equity and additionally on another hand to spare the husband or in-laws if at all they are not liable for the offense and are dishonestly being made up for lost time in a trap. He needs to explore each dowry demise case with the thought of both mental and physical torment which has been bestowed on the casualty by the spouse as well as in-laws over a significant lot which has finished in suicide by the woman.

Role of Forensic Experts

Legal specialists come into the picture just when dowry deaths cases are sent to them for after death examination for acquiring essential conclusions. In specialist's view, dowry death cases resemble some other unnatural female demise cases. The specialist, when in doubt, must attempt his level best to discover the reason for death just based on logical actualities saw in some random case and not on presumptions or foreordained idea. A firm commitment to the affirmed code for the conductance of after death in dowry death cases ought to be watched. Endeavor to discover the reason, idea of death and time since death and other pertinent realities from the medico-legitimate perspective to encourage equity. Nearness of a woman specialist in the post-mortem examination group is must picture and investigate all points albeit each case

is extraordinary. The majority of the casualties are recently hitched women who are normally marked as inadvertent deaths, however really these are not unintentional cases but rather are of desperate in nature. So it is the primary obligation of legal specialists to search for the correct reason for death based on important information and indicative criteria in a logical way and approach.

Medico-legal perspective

A portion of the fundamental medico lawful angle which warrants notice have been managed in here to thoroughly consider the fragile circumstances looked by scientific specialists in their standard practice. The essential viewpoint is that not just that the police should act quickly to dodge obliteration of basic pieces of information at the scene of wrongdoing yet in addition police should act expeditiously in enrolling all such whines immediately. In the event that an exceptional team/cell is kept up then this ought to likewise be educated for the facts and examinations of each case. Also, if the nearby police are lingering behind or demonstrating a postponing arrangement then either the prevalent officers are drawn closer or willful associations be drawn nearer for the best possible examination to be finished. The contribution of media additionally centers a solid mindfulness about the event of wrongdoing. On the off chance that the casualty is alive after the occurrence at that point provoke endeavors ought to be made to record a presentation by a capable expert. Passing on statement has legitimate legitimacy as the Indian law presumes that a man who trusts that her demise is inevitable will tell just reality and never lies. Be that as it may, as we would like to think, in certain circumstances female casualties who make kicking the bucket affirmation, may give fake information, particularly if the woman is ceaseless tormented for quite a long time together or else is seriously discouraged or affected by medication or needs to anchor the fate of her youngsters. Oddly, these angles have not been acceptably examined by the courts. The courts never consider the passionate difficulties looked by these casualties who are giving kicking the bucket revelations. Legal should investigate the dependability of biting the dust affirmations, specifically, once the honesty of a withering announcement has been scrutinized by logical realities. The law should give acknowledgment and inclination to the logical realities and not to the withering announcement. Besides, the casualty's motivation in making a deathbed presentation is either to secure the interests of her youngsters or different relatives while the

medico pathologist or the legal specialists outfit certainties with no thought processes and in light of a legitimate concern for society to help the organization of equity.⁹ Every life closes one day however unnatural end especially because of dowry leaves a terrible case of a good society.¹⁰ More hindrance sentences or evidence of blame from the arraignment to the charged won't be viable except if the general population is made mindful of the insidious outcomes of dowry and are guaranteed assurance in the event that when they approach battle against it. Of awesome help in the arraignment of such wrongdoing by giving honest proof about the general treatment given to the lady of the hour prior to her demise.

Conclusion

Dowry demise is a consuming everyday issue of the Indian culture. It ought to be acknowledged that the needed outcome can't be picked up by the establishment of law alone against dowry. This social revile must be assaulted by a multipronged and composed methodology by police, ladies welfare associations, presumed open workers, and legal and by granting impediment discipline to all guilty parties. By and by, a change of instructive status of the females and giving simpler openings for work at the entryway step or independent work offices will confine the rates of dowry deaths. Moreover, instructive cum mindfulness projects ought to be composed comfortable time of marriage in order to prevent the spouse from devouring alcohols, medications or betting, limiting to monogamy and acquiring cash sincerely by sheer diligent work instead of creating a desire for income sans work.

⁹ Satpathy D.K. Burning Brides- medico-legal study. Med. Law, 1995; 14: 547 -552.

¹⁰ Parmar P, Saiyed ZG, Patel P. Study of pattern of head injury in drivers of two wheeler auto vehicle accidents. Indian Journal of Forensic Medicine and Toxicology, 2012; 6(2): 248-252