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Dowry Deaths in India

Mandeep¹

Department of Law, Galgotias University, Yamuna Expressway Greater Noida, Uttar Pradesh, India¹

mandeep.kumar@Galgotiasuniversity.edu.in¹

ABSTRACT: Dowry deaths are abuse against a wife by the husband and his relatives for the purpose of extortion of presents and others requested from time to time. Via the sense of dowry, the unnatural death of newly married woman essential to the moment of women in Indian society has changed over time, but abuse and brutality have remained to some degree the same. Protecting women from this social evil is the state's duty. Many legislations about the prohibition of dowry have been passed by the government, such as the Dowry Prohibition Act, 1961 and so on. Any Penal Provisions were adopted on the recommendation of the 21st Law Commission Report. The government and non-governmental organisations have run several educational and awareness projects with the goal of lowering the rate of dowry death. Section 498A (Cruelty by spouse or in-laws, i.e. domestic violence) 113 B (Presumption of dowry death) was introduced into Indian penal laws around 1986 to eliminate the nuisance of dowry death in order to deal with this barbaric form of social evil.

KEYWORDS: Dowry Death; India; Violence.

I. INTRODUCTION

She has many salubrious aspirations as a woman joins a union. She needs to have a happier married life. One day, she will expect to be a mother, and then expect to be a mother-in-law, a grandmother, etc. And they deserve a dignified place in society. Both these are rubbed out by the harsh hands of the deaths associated with dowry. Marriage is known as a social institution as a civilized social order in which two persons, willing to join the union, have dedicated themselves to the institutional standards and principles and have given each other a very close bond to uphold and maintain the marital duty. For the continuity of the human race, it serves as a root[1].

Against all the commitments made at various marriage ceremony occasions, the individual incompatibilities and attitudinal discrepancies for non-adjustment or unwillingness for adjustment which stop, however there have been some situations where the husbands and their families require, i.e. Dowry, which has not been satisfied and sometimes there has been a perverted sense of vengeance[1].

Dowry applies to the sale of parental property when a daughter is married. Dowry is the donation upon marriage of cash or presents from the family of the bride to the family of the groom. Cash, jewellery, electrical appliances, furniture, crockery, utensils, vehicles and other household items can be included that help the newly married couple begin their journey of life. Dowry is an ancient tradition, and records of it can well forecast its presence. In certain parts of the world, Dowries continue to be required and are often used as a condition of the contract that the wedlock ended, particularly in parts of Asia and North Africa, if not agreed[2].

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Over the years, the tradition of dowry has become profoundly rooted in Indian society, becoming a social hazard, too ingrained and devilish to be discussed by reformers and lawmakers. While attempts to abolish the practice of dowry date back more than a century, it has arguably been the most disturbing societal problem in the last two decades or so, as demonstrated by the increasing violence against women resulting from dowry problems. It is widely believed that dowry was not based on greed and extortion in its original form, as it is most frequently the case today, but reflects a symbol of affection and respect for the bridegroom[2].

In activating the women's movement in post-independence India in the 1980s, the phenomenon of dowry deaths, of abuse against young married women by their husbands and families linked to extortion for presents, was critical. While the historical and cultural sense of dowry has shifted over the years, in an increasingly consumerist culture and capitalist economy, the transformation of the ritual from potential customary inheritance to coercion and abuse is rooted[3].

Initially highlighted by the women's movement as a sign of women's devaluation and contributing to significant legal change, the study of the reaction of the criminal justice system to dowry deaths showed that other factors of gender-based inequality and violence against women that are not specific to India alone have been obscured. As the women's movement in India related to this phenomenon, the word "dowry deaths" or "dowry murders" is used to indicate the deaths of young, married women due to violence based on dowry demands by their husbands and their relatives[4].

The tradition of dowry, of gifts of land, gold, and goods, granted to the bridegroom and his family by the parents of the bride at the time of marriage, is an old one and was primarily related to the upper castes in northern India. It was only in the last four decades or so that, at the time of marriage, demands for dowry and the continuing strain on the woman's native family for presents were intertwined with extortion[5].

This signalled a strong message about the importance of women: the continued tradition of dowry expressed the role of the woman as a liability in the sense that in order to recognize the woman, the new family must be paid off. In comparison, to her husband and in-laws' need for a steady supply of gifts, she often becomes a prisoner[5].

The dowry tradition has now extended to almost all regions and to caste classes. In South India, where, except in the numerically small upper caste of Brahmins, the practice of dowry was practically non-existent a little more than half a century ago, the current spread of the practice and its growing identification with investable capital is seen as an expression of upward mobility through marriage in an increasingly capitalist market economy[6].

II.DISCUSSION

Indeed, weddings are made in heaven, but mother-in-law, sister-in-law, husband, and other relations are deliberately engaged in the breakdown of marriage for the sake of dowry. Dowry death, murder-suicide, and bride burning are the burning signs of our society's peculiar social disorder and unfortunate development. Over the last few decades, in almost every part of the world, India has experienced the dark horrors of the dowry culture in a more acute manner, as it is followed by almost every part of society, regardless of the faith, caste or creed to which they belong[7].

Not only are married women abused, insulted, battered and forced to commit suicide and ill-treated, it is almost a matter of everyday occurrence, but thousands are also burned to death because parents are unable to satisfy dowry demands[4].

In India, the dowry scheme places a significant financial strain on the family of the bride. The lawmakers take notice of the seriousness and implications of the regulatory steps in question to fill the gaps in the legislation and to introduce

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new provisions in order to make the law reasonable and effective. In 1961, the Dowry Prohibition Act, the first national statute to deal with the societal evil of dowry, was enacted. The aim of this act is to prevent the dowry from being offered and taken. A variety of preventive and corrective provisions are set down in the act, but the aims have not been accomplished, as may be foreshadowed[8].

While the issue of dowry as such may not be the proper subject of criminal law, the violence involved with dowry, often tragic, is definitely beyond the criminal law's substantive scope. As a result of the rapid incidence of dowry-related deaths and the absence of dowry laws, such as the Criminal Law Amendment Acts, 1983 and 1986, resulting in some substantive and administrative improvements in criminal law. Two new offences under Sections 304-B and 498-A have been established under the Indian Penal Code[6].

The offence under section 304-B referred to as the death of Dowry whereas section 498-A referred to as the husband or relative of a woman's husband subjecting her to cruelty, the Criminal Procedure Code contains sections 174 and 176 dealing with inquiries and investigations into the causes of accidental deaths by police and magistrate respectively and new section 113-B referred to as assumption in the Indian Evidence Act[6].

Despite the reforms in Indian criminal law, lawmakers' significant attempts to bring an end to dowry-related offences are mirrored in the changes, and while they have been in place for many years now, they have been widely criticized as unsuccessful. Although the rules promise great powers, the police or the courts cannot effectively enforce them[6].

To have it reported in the court and the husband and families acquitted except for murder takes a lot of time for a lawsuit because women and their families cannot show beyond a reasonable doubt. There is criticism of dowry-related provisions that are sometimes misused in India, especially IPC section 498-A because of police mechanical arrest. In the case of Preeti Gupta &Anr. Vs. State of Jharkhand &Anr, section 498-A has been contested and the Supreme Court regrets that anti-dowry legislation could be misused and proposes a thorough review[6].

In this area, the demand and spread for dowry is seen as equated with increasing modern expectations in which the importance and successes of the bridegroom in terms of education and jobs are measured by the dowry price he can command. In India, the prevalence of the practice is accounted for by this changing and complex sense of dowry over time and across areas, south and north[9].

What quickly became clear, though, was that dowry requests obscured other factors of married women's unnatural deaths. In what subsequently became clear as a classic no-win scenario, study of the treatment of dowry death proceedings by the criminal justice system found that a number of them resulted in acquittal of the victim as, on the one hand, it was impossible to demonstrate dowry payments being customary, and, on the other hand, abuse was normalized within the judicial system for some other cause other than dowry[10].

III. CONCLUSION & IMPLICATION

A social curse that is a burning dilemma in Indian culture is dowry death. Organized approach by women's health, police, civil servants and judiciary organisations through the implementation of deterrent action for the culprit of dowry deaths. It can be noted that the Government of India, along with the Indian judiciary, makes cooperative and compassionate legislation to safeguard the interests and equality of women in life and to give more justice to the victims of the abuse or brutality of the husband and his family.

Changes in the education sector have contributed to an increase in the role of women in education, and door-to-door job programs would eliminate dowry deaths. Still, to eliminate or at least curtail this societal danger of dowry death, certain corrective steps need to be taken, but most importantly, it requires a public will and a determination to shun materialistic greed from dowry demands.

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In cases of reducing the rate of dowry deaths, abuse or brutality, in a situation related to accidental deaths of women, more female police workers should be inducted as available. The inquiry cannot be conducted below the level of assistant commissioner in the pursuit of fair investigation and justice. Punishment for committing suicide must be expanded to a limit of seven years. It would definitely be useful to take a logical and realistic approach to the above-mentioned matter.

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