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Dowry & Dowry Death: In India

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ABSTRACT

Dowry deaths, also known as bride burnings, continue to be a significant and disturbing issue in India. Despite being illegal, the practice of dowry, in which a bride's family pays a sum of money or gifts to the groom or his family, remains widespread in certain parts of the country. Dowry deaths occur when a woman is killed or subjected to violence due to the failure of her family to meet the dowry demands of the groom's family. These deaths are often disguised as accidents or suicides, making it difficult to accurately track and address the issue.

The consequences of dowry deaths are devastating, not only for the victims and their families, but also for society as a whole. These deaths not only rob women of their lives and dignity, but also perpetuate harmful cultural norms and gender discrimination. The pressure to meet dowry demands can also lead to financial strain and abuse for both the bride and her family.

There are various factors that contribute to the persistence of dowry deaths in India, including cultural traditions, the low status of women, and the economic incentives for the groom's family. Efforts to address this issue have included stricter laws and enforcement, education and awareness campaigns, and support for survivors and their families. However, much more needs to be done to truly tackle this problem.

In conclusion, dowry deaths are a tragic and pervasive issue in India that requires urgent attention and action. While progress has been made, more must be done to address the root causes of this issue and provide support and justice for the victims and their families. It is crucial that society as a whole works to dismantle harmful cultural practices and promote gender equality in order to combat this devastating and preventable issue.

Keywords: Marriage, Dowry, Money, Gifts, Bride Burning, Death, Cultural Traditions.

I. INTRODUCTION

Dowry is a payment made in cash or kind to the groom or his family by the bride's family during a marriage. This practice is common in certain parts of the world, including India, and is often seen as a way for the bride's family to demonstrate their wealth or status. However, dowry has been linked to various forms of abuse and violence, including dowry deaths, where a woman is killed or subjected to violence due to the failure of her family to meet the dowry demands of

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the groom's family. Dowry is illegal in India, but the practice continues to persist in some areas.

(A) What is Dowry Death?

Dowry death is a term used to describe the killing of a bride in a marriage due to the perceived inadequacy of the dowry offered by the bride's family. Dowry is a traditional practice in some cultures, particularly in South Asia, where a bride's family gives money, goods, or property to the groom or his family as part of a marriage arrangement. In some cases, the demand for dowry can become excessive and abusive, leading to conflicts and even violence within the marriage. Dowry deaths often occur when a bride is accused of not fulfilling her dowry obligations, or when her family is believed to have not provided enough dowry. These deaths are often tied to domestic violence and gender discrimination, and have been a significant problem in India for many years.

(B) Why Dowry is demanded ?

Dowry is often demanded as a way for the groom or his family to demonstrate their wealth and status, and to secure a good life for their son. In some cultures, dowry is seen as a way for the bride's family to show their appreciation for the groom's family, and to ensure that the bride will be well taken care of in her new home. In other cases, dowry may be demanded as a way for the groom's family to gain financial security, or as a way to ensure that the bride's family will provide ongoing support and assistance to the couple. However, in many cases, the demand for dowry can become excessive and abusive, leading to conflicts and even violence within the marriage. Dowry deaths often occur when a bride is accused of not fulfilling her dowry obligations, or when her family is believed to have not provided enough dowry. These deaths are often tied to domestic violence and gender discrimination, and have been a significant problem in India for many years.

II. DOWRY HISTORY IN INDIA

The practice of dowry in India has a long history, dating back to ancient times. In traditional Hindu society, dowry was seen as a way for the bride's family to demonstrate their wealth and status, and to secure a good life for their daughter. Dowry was also seen as a way for the bride's family to show their appreciation for the groom's family, and to ensure that the bride would be well taken care of in her new home.

Over time, the practice of dowry in India evolved and became more complex. As the country modernized and urbanized, the demand for dowry increased, and the amounts of money and property involved in dowry arrangements became larger. In some cases, the demand for dowry

became excessive and abusive, leading to conflicts and even violence within the marriage.

In the late 20th century, the problem of dowry deaths in India became more visible and more widely recognized. The government took steps to address the issue, including passing laws to criminalize the practice of dowry and to provide support and protection for victims of dowry-related violence. Despite these efforts, dowry deaths and dowry-related violence continue to be a significant problem in India, particularly in rural areas where traditional attitudes and practices are more deeply entrenched.

(A) How did Dowry Concept came into existence ?

The concept of dowry, or the practice of a bride's family giving money, goods, or property to the groom or his family as part of a marriage arrangement, has a long history. The origins of dowry can be traced back to ancient times, when it was seen as a way for the bride's family to demonstrate their wealth and status, and to secure a good life for their daughter. Dowry was also seen as a way for the bride's family to show their appreciation for the groom's family, and to ensure that the bride would be well taken care of in her new home.

Over time, the concept of dowry has evolved and changed in different cultures and societies. In some cultures, dowry is still seen as a way to demonstrate wealth and status, and to ensure a good life for the bride. In other cultures, dowry has become a source of conflict and abuse, with excessive demands for dowry leading to conflicts and even violence within the marriage. Despite efforts to address the problem of dowry-related violence and abuse, dowry remains a significant issue in many parts of the world, particularly in South Asia.

(B) What is a Marriage as per different Laws in India ?

According to Indian law, marriage is defined as a legal union between a man and a woman, recognized by the government and society as a formal partnership. In India, there are several laws that govern marriage and divorce, including the Hindu Marriage Act, the Special Marriage Act, and the Muslim Personal Law.

- Under the Hindu Marriage Act, marriage is defined as a sacred union between a man and a woman, and is governed by Hindu law. The act requires that both parties be at least 21 years of age, and that they are not already married or related by blood. The act also requires that the marriage be solemnized in accordance with Hindu rituals and customs.
- The Special Marriage Act applies to marriages between individuals who are not Hindu, Muslim, or Christian. Under this act, marriage is defined as a legal union between two

individuals who are at least 21 years of age, and who are not already married or related by blood. The act also requires that the marriage be registered with the government, and that it be performed in accordance with the customs and traditions of the parties involved.

- The Muslim Personal Law applies to marriages between Muslims in India. Under this law, marriage is defined as a contract between a man and a woman, and is governed by Islamic principles and customs. The law requires that both parties be at least 18 years of age, and that they are not already married or related by blood. The law also requires that the marriage be performed in accordance with Islamic rituals and customs, and that it be registered with the government.
- The Parsi Marriage and Divorce Act is a law in India that governs marriages and divorces among Parsi individuals. Under this act, marriage is defined as a legal union between a man and a woman, recognized by the government and society as a formal partnership. The act requires that both parties be at least 21 years of age, and that they are not already married or related by blood. The act also requires that the marriage be solemnized in accordance with Parsi customs and traditions, and that it be registered with the government.
- The Christian Marriage Act is a law in India that governs marriages and divorces among Christian individuals. Under this act, marriage is defined as a legal union between a man and a woman, recognized by the government and society as a formal partnership. The act requires that both parties be at least 21 years of age, and that they are not already married or related by blood. The act also requires that the marriage be solemnized in accordance with Christian customs and traditions, and that it be registered with the government.

III. INDIAN PENAL CODE ON DOWRY AND DOWRY DEATH

The Indian Penal Code (IPC) is a law in India that criminalizes various forms of wrongdoing, including dowry and dowry death. Under the IPC, dowry is defined as any property or valuable security that is given or agreed to be given either directly or indirectly in connection with a marriage. Dowry death is defined as the death of a woman that occurs within seven years of her marriage, and that is caused by burns, bodily injury, or any other cause that is related to the demand for dowry.

The IPC prohibits the giving or taking of dowry, and punishes those who engage in dowry-related offenses. Under the IPC, anyone who gives or takes dowry can be punished with

imprisonment for up to five years, and with a fine. The IPC also prohibits the demanding of dowry, and punishes those who engage in such behavior with imprisonment for up to five years, and with a fine.

The IPC also criminalizes dowry death, and punishes those who are found guilty of this offense with imprisonment for up to seven years, and with a fine. In cases where the dowry death is caused by burns or bodily injury, the punishment can be increased to life imprisonment. The IPC also provides for the punishment of those who abet or conspire to commit dowry death, and punishes such individuals with imprisonment for up to ten years, and with a fine.

(A) Indian Penal Code Sections and Provisions dealing with Dowry and Dowry Death

The Indian Penal Code (IPC) contains several sections and provisions that deal with dowry and dowry death. Some of the main sections and provisions of the IPC that relate to these offenses are:

- Section 304B: This section deals with dowry death, and punishes those who are found guilty of this offense with imprisonment for up to seven years, and with a fine. In cases where the dowry death is caused by burns or bodily injury, the punishment can be increased to life imprisonment.
- Section 306: This section deals with abetment of suicide, and punishes those who abet or conspire to commit dowry death with imprisonment for up to ten years, and with a fine.
- Section 498A: This section deals with cruelty by husband or relative of husband, and punishes those who engage in acts of cruelty or harassment against a woman in connection with the demand for dowry with imprisonment for up to three years, and with a fine.
- Section 60: This section deals with the giving or taking of dowry, and punishes those who engage in such behavior with imprisonment for up to five years, and with a fine.
- Section 61: This section deals with the demanding of dowry, and punishes those who engage in such behavior with imprisonment for up to five years, and with a fine.

(B) Who is Responsible for Dowry and Dowry Death In India ?

Dowry and dowry death in India are often the result of the actions and attitudes of those who are involved in the marriage process, including the bride, the groom, and their families. Dowry is often demanded by the groom or his family as a way to demonstrate their wealth and status, and to secure a good life for their son. The bride's family may feel pressure to provide a large

dowry in order to secure a good marriage for their daughter, and may feel obligated to fulfill their dowry obligations even if doing so causes financial hardship or conflict.

In some cases, dowry and dowry death may be the result of the actions of the bride or the groom themselves. A bride may feel pressure to provide a large dowry in order to secure a good marriage, and may feel obligated to fulfill her dowry obligations even if doing so causes financial hardship or conflict. A groom may demand a large dowry as a way to demonstrate his wealth and status, and may engage in abusive behavior if he feels that his dowry expectations have not been met.

Ultimately, dowry and dowry death in India are often the result of a complex interplay of cultural, social, and economic factors, and cannot be attributed to any one individual or group. It is important to recognize that dowry and dowry death are serious problems that require the efforts of all members of society to address and prevent.

(C) How Dowry can be eradicated from India?

Eradicating dowry from India will require a multifaceted approach that addresses the root causes and cultural drivers of this practice. Some strategies that could be effective in eliminating dowry from India include:

Educating the public about the negative consequences of dowry, and promoting gender equality and women's rights. This could include targeted public education campaigns, as well as efforts to promote gender-sensitive curriculum in schools and universities.

Strengthening and enforcing laws that criminalize dowry and dowry death. This could include increasing the penalties for dowry-related offenses, and improving the effectiveness of law enforcement and the justice system in addressing these crimes.

Providing support and resources to women who are victims of dowry-related violence and abuse. This could include establishing shelters and support centres for women who have experienced dowry-related violence, and providing access to legal, medical, and other forms of assistance.

Promoting alternative marriage customs and traditions that do not involve dowry. This could include encouraging the adoption of more gender-equal marriage customs and practices, and supporting initiatives that promote alternative forms of marriage and family formation.

Working with community and religious leaders to change cultural attitudes and beliefs about dowry. This could include engaging with influential figures in communities and religious groups to promote more gender-equal and non-violent forms of marriage, and working with

these leaders to educate their followers about the negative consequences of dowry.

IV. ESSENTIALS OF DOWRY DEATH

According to Indian law, dowry death is defined as the death of a woman that occurs within seven years of her marriage, and that is caused by burns, bodily injury, or any other cause that is related to the demand for dowry. In order to prove dowry death under Indian law, the following elements must be present:

- The death of a woman: Dowry death involves the death of a woman within seven years of her marriage.
- The cause of death: Dowry death must be caused by burns, bodily injury, or any other cause that is related to the demand for dowry.
- The time of death: Dowry death must occur within seven years of the woman's marriage.
- The relationship between the victim and the accused: Dowry death must involve a woman who is married to the accused, or who is related to the accused through marriage.
- The motive for the death: Dowry death must be motivated by the demand for dowry.

If these elements are present, a person may be charged with dowry death under Indian law. The punishment for dowry death is imprisonment for up to seven years, and a fine. In cases where the dowry death is caused by burns or bodily injury, the punishment can be increased to life imprisonment. The Indian Penal Code also provides for the punishment of those who abet or conspire to commit dowry death, and punishes such individuals with imprisonment for up to ten years, and with a fine.

Dowry Death Statistics from 1947 to 2022 :

Unfortunately, complete dowry death statistics from 1950 to 2022 are not readily available. The National Crime Records Bureau (NCRB) in India only began collecting data on dowry deaths in 1980.

According to the NCRB, the number of dowry death cases reported in India has fluctuated over the years. In 1980, there were 2,491 dowry death cases reported, which increased to a peak of 8,233 cases in 1995. The number of cases then declined to 7,646 cases in 2002 before gradually increasing to 8,172 cases in 2012. In 2018, the latest year for which data is available, there were 7,634 dowry death cases reported in India.

It is important to note that these statistics may not accurately reflect the true scale of dowry deaths in India, as many cases go unreported due to societal pressure and fear of reprisal.

The Constitution of India Article's:

The Constitution of India does not specifically mention dowry or dowry deaths. However, it does have provisions that address gender discrimination and violence against women.

- Article 14 of the Constitution guarantees the right to equality before the law and prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. This includes discrimination against women in matters such as marriage and dowry.
- Article 15 prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth in matters of public employment and access to places of public entertainment.
- Article 21 guarantees the right to life and personal liberty and states that no person shall be deprived of their life or personal liberty except according to procedure established by law. This has been interpreted by the Supreme Court of India to include the right to life free from violence and abuse.

In addition, the Indian Penal Code and the Dowry Prohibition Act of 1961 criminalize dowry and dowry-related offenses. The Dowry Prohibition Act prohibits the giving, taking, or demanding of dowry, and punishes those found guilty with imprisonment and fines. The Indian Penal Code also criminalizes dowry-related offenses, including dowry death, and punishes those found guilty with imprisonment and fines.

Overall, the Constitution of India and various laws aim to protect women from discrimination and violence, including dowry and dowry deaths.

V. DOWRY ACT IN INDIA

The Dowry Prohibition Act 1961, The act was enacted in 1961 with the goal of eliminating the practice of dowry in India.

Under the Dowry Prohibition Act, it is illegal to give, take, or demand dowry in connection with a marriage. Dowry is defined as any property, expensive or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage or by the parents of either party to a marriage or by any other person, in connection with the marriage of the said parties.

The act also prohibits the advertisement of any invitation to a marriage that specifies the dowry that is expected to be given or received.

Those found guilty of violating the Dowry Prohibition Act can be punished with imprisonment for a term of up to five years and a fine of up to Rs. 15,000. The act also provides for the

confiscation of any dowry that is found in the possession of the accused.

In addition to the Dowry Prohibition Act, the Indian Penal Code also criminalizes dowry-related offenses, including dowry death, and punishes those found guilty with imprisonment and fines.

(A) Who is the main culprit for Dowry?

It is difficult to pinpoint a single main culprit for dowry, as the practice is often perpetuated by a combination of societal expectations, gender discrimination, and economic factors.

Historically, dowry was a way for a woman's family to provide financial security for her in the event of her husband's death or divorce. However, over time, the practice has become more of a financial transaction, with the groom's family often demanding a large dowry from the bride's family.

In many cases, the groom's family is the main culprit in demanding a dowry, as they see it as a way to secure a higher social status or financial gain. However, there are also instances where the bride's family may willingly offer a dowry in order to secure a good match for their daughter.

It is also worth noting that dowry is not just a problem in India. It is a practice that is prevalent in many countries around the world and is often perpetuated by societal expectations and gender discrimination. So, it is not possible to pinpoint a single main culprit for dowry.

(B) How to file complain against dowry in India A TO Z Procedure

To file a complaint against dowry in India, the following steps can be followed:

- **Gather evidence:** It is important to have concrete evidence to support your complaint. This could include any written or verbal agreements regarding dowry, receipts or proof of payments made, and any other relevant documents or witness statements.
- **File a police report:** You can file a complaint at the nearest police station. You will need to provide a written statement outlining the details of the dowry-related offense, along with any evidence you have gathered.
- **File a First Information Report (FIR):** The police will then file a First Information Report (FIR) based on your complaint. The FIR is a formal document that initiates the legal process and allows the police to begin an investigation.
- **Attend court hearings:** You may be required to attend court hearings as the case progresses. It is important to be present at all hearings and to provide any additional evidence or testimony as needed.

- **Seek legal assistance:** It may be helpful to seek legal assistance from a lawyer or legal aid organization to ensure that your rights are protected and to guide you through the legal process.

It is important to note that the legal process for dowry-related offenses can be complex and time-consuming. It is also worth noting that the Dowry Prohibition Act and the Indian Penal Code provide for the confiscation of any dowry that is found in the possession of the accused.

(C) What Role does Education plays/ How educating Male will help in eradicating Dowry?

Education can also play a significant role in helping to eradicate dowry by educating males. Here are a few ways in which education can help:

- **Changing attitudes:** Education can help to challenge and change societal attitudes and norms around dowry. Educated men are more likely to be aware of the harmful effects of dowry on women and families and can become advocates for gender equality.
- **Promoting gender equality:** Education can also help to promote gender equality and challenge gender roles and stereotypes. Educated men may be more likely to view women as equals and less likely to demand dowry as a sign of their masculinity or social status.
- **Economic independence:** Education can also help men to become more economically independent, which can reduce the need for dowry. Educated men are more likely to have access to job opportunities and can contribute to the financial stability of their families, making them less dependent on dowry for financial security.
- **Legal literacy:** Education can also increase legal literacy, which can help men and their families to understand their rights and the legal remedies available to them if they face dowry-related abuse.

Overall, education can play a crucial role in challenging societal norms, promoting gender equality, and increasing legal literacy, all of which can help to eradicate dowry.

(D) What Role does Education plays/ How educating Female will help in eradicating Dowry?

Education can play a significant role in helping to eradicate dowry. Here are a few ways in which education can help:

- **Empowerment:** Education can empower girls and young women to assert their rights and resist dowry demands. Educated women are more likely to have higher self-esteem and confidence, and may be less likely to accept dowry demands out of fear or social pressure.
- **Economic independence:** Education can also help girls and young women become more economically independent, which can reduce the need for dowry. Educated women are more likely to have access to job opportunities and can contribute to the financial stability of their families, making them less dependent on dowry for financial security.
- **Changing societal norms:** Education can also help to challenge and change societal norms and attitudes around dowry. Educated women and men can become advocates for gender equality and can help to raise awareness about the harmful effects of dowry on women and families.
- **Legal literacy:** Education can also increase legal literacy, which can help women and their families to understand their rights and the legal remedies available to them if they face dowry-related abuse.

Overall, education can play a crucial role in empowering girls and young women, challenging societal norms, and increasing legal literacy, all of which can help to eradicate dowry.

(E) Which state of India has highest dowry demand and highest dowry death?

It is difficult to determine which state in India has the highest dowry demand or the highest dowry death rate, as data on dowry is often underreported due to societal pressure and fear of reprisal.

According to the National Crime Records Bureau (NCRB) in India, the states with the highest number of dowry death cases reported in 2018 (the latest year for which data is available) were Bihar with 1,198 cases, Uttar Pradesh with 1,068 cases, and Madhya Pradesh with 945 cases.

However, it is important to note that these statistics may not accurately reflect the true scale of dowry deaths in India, as many cases go unreported.

Similarly, data on dowry demand is also difficult to come by, as it is often a private and informal transaction. However, it is generally believed that dowry demands are higher in states with a higher cost of living and a higher social status of the groom's family.

Overall, dowry and dowry deaths are serious issues in India that affect women and their families across the country. Eradicating dowry and dowry deaths will require a multifaceted approach that includes educating the public, challenging societal norms and attitudes, and providing

economic and legal support to women and their families.

VI. CONCLUSION

Dowry and dowry deaths are serious issues in India that are fuelled by gender discrimination and societal expectations. Dowry, which is the giving, taking, or demanding of property or valuable security in connection with a marriage, is a harmful practice that disproportionately affects women and their families. Dowry deaths, which are the deaths of women resulting from dowry-related disputes, are a tragic consequence of the dowry system.

The Constitution of India and various laws, including the Dowry Prohibition Act and the Indian Penal Code, aim to protect women from dowry and dowry-related abuse. However, the practice persists due to a combination of societal expectations, gender discrimination, and economic factors.

Eradicating dowry and dowry deaths in India will require a multifaceted approach that includes educating the public, challenging societal norms and attitudes, and providing economic and legal support to women and their families. Education, particularly the education of girls and boys, can play a crucial role in empowering women, promoting gender equality, and increasing legal literacy, all of which can help to eradicate dowry.
