
DOWRY SYSTEM: A SOCIO-LEGAL ISSUE

Ayushi Singh, Jayoti Vidyapeeth Women's University

ABSTRACT

Marriage is a crucial part of society, a source of pleasure and festivities in addition to of new beginnings. Yet, one of the longest standing evils related to marriage from a girl's factor of view inside the Indian society is the Dowry device. Dowry Death is one of the maximum hideous or ugly and burning issues in India. There had been Laws and Acts which have been enacted and integrated through the legal machine of the state; additionally there were campaigns and cognizance packages initiated by using the Governmental and Non-Governmental Organizations towards the Dowry Deaths and Dowry System in India, but in-spite the presence of such initiatives the records on dowry-associated deaths have best increased in the country. When a girl enters into a union she has much salubrious expectancy. She would really like to a happy married life. She would assume to be a mom one day after which counts on to be mom-in-law, grand-mom and so forth. And deserve to be a dignified repute in society. All those are wiped out by using the cruel fingers of dowry-related deaths. The word 'dowry' way the assets and cash that a bride brings to her husband's residence on the time of her marriage. On the recommendation of 21st regulation fee record certain Penal provisions have been inserted. Many academic and consciousness programmed was run by using the authorities and non- governmental business enterprise with the intent to the lesser down the fee of dowry dying. To cope with this brutal form of social evil phase 304 B Dowry death, Section 498A (Cruelty via Husband or in-legal guidelines Home violence) 113 B (Presumption as to dowry loss of life) turned into incorporated in Indian penal legal guidelines round 1986 to remove the nuisance of dowry loss of life.

INTRODUCTION

Dowry is a deep seated social sight. We have this type of society where it is against the law to call for Dowry either during the marriage or even after the wedding, but this dreadful difficulty of Dowry System nonetheless exists in our society. Like most cancers, the dowry ailment has spread at an alarming tempo, so something wishes to be finished urgently to eradicate this evil. Amongst the numerous social troubles India is facing dowry which seems to be the maximum heinous. Dowry approach the switch of parental assets at the wedding of a daughter. Dowry is a fee of coins or items from the bride's own family to the groom's own family upon marriage. It may additionally consist of cash, jewellery, electrical home equipment, furniture, crockery, utensils, vehicle and other household gadgets that help the newly married couple to start their lifestyles journey.

MEANING:-

Dowry is called dahej in Hindi, jehaz in Urdu and Arabic, joutuk in Bengali, jiazhuang in Mandarin, çeyiz in Turkish, dot in French, " daijo" in Nepali and in numerous components of Origins." In "Kanyadaan" father of the bride gives the father of the groom Gold, assets, coins and so forth. Whereas for "Sridhan" the bride herself receives items and adorns at the time of her marriage commonly from her relatives. Dowry may be described because the money, suitable or belongings that a lady brings to her husband at the time of her marriage. It is the price in cash or a few kind of presents given to a bridegroom's circle of relatives alongside the bride. Generally, it includes coins, jewelry, electrical appliances, fixtures, bedding, crockery, utensils and different household items that help the newlywed installation her domestic. This age antique ritual has come a protracted way from being a token of affection for the daughter to a social risk.

CAUSES:-

1. Society Structure – the dowry machine is essentially the manifestation of the patriarchal nature of the Indian society in which guys are considered advanced to ladies in aspects of physical and mental abilities.
2. Social Status of Women – the inferior social status of girls in Indian society is so deep-rooted inside the psyche of the nation.

3. Greed:-The expectation that a dowry will be given at the time of the bride and groom's engagement is to compensate for the groom's education, career, and wealth.

4. Religious factor:- Religious constraints imposed via the society on marriage customs, mainly suitability of groom have a contributing thing towards the dowry problem..

EFFECTS

1.Violence against women

2.Gender inequality

3. Loss of shallowness in girls

SOLUTION

1.Education

2.Awareness Campaign

3.Law enforcement

4.Self independence of women

LEGISLATION RELATED TO DOWERY

To eradicate the evil exercise of dowry, many attempts are made in different states of India via enactments numerous legislation. The nation has enacted many women related rules to guard girls towards social inequality and social evils like rape, dowry, infant marriage, kidnapping and abduction, molestation, torture, both bodily and mental, sexual harassment etc.

INDIAN PENAL CODE,1860

[304B. Dowry death.—1. Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven 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. Explanation.—For the purpose of this sub-section, “dowry” shall have the same meaning

as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).
2. 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.]

Ingredients of the section are:-

The Supreme Court took occasion in *Shanti v. State of Haryana*, AIR 1991 SC 1226 to explain the ingredients of section 304B. K JAYACANDRA REDDY J. said, “A careful analysis of sec.304B shows that this section has the following essentials:-

- 1.The death of a woman should be caused by burns or bodily injury or otherwise than under normal circumstances.
2. Such death should have occurred within seven years of her marriage.
3. She must have been subjected to cruelty or harassment by her husband or relative of her husband soon before her death.
- 4 .Such cruelty or harassment should be for or in connection with demand for dowry.
5. It is a cognizable, Non- Bailable, Non- Compoundable offence.

It was held in the case of *Bhagwan Das v. Kartar Singh and others* that if the woman is killed or commits suicide in relation to demand of dowry and it happens soon before her death then Section 304 – B of the I.P.C. may be invoked.

State of Rajasthan v. Jaggu Ram held that, as there may be no specification of term for the expression “quickly earlier than her loss of life” in any of the statutes or acts, so it's miles directed that as the data and instances of every case may also vary so on the idea of that it's far required by way of the courtroom to decide that if the term among the death of the girl and the cruelty she suffered is immediate or no longer.

In the case of *Meka Ramaswamay v. Dasari Mohan and Others* the hon'ble supreme court held that , If the wife dies within 7 years of the marriage and if there is no demand for dowry and there was no ill-treatment as well from the side of husband and his family, then the husband and his family cannot be held liable and charged under sec.304-B of the IPC.

Section 498-A:-of the IPC deals with husband or relative of husband of a woman subjecting her to cruelty .That furthers says:

Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also liable to fine.

Ingredients of sec.498-A of the IPC are:

- 1.The woman must be married.
- 2.She must be subjected to cruelty or harassment; and
3. Such cruelty or harassment must have been shown either by husband of the woman or by the relative of her husband.

It is a cognizable, Non – Bailable, Non- Compoundable offence.

1.In the case of *Balwant Singh v. State of Himanchal Pradesh* , the court held that the person who is acquitted under section 304-B of the IPC can also be convicted under section 498-A of the IPC as both the sections of the IPC cannot be held as mutually inclusive.

2.In the case of *Vijeta Gajra v. State of NCT Delhi*, the court held that foster sister is not “Relative” within the meaning of section 498-A ,IPC to fix liability for causing cruelty against the complaint.

Section 113-B of Indian Evidence Act:-

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.

1.*Satbir Singh v. State of Haryana*, A.I.R 2005 S.C.3546 , the court held that torture and harassment for dowry demand, death within 7 years not in normal circumstances, presumption applicable.

2. *Bhola Ram V. State of U.P.*, A.I.R. 2004 S.C. 241, a mere demand for dowry is not enough for conviction, the demand must be accompanied by cruelty and harassment.

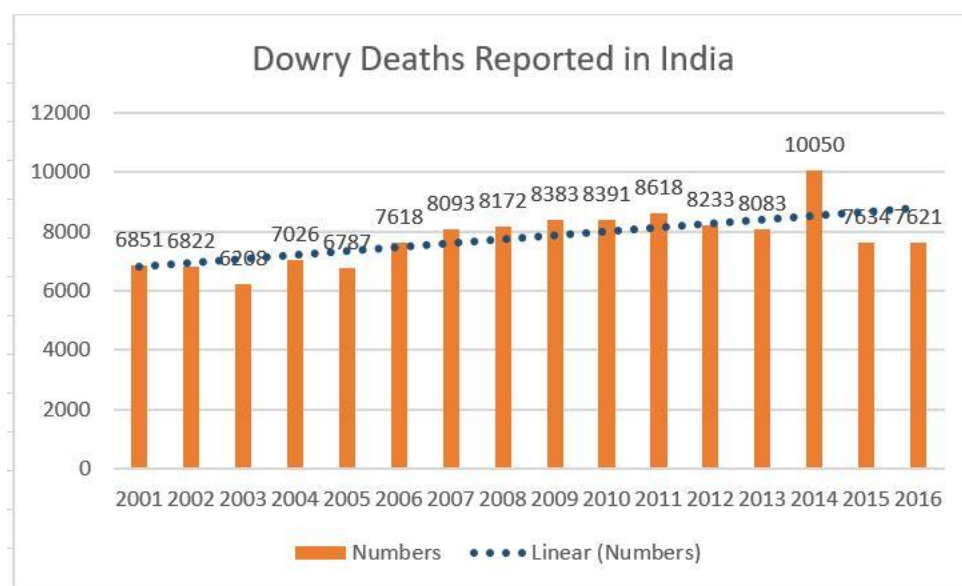
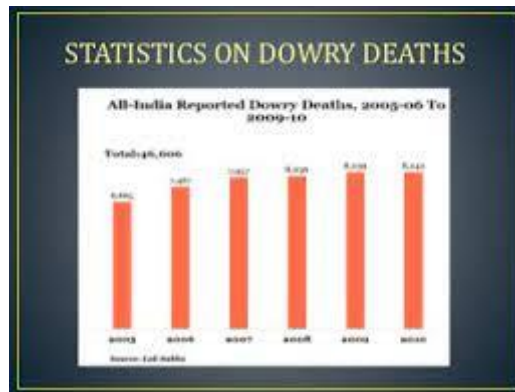
THE DOWRY PROHIBITION ACT, 1961

Dowry Prohibition Act, Indian regulation, enacted on May 1, 1961, intended to save you the giving or receiving of a dowry.

- a. Section-1:- Short title, extent and commencement
- b. Section-2:- Definition of 'Dowry'
- c. Section-3:-Penalty for giving or taking dowry
- d. Section-4:-Penalty for demanding dowrye. Section-4A:-Ban on Advertisement
- f. Section-5:-Agreement for giving or taking dowry to be void
- g. Section-6:-Dowry to be for the benefit of the wife or her heirs
- h. Section-7:-Cognizance of offences
- i. Section-8:- Offences to be cognizable for certain purposes and to be non-bailable and non-compoundable.
- j. Section-8A:- Burden of proof in certain cases
- k. Section-8B:- Dowry prohibition officers
- l. Section-9:- Power to make rules
- m. Section-10:- Power to state government to make rules

In the landmark judgment of Suresh Kumar Singh v. State of U.P. the apex court held that the proof of demand of dowry as shown by the prosecution should not be too old from the death of the woman. The propinquity of dowry demand and the death of the victim should be established to evoke the expression of "soon before her death" and charge the accused under the D.P. Act as well.

Dowry Deaths Reported in India:-



Dowry related matters accounted for the lives of nineteen girls every day in 2020, the National Crime Records Bureau (NCRB) facts has found out. A general of 6,966 instances of dowry deaths, with 7, half sufferers, were reported closing 12 months, the crime bureau document stated. The range of dowry deaths stood at 7,141 in 2019 and 7,167 in 2018. The highest variety of cases turned into registered in Uttar Pradesh at 2,274 with 2,302 sufferers. This changed into accompanied by Bihar, in which the number of cases stated becomes 1,046, with 1,047 victims. A total of 608 instances had been registered in Madhya Pradesh, accompanied by West Bengal (522), Rajasthan (479), Odisha (320), Jharkhand (275), and Haryana (251). In Delhi, a hundred and ten instances of dowry deaths were pronounced in 2020.

CONCLUSION

Dowry death is a social curse which is a burning problem in Indian society. Dowry gadget in

India is one of the unsolved issues .In spite of the worldwide marketing campaign for removal of violence against women, there has been alarming boom in the fee of dowry death. However despite rapid globalization dowry has turn out to be the one of the gravest social evil nowadays. Dowry has become the way of betterment for the ones within the procedure of mountaineering up. The people need more money to develop their economic standard for modifications in private lifestyles style, living general and social status.

There is no chance for the welfare of the world unless the condition of woman is improved. It is not possible for a bird to fly on only one wing.

There is no hope for that family or country where there is no estimation of women, where they live in sadness. For this reason, they have to be raised first.(Said by Swami vivekanand).

REFERENCES

Websites Referred:-

1. www.legalsevices.in
2. www.indiankannonorg.in
3. www.legalbites.in

Legal Search Engine Referred:-

1. Manupatra
2. Indian kanoon
3. SCC online

Books Referred:-

1. Indian penal code, 1860
2. Indian Evidence Act, 1872
3. Dowry prohibition act, 1961