



# Dowry Death Cases in 4 States of India: A Comparative Analysis

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## ABSTRACT

Women's safety is currently India's top priority. Since the last decade, dowry death has increased rather than decreasing. And it is apparent that the laws enacted to safeguard women are not effectively accomplishing their purpose.

Despite having laws in place to prevent dowry death, the fact that it is still rampant in India demonstrates the legislation's failure. In 2020 over 7000 cases of dowry death were reported, representing roughly 19 women die every day in India. The only way to tackle this social evil is by making women financially independent, so, that they can leave abusive relationships without being stigmatized by society if they do so.

We are still a long way from achieving our aim of providing a safe, violence-free, and egalitarian environment for women.

**Keywords:** crime, dowry death, India, NCRB report, women

## INTRODUCTION

Dowry has its origins in medieval India, when a bride's family give her gifts in cash or kind to ensure her freedom after marriage. During the British colonial period, it also became the sole legal means to marry because they made the practice mandatory.

Dowry was regarded streedhan in India and was given to a woman by her family at the time of her marriage for her personal use rather than the groom's family. It was thought to be a form of protection for women after marriage, but over time, it lost its meaning and became a noose for the bride where her husband's family could abuse her.

Dowry is a significant contributing factor to violence against women in India. Dowry-related crimes are on the rise in India. Therefore, the '**Dowry Prohibition Act 1961**' was enacted to safeguard women from dowry-related crimes, however it has failed to accomplish so.

To safeguard our women from dowry deaths and dowry-related crimes, we as a society must comprehend and eradicate the dowry system.

## DOWRY'S LEGAL DEFINITION

Dowry<sup>1</sup> is defined in Section 2 of the Dowry Prohibition Act of 1961 as:

*“Any property or valuable security 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,*

*at or before (or any time after the marriage) (in connection with the marriage of the said parties, but does not include) dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies”.*

## DEFINITION OF DOWRY DEATH <sup>2</sup>

Dowry death is defined under section **304B** of **The Indian Penal Code, 1860**:

*(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”.*

*(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”.*

## Essential Ingredients for Dowry Death

1. Death of woman should be caused by burns or bodily injury nor otherwise under normal conditions.
2. Her death should have occurred within seven years of her marriage.
3. The woman must have suffered cruelty or harassment at the hands of her spouse or a relative of her husband.
4. Such abuse or harassment should be part of or in association with any dowry demand.
5. Such cruelty or harassment should have occurred prior to her death.
6. If a woman dies as a result of the foregoing circumstances, the husband and his relatives are considered to have caused dowry death and are accountable for the offences, unless proven otherwise.

<sup>1</sup> The Dowry Prohibition Act, 1961.

<sup>2</sup> The Indian Penal Code, 1860.

## CAUSES OF DOWRY DEATH

### 1. Social Status

People in India want to flaunt their social standing, and marriage and dowry are two ways they do it. And the bride's family, despite their financial situation, goes out of their way to give dowry.

### 2. Implementation of Anti-Dowry Laws

We have laws like the Dowry Prohibition Act of 1961 and the Protection of Women from Domestic Violence Act of 2005 to protect women from crimes like dowry killing, cruelty, and domestic violence, yet these laws have miserably failed in protecting our daughters. This laxity in enforcing the law can embolden perpetrators and perpetuate the cycle of violence.

### 3. Economic Factors

Dowry deaths are influenced by socioeconomic factors. Dowry demands often rise as a result of economic considerations. Groom's families may request a larger dowry in order to improve their own financial situation or gain social status. If the bride's family is unable to meet these demands, the woman may face harassment and violence. Women have been and continue to be dominated by men, and one of the reasons is because they are financially dependent on their husbands.

### 4. Family Support

When a woman complains about the cruelty she is subjected to in her in-laws' home and expresses her desire to leave, her own family tells her that it is normal and that she must adjust, and they are also concerned about what society would think. When her own family is not supporting her and trying to normalise these events.

### 5. Women's Acceptance of Crime

Women are often urged to compromise, whether it is domestic violence, cruelty by husband or by his family, or marital rape. A 2012 report by UNICEF found that 57 percent of Indian boys and 53 percent of girls between the ages of 15 and 19 think wife-beating is justified.<sup>3</sup>

### 6. Avarice

Groom's family believes they are entitled to dowry as compensation for their son's education and also believe that their daughter-in-law is an extra mouth to feed and they will be supporting her for life, so they demand a large amount of cash, material things, and so on and when their demands are not met, they threaten to call off the marriage and even if their demands are met, they still ask for more and when

<sup>3</sup> Mehta R., "The Western Educated Hindu Women", Asia Publishing House, Bombay, 1970, p.421.

the girl's family is unable to fulfill their constant demands, they begin harassing their daughter-in-law, which ultimately leads to her death.

## 7. Cultural and social pressures

Cultural and social pressures also play a role in dowry deaths. Traditional beliefs and social pressures put enormous pressure on families to follow the dowry system. Failure to meet these expectations can result in social stigma and disgrace, motivating the groom's family to resort to violence.

## TYPES OF DOWRY CRIMES

The most common dowry crimes are cruelty, domestic violence, aiding suicide, and dowry death.

### 1. Domestic Violence

Domestic violence is also called intimate partner violence. This is a type of violence experienced by women at the hands of their husbands, in which the husbands try to exert control over their wives by assaulting and threatening them. Domestic violence involves not only physical aggression, but also sexual, psychological, financial, and emotional abuse. It constitutes one of the most common forms of violence against women worldwide.

The “*Protection of Women from Domestic Violence Act of 2005*”, protects women from domestic violence.

### 2. Dowry Death

Dowry death also involves bride burning, in which brides are set ablaze by the husband and his family and referred to as suicide because the dowry is unsatisfactory. Dowry Death is a punishable offence under Section 304B of the Indian Penal Code. Dowry death carries a seven-year prison sentence that can be extended to life imprisonment. The death must occur within 7 years of the marriage.

### 3. Cruelty

Harassment or torturing women are examples of cruelty. The cruelty can be in form of verbal abuse or by beating the woman in order to compel the woman's family to pay dowry. This may lead to woman committing suicide which is criminalized under anti-dowry laws.

### 4. Abetment to Suicide

Constant harassment from her spouse and his family members, combined with threats of violence, could end up by woman committing suicide.

The offence of aiding and abetting suicide is crucial because, the accused take the defence that the victim committed suicide on her own which may not be true.

## STATISTICAL ANALYSIS OF DOWRY DEATH

The table below displays the number of dowry cases in four Indian states in 2018, 2019, and 2020.

S.No	States	Dowry Death (Sec.304B IPC)		
		2018	2019	2020
1	Uttar Pradesh	2444	2410	2274
2	Bihar	1107	1120	1046
3	Kerala	17	8	6
4	Tamil Nadu	55	28	40

The table shows that Uttar Pradesh has the highest number of dowry deaths, while Kerala has the least. The cases of dowry death are rising in the North whereas its decreasing in the South. The slight dip in cases in 2020 may be linked to the pandemic at time when people had more serious concerns to deal with then to think about the amount of dowry the bride's family has given.

The southern states do better than the northern states in terms of dowry deaths. The explanation for this disparity is that women in southern states such as Kerala and Tamil Nadu have better levels of gender equality and literacy rates than women in northern states such as Uttar Pradesh and Bihar. Northern states are more patriarchal than southern states like Kerala and Tamil Nadu, which are more egalitarian, liberal and literate. Women are more financially self-sufficient in Kerala and Tamil Nadu compared to Uttar Pradesh and Bihar where women have to depend for their needs on their husbands.

Recently, three sisters committed suicide in Rajasthan because they were continuously abused for dowry as their father was unable to fulfil the demands. So, eventually they killed themselves as it was better to die at once than to die daily.

According to NCRB report of 2020, there were over 7000 dowry related deaths which means roughly 19 women die every day in India. NCRB report also revealed that over 1700 women committed suicide in 2020 because of dowry.

However, NCRB report is based on police records and the number of cases reported is not actually the true number; the actual number of dowry death cases is considerably higher because women do not report crimes because they are afraid of being criticized by society, and it is expected of women to accommodate to her husband's family.

## FAILURE AND MISUSE OF DOWRY LAWS

There are many progressive legislations to safeguard women's rights, yet these laws lack the teeth to make women feel safe. Whether it's domestic abuse, rape, dowry death, or abetting suicide, Indian women are vulnerable both within and beyond their homes.

Some of the concerns about the failure and misuse of dowry laws are as follows:

### 1. False Accusations

There have been cases where women and their families have used dowry laws to falsely accuse their husbands and in-laws of dowry harassment. In some cases, false accusations have resulted in innocent people being wrongfully accused and facing legal consequences.

### 2. Inadequate Investigation

Due to pressure or bias, law enforcement agencies may fail to conduct a thorough and unbiased investigation in some cases. This can result in guilty parties going unpunished or innocent people being wrongfully prosecuted.

### 3. Delayed Justice

India's legal system is well-known for its lengthy and time-consuming procedures. Dowry-related cases frequently take years or even decades to resolve, further victimising the affected individuals and their families.

### 4. Overburdened Judicial System

The sheer volume of dowry-related cases, combined with a plethora of other pending cases, has the potential to overwhelm the judicial system. This can lead to delays in justice and an inability to effectively handle the growing number of cases.

### 5. Lack of Awareness and Education

Many people, including women, may be unaware of their rights and dowry-related legal provisions. Due to a lack of awareness, victims may be unable to seek timely legal assistance or report dowry-related offences.

For example, dowry death there are various legislations to deal with this offence like “*The Dowry Prohibition Act of 1961*”, “*Sec-304B, 498A, 406 of The Indian Penal Code*”, and also “*Protection of Women from Domestic Violence Act of 2005*”, which is not directly related to dowry death but can help women who are suffering from abuse by their husbands and his family members in the marital house.

Even after, six decades of existence of “*The Dowry Prohibition Act, 1961*”, dowry is still playing a very integral role in Indian marriages. In Indian marriages, dowry is everything. The quantum of the dowry is determined based on the groom's status, and if the bride's family is unable to meet the demands, the groom's family threatens to call off the wedding, and if their demands are met, they still crave for more dowry and abuse their wives or daughters-in-law, sometimes killing them, and when the torture is unbearable the woman commits suicide.

Unfortunately, dowry death is one of major contributor to crime against women in India. Another reason for failure is that women's family do not support them and instead ask them to adjust, telling them that this is normal and also the society expects women to suffer abuse silently.

There exist laws to protect women, however these laws fail to protect women in need, and women sometimes use these regulations to harass their husband's family by making false complaints. And these laws are primarily abused by educated women who understand the strength of these legislations.

In the case of *Savitri Devi v. Ramesh Chand & Ors*<sup>4</sup>, the court determined that the laws were being abused to such a degree that they were undermining the foundation of marriage itself and proving to be detrimental to the society as a whole. Because these rules are intended to protect women from violent conjugal families, the court directed lawmakers to evaluate the provisions and avoid their misuse by women. Women abusing these regulations, should be strictly outlawed. And women should recognise that these laws are there to protect them, and instead of benefiting from them by abusing them, they should allow the laws to be used by the women who truly need them.

## CONCLUSION

The dowry system has been in our society since time immemorial, and it has resulted in a variety of crimes against women. This system is a threat to our society because people utilise it to fulfil their avarice, and greed has no bounds, resulting in the death of women. Better implementation, awareness campaigns, sensitization of law enforcement agencies, and faster judicial processes are needed to address these concerns and improve the effectiveness of dowry laws. It is critical to strike a balance between protecting genuine victims of dowry-related crimes and preventing their abuse.

The time is now for us as a society to act together to combat the social evil of dowry and eradicate it from our society, ensuring that no more dowry-related crimes occur. This is only achievable if we work together to make our women educated, financially independent, and self-sufficient who does not have to rely on anyone for her needs. Women's protection cannot rely simply on the laws of the country because these laws have failed to protect them multiple times and are also abused by women to their advantage. We should allow the laws to be used by women who truly need them. And as a country, we must commit to developing a culture of zero tolerance for violence against women.

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