

A Critical Study and Analysis on Reasons for Dowry Death in India

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Abstract: *This paper discuss about Dowry death and reason for dowry death in legal aspects. The marvel of endowment passings of savagery against youthful wedded ladies by their spouses and families identified with coercion for blessings was imperative in initiating the ladies' development in post-autonomy India in the 1980s. Despite the fact that the authentic and conventional importance of endowment has changed throughout the hundreds of years, the development of the training from potentially standard legacy to blackmail and viciousness is installed in an undeniably consumerist society and entrepreneur economy. Featured at first by the ladies' development as an image of debasement of ladies and prompting major legitimate change, investigation of the criminal equity framework's reaction to endowment passings uncovered that they darkened different reasons for sexual orientation based disparities and savagery against ladies which are not exceptional to India alone.*

Keywords: Dowry, legacy, punishment, endowment, Debasement

I. INTRODUCTION

Endowment and related offenses even demise towards the end is a consuming issue of the Indian culture since years. It is expanding step by step because of social legacy, customary mindset and way of life in the family. Settlement demise is a major test to the cutting edge society, moral qualities, police, and criminological specialists and additionally to legitimate officers and equity to take out this social peril as well as to rebuff the guilty parties in successful way to make the world free from it for eternity.(Sarda 2011)

In greater part instances of lady of the hour killing or lady of the hour consuming or settlement demise, issue is made by the female themselves against their own sex. It has been normally discovered that approach of relative is not quite the same as that of the lady of the hour's mom.(Haroon et al. 2017)

At first at the season of marriage, cash is given by lady of the hour's family according to the request of the in laws yet later on appetite of settlement is expanding to a great degree high which is trailed by torment of lady of the hour and winds up in her passing.As it were, in lady of the hour consuming cases, wrongdoing is typically abetted and even dedicated by the females themselves. The unnatural passing of recently wedded young lady because of share is normal feature of each daily paper and media even today.(Sen 2002) Self consuming by females after the death of her better half in Hindu people group is customarily acknowledged and matter of glad as in 'Sati-Pratha' or 'Joher'. Be that as it may, these days, substantial number of recently wedded young ladies are singed alive by their spouses and/or in laws or constrained by them to end their despondent life, while a couple of others are killed first and after that consumed to conceal the wrongdoing. In the lion's share of these cases, endowment is the prime thought process behind this appalling wrongdoing. The aim of this research is to identify whether the existing laws related to dowry death is enough or not



OBJECTIVES:

- 1.To study the legal provisions relating to dowry death
- 2.To analyse the punishments for dowry
- 3.To know whether the existing laws is enough or not

II. REVIEW OF LITERATURE

1. Dowry Prohibition Act, 1961: Alongwith Dowry Death & Bride Burning [i.e. Burning] Cases : With State Amendment deals with Security of youthful wedded ladies against badgering and brutality by virtue of endowment is duty of government.(Mishra 2000)

2. Death by Fire: Sati, Dowry Death, and Female Infanticide in Modern India by Sen mala published in the year 2002 by Rutgers University Press deals with Social association and media may likewise successfully contribute by creating mindfulness in regards to this issue and activating the help of society against this fear. We as a whole need to battle together to end this social wrongdoing perpetually to acquire new cheerful skyline life of wedded ladies.(Mishra 2000; Bhatnagar, Awasthi, and India 1996).

3.‘An Analysis of Dowry and Dowry Offences in India.’” VIDHIGYA: The Journal of Legal Awareness by M Verma published in the year 2017 states that Endowment is a social sin, which is basic among upper and white collar classes of Hindu people groups of India, and is the key factor for unnatural passings in recently wedded females since years.(Roy 1999)

4.A Most Unsuitable Girl (A Play On Dowry Deaths) And Conquest At Noon (A Historical Fantasy by Rajesh Talwar published by Gyan Publishing House in the year 2003 states that Other than settlement, lack of education, orchestrated or love relational unions, kid relational unions, joint family structure, oedipal amazingness of mother by marriage, joblessness and money related reliance of spouses on their folks, close entire reliance of ladies or their better half and/or in laws, tipsiness, pitilessness and unfaithfulness of the husbands and need of social wellbeing among Hindu ladies are other contributory variables influencing the conjugal bliss in one or different ways.(Roy 1999).

5.“Deadly Dowry: How Engulfment Pathways Promote Cell Killing.” Cell Death and Differentiation by E.J. Lambie published in the year 2016 states that share involves just a single end of the shore of social misuse ocean; inside a similar field are cold-bloodedness, punishment, and attack, physical or mental torment and so on.(Landry 2004) After marriage, young lady is pushed into an obscure world and is caught into system of weaknesses and subsequently she is absolutely on the generosity of the spouse and additionally his relatives who may or probably won't take care of her.

LEGAL ASPECTS ON DOWRY DEATH

In perspective of the expanding number of share passings, rules have been set around the Government of India for examination of such cases, and the law in regard thereof has been appropriately revised. The Indian Penal Code (I.P.C.), Criminal Procedure Code (Cr.P.C.) and Indian Evidence Act (I.E.A.) are corrected according to the criminal law (Second Amendment) Act, 1983 and was endorsed by President of India to bargain adequately with instances of endowment passings and furthermore the instances of mercilessness to wedded ladies by their in laws. (Isiozor et al. 2019)

CASE LAW ANALYSIS

The problem of Dowry has always been persistent in India and is also rising at a rapid rate and so are the offences related to dowry demand. Dowry demands can go on for years together. The birth of children and a number of customary and religious ceremonies often tend to become the occasions for dowry demands. The inability of the bride's family to comply with these demands often leads to the daughter-in-law being treated as a pariah and subject to abuse. In the worst cases, wives are simply killed to make way for a new financial transaction that is, another marriage. The Section 304-B, IPC has been inserted by the Dowry Prohibition Amendment Act, 1986 with a view of combating increased menace of dowry deaths. The Supreme Court in the case of **STATE OF HIMACHAL PRADESH V.**



NIKKU RAM(1995)CRI LJ 4184 (SC). interestingly started off the judgment with the words ‘Dowry, dowry and dowry’. The Supreme Court went on to explain why it has mentioned the words ‘dowry’ thrice. This is because demand for dowry is made on three occasions:

- (i) before marriage;
- (ii) at the time of marriage; and
- (iii) after the marriage.

IPC Section 304 - B manages settlement passing

At the point when the passing of a wedded lady is caused by any consumes or real damage or happens under irregular or suspicious conditions inside seven long stretches of her marriage length and it is unmistakably demonstrated that soon before her demise she was subjected to remorselessness or provocation or torment by her significant other or any relative of her better half or in laws for, or regarding, any interest for share, such passing will be called as "settlement demise", and such spouse or relative or in law will be esteemed to have caused her demise. (Tiwari 2016)Whoever confers share demise will be rebuffed with detainment for a term least of seven years which may reach out to detainment forever.(Isiozor et al. 2019; “This Is My Dowry,” n.d.)

IPC Section 498 - An arrangements with spouse or relative of husband of the lady subjecting her to cold-bloodedness(Majumdar 2009).Whoever being the spouse or relative of the husband or in law of a lady, subjects such lady to cold-bloodedness or badgering or torment will be rebuffed with detainment for a term which may stretch out up to three years and will likewise obligated to pay fine. The brutality can be either mental or physical torment which drives the ladies confer suicide or to cause genuine damage, or peril to life or wellbeing. (Majumdar 2009; Verma 2017)

CrPC Section 176(1) gives examination by official judge and CrPC segment 174(3) gives as takes after Whenever (1) The case includes suicide by a lady inside seven long stretches of her marriage (ii) The case identifies with the demise of a lady inside seven long periods of her marriage in any conditions raising a sensible doubt that some other individual conferred an offense in connection to such lady, or (iii) The case identifies with the passing of a lady inside seven long stretches of her marriage and any relative of the lady has made a demand for this benefit, the cop will forward the body for examination to the closest medicinal officer for sentiment.(Stuard 2013)

Share is a social sin, which is basic among upper and white collar classes of Hindu people group of India, and is the key factor for unnatural passings in recently wedded females since years. Other than settlement, absence of education, masterminded or love relational unions, youngster relational unions, joint family structure, oedipal matchless quality of relative, joblessness and financial reliance of spouses on their folks, close total reliance of ladies or their better half and/or in laws, tipsiness, cold-bloodedness and unfaithfulness of the husbands and need of social security among Hindu ladies are other contributory variables influencing the conjugal joy in one or different ways(Samuel 2002) Share involves just a single end of the shore of social misuse ocean; inside a similar field are brutality, punishment, and attack, physical or mental torment and so on. After marriage, young lady is push into an obscure world and is caught into system of uncertainties and along these lines she is absolutely on the benevolence of the spouse or potentially his relatives who may or probably won't care for her.(Shah and Mohanty 2006)

MEDICAL ASPECTS OF DOWRY DEATH:

A portion of the indispensable medico-legitimate viewpoints which warrant see have been managed in here to thoroughly consider the fragile circumstances looked by criminological specialists in their standard practice. The essential angle is that not just the police should act quickly to evade pulverization of basic signs at the scene of wrongdoing yet in addition police should act instantly in enrolling all such grumbles immediately.(Sarda 2016) On the off chance that an extraordinary team/cell are kept up then this ought to likewise be educated for auspicious examinations of each case. Furthermore, if nearby police is lingering behind or demonstrating a deferring strategy then either the prevalent officers are drawn closer or willful associations be drawn nearer for the best possible examination



to be finished. Inclusion of media additionally centers a solid mindfulness about the event of wrongdoing. In the event that the casualty is alive after the episode at that point provoke endeavors ought to be made to record a revelation by a skillful expert. Biting the dust statement has lawful legitimacy as the Indian law presumes that a man who trusts that her demise is impending will tell just reality and never lies.(Sarda 2011)

III. MATERIALS AND METHODS

This is a non- doctrinal study. This paper depends on both primary and secondary data. The primary data for the present study is collected using sampling technique. Random sampling is used to collect the primary information from the respondents. A random of 1679 samples selected from the study area. The primary data which has been analysed using Frequencies, Chi-Square test and Crosstab Method. The secondary data is collected from books, journals, articles and e-sources. The researcher has also utilized commentaries, books, treatises, articles, notes, comments and other writings to incorporate the various views of the multitude of jurists, with the intention of presenting a holistic view. The researcher has made extensive use of techniques available to him in this paper. And the current paper uses SPSS analysis SPSS is short for Statistical Package for the Social Sciences, and it's used by various kinds of researchers for complex statistical data analysis. The SPSS software package was created for the management and statistical analysis of social science data and this research uses such kind of analysis for a proper and appropriate results.

IV. DATA ANALYSIS

Frequency Table

Age

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	15-25	645	41.1	43.1	43.1
	25-35	631	40.2	42.2	85.2
	35-45	153	9.8	10.2	95.5
	45above	68	4.3	4.5	100.0
	Total	1679	95.5	100.0	
Missing	System	71	4.5		
Total		1568	100.0		

The above table signifies the number of responses collected from the participants based on the various groups. The age groups are below 15-25 years, 25-35 years, above 35-45 years and 45 above.the total responses that are gathered from the participants counts to 1568 out of which 645 responses belonging to the age group of 15-25 years constituting 41.1%, 631 responses belonging to the age group of 25-35 years constituting a cumulative percentage up to 40.2%, 153 responses collected from the age group of 35-45 years the remaining 68 responses belonging to the age of above 45, constituting a cumulative percentage up to 100%.



Gender

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	male	1031	65.8	68.9	68.9
	female	466	29.7	31.1	100.0
	Total	1679	95.5	100.0	
Missing	System	71	4.5		
Total		1568	100.0		

The above table signifies the number of responses collected from the participants based on their gender. The total number of responses gathered are 1679 , out of which 466 responses are collected from the female participants, constituting 29.7 %, 1031 responses are collected from the male participants constituting the cumulative frequency upto 65.8% constituting the cumulative percent upto 100%.

Age * Do you aware of Dowry Prohibition Act

Crosstab

Count

		Do you aware of Dowry Prohibition Act			Total
		yes	no	may be	
Age	15-25	184	148	313	645
	25-35	236	210	185	631
	35-45	43	79	31	153
	45above	21	9	38	68
Total		484	446	567	1679

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	102.148 ^a	6	.000
Likelihood Ratio	101.337	6	.000



Linear-by-Linear Association	11.048	1	.001
N of Valid Cases	1679		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 20.26.

Symmetric Measures

	Value	Asymp. Std. Error ^a	Approx. T ^b	Approx. Sig.
Interval by Interval Pearson's R	-.086	.026	-3.335	.001 ^c
Ordinal by Ordinal Spearman Correlation	-.125	.026	-4.887	.000 ^c
N of Valid Cases	1679			

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

HYPOTHESIS

Null hypothesis: There is no significant association between the age and the do you aware of dowry prohibition act.

Alternative hypothesis: There is a significant association between the age and do you aware of dowry prohibition act.

V. DISCUSSION

This tabular column is the comparative study of age and their awareness on this question “do you aware of dowry prohibition act.” the above survey depicts those 1679 persons who say with agree which is the maximum answer from people comes under the age category of under 18-25 as 184 persons, 25-35 as 236 persons, 35-45 as 43 persons and above 45 as 21 persons. Maybe has been selected by 446 members which stands last option selected minimum among the people, the age category of 18-25 as 148 persons, 25-35 as 210 persons, 35-45 as 79persons and above 45 as 9 persons The chi-square result is 0.00 and hence it is significant. Therefore alternative hypothesis is proved.

Gender * Are you aware about the punishment for dowry?

Crosstab

Count

		Are you aware about the punishment for dowry?			Total
		yes	no	may be	
Gender	male	299	421	311	1031
	female	150	206	110	466
Total		449	627	421	1679



From the above table it is understood that male among 1031, 299 said yes and 421 said no and 311 said maybe that they are aware about the punishments for dowry. Female among 466, 150 said yes and 206 said no and 110 said maybe that they are aware about the punishments for dowry.

Chi-Square Tests

	Value	df	Asymp. Sig. (2-sided)
Pearson Chi-Square	6.869 ^a	2	.032
Likelihood Ratio	7.008	2	.030
Linear-by-Linear Association	5.247	1	.022
N of Valid Cases	1679		

a. 0 cells (0.0%) have expected count less than 5. The minimum expected count is 131.05.

Symmetric Measures

	Value	Asymp. Error ^a	Std.	Approx. T ^b	Approx. Sig.
Interval by Interval Pearson's R	-.059	.025		-2.294	.022 ^c
Ordinal by Ordinal Spearman Correlation	-.059	.025		-2.283	.023 ^c
N of Valid Cases	1679				

a. Not assuming the null hypothesis.

b. Using the asymptotic standard error assuming the null hypothesis.

c. Based on normal approximation.

HYPOTHESIS

Null hypothesis: There is no significant association between the gender and the Are you aware about the punishment of dowry

Alternative hypothesis: There is a significant association between the gender and Are you aware about the punishment of dowry.

This tabular column is the comparative study of gender and their awareness on this question “Are you aware about the punishment of dowry” the above survey depicts those 1679 persons who say with yes which is the answer from people comes under the male category is 299 persons, and female are 150 persons. No has been selected by 627 members which stands last option selected among the people, the gender category of male is 421 persons, and female is 206 persons. The chi-square result is 0.00 and hence it is significant. Therefore alternative hypothesis is proved.



RECOMMENDATION:

1. Awareness : The first and foremost solution to the problem of dowry deaths is awareness, taking into account the illiteracy rates in India most of the women who are subject to the evil of dowry harassment are unaware of their legal rights. Thus the most important task is to create awareness of this can be achieved by setting up awareness programmes and initiative in different sections of the society.

2. Education: This is another approach to increase awareness by educating people about such issues and imbibing such social issues into the curriculum of primary education.

3. Stringent Punishments and speedy trials: Imparting Stringent punishments to people convicted of such crimes can also help to create a deterrent effect. Also, speedy trial system also works in favour of the victim and acts as a deterrent.

4. Enforcement Mechanisms to be strengthened: We see that in the Indian scenario there are legislations like the Dowry Prohibition Act, the Indian Penal Code and also legislations like The Protection of Women from Domestic Violence Act are in place but still the problem of dowry demand continues, thus it is high time that the enforcement of these legislations should be strengthened.

Special efforts are to be made by every institution to motivate people to act for the effective implementation of legislative measures to combat the menace of dowry system from our society. Hence non- legislative measures are also required to abolish the dowry system. Some non legislative measures are discussed here.

VI. CONCLUSION

Share demise is a consuming everyday issue of the Indian culture. It ought to be acknowledged that needed outcome can't be picked up by order of law alone against endowment. This social revile must be assaulted by a multi pronged and composed approach by police, ladies welfare associations, rumored open workers, and legal and by granting.

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