



DOWRY DEATHS

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INTRODUCTION

Practice of providing dowry to women at marriage is an age-old tradition in India. It refers to the specific amount of the parent's assets that they want to transfer to their daughter. This allows young women in question and groom to establish a household of their own. Regrettably, this tradition has been corrupted in modern times, transforming into a significant threat and a detrimental force in our society.

Weddings have become tense occasions, causing anxiety for the women and their parents, since they fear that the groom's family may request excessive presents just before the wedding. Indeed, it's fairly uncommon for the groom or his parents to insist on receiving gifts in the form of cash or valuable items, such as vehicle or video equipment, which girl's parents may not be able to provide. Then they find themselves in a dilemma where they have to choose between two equally difficult or dangerous options. Calling off the wedding at last moment gives notoriety to the girl. Frequently, spurious and malevolent narratives are disseminated about her, making it arduous to re-engage and get into matrimony. Frequently, young women are compelled to resort to extreme measures of self-harm due to the intense stress caused by such circumstances.

Another strategy used by the boy's family is to refrain from making outrageous requests before to wedding, but to pester girl after wedding in order to manipulate her into asking her parents to provide the desired presents. The girl is subjected to constant harassment and her life becomes very difficult until she is able to meet the unrealistic expectations of her husband and in-laws.

Another tactic used by such uncivilised individuals is to send bride back to her parents' residence and instruct her to return only if she can persuade her parents to provide a larger payment.

Under such circumstances, the girl is left with little choice except to comply with these requests and implore her parents to meet them. Occasionally, when a young woman is aware that her parents are unable to meet these expectations, she may be compelled to take her own life. Even more dire is the scenario in which the in-laws collaborate to immolate the bride, with the intention of allowing the son to enter into a new marriage with someone who can provide a larger dowry. This is the farthest extent of a person's selfishness, decline, and lack of compassion, and it's really a disheartening reflection on the nature of individuals in India, since there are many instances of such occurrences. Brides are ruthlessly and audaciously immolated to appease the avarice of individuals.

This unfortunate situation needs be rectified promptly, and the answers are not straightforward. Despite the legislation prohibiting the practice of offering and receiving dowry, individuals continue to engage in this illegal activity without any fear of punishment. Hence, it's evident that the legislation in itself is insufficient to resolve the issue.

The crucial task at hand is to galvanise public sentiment in opposition to it. Young men need to reject the practice of accepting dowry. It's important for them to understand that marriage is a sacred bond between two individuals. Marriage provides individuals with their own household and motivation to achieve their goals in their professional life. Thus, they should refrain from receiving dowry. Instead, individuals should possess sufficient self-esteem to reject the monetary compensation or presents that the bride's parents provide as a means of "purchasing" their affections. Likewise, young females should also decline to marry a guy who displays excessive avarice by making

demands on her parents. Prior to marriage, even the tiniest sign of the boy's avarice should serve as a warning to her. Instead of getting swept away by romantic notions, she should be concerned about marrying someone with such a character flaw.

Another crucial approach is to ensure that every girl has a comprehensive education that equips her with the necessary skills to secure employment prior to marriage. It would be advantageous if she is employed prior to being married, since being financially self-sufficient will enhance her self-assurance. She could easily reject avaricious young guys. Put simply, it would provide her with the utmost self-assurance to take care of herself. It would be challenging to harm a prostitute who can respond to them in a similar manner.

Ultimately, the genuine resolution can only be achieved when there is a powerful mobilisation of public sentiment against the practice of giving and receiving dowry. Until every person perceives it as a malevolent force, eradicating it will be challenging. Hence, it's imperative to approach this task with utmost urgency and use all available government media platforms to achieve this objective. Until both the elderly and the young, men and women, and even children consider it societal problem, no amount of legislation can eradicate it. Therefore, the issue can only be resolved via a unified, unwavering, and collaborative endeavour by all individuals to disseminate awareness about the societal malpractice of dowry.

The dowry system is widespread throughout several segments of Indian culture. Dowry refers to the monetary or material assets that parents provide to their daughter upon her marriage. Dowry is a kind of assistance provided by the bride's parents to newly married couple in order to help them start a new household. This tradition is ancient. In the past, it was not unfavourable since it was optional, but nowadays it has transformed into an essential detriment.

The dowry system has deeply permeated our culture. The parents do not find birth of a daughter to be a joyful event. When a girl reaches adolescence, she might be seen as a financial and emotional burden on her parents. They encounter significant challenges in locating a suitable marriage for their daughter. Obtaining a marriage alliance with a wealthy and esteemed family is challenging due to the absence of a substantial dowry. Despite being gorgeous and well-educated, a daughter from a poor family cannot marry a wealthy man's son. Several young women resort to suicide in order to protect their parents from harmful practice of dowry.

This tradition is fundamental source of several other vices. Parents acquire funds in both legitimate and illegitimate methods in order to fulfil the excessive desires of bridegrooms.

The Indian Government has made the decision to eradicate this malevolent force from our society. Legislation is being enacted to eradicate this significant malevolence. Young individuals are also emerging to express their opposition to this affliction. Individuals should make a commitment to combat this significant malevolence regardless of the expenses involved. It tarnishes the reputation of this esteemed nation. Men should actively work to eliminate this negative stereotype.

DOWRY DEATHS

Dowry is a social practice that educated Indians would not openly acknowledge with pride, even though many still follow this very objectionable custom. The practice of dowry persists, with both giving and receiving parties involved. Even among educated segments of society, dowry is a crucial component of the talks that occur in arranged marriages. At the marriage ceremony, the items that make up the dowry are shown with pride in the wedding hall. Dowry continues to serve as a prominent indicator of social standing. Many marriage discussions fail if the bride's and groom's families do not reach an accord. News reports often highlight instances of dowry killings involving recently married brides.

While dowry is practiced in other nations, it has particularly become a significant obstacle to the progress of modernization and development in India. Various justifications are presented to explain this custom. The purpose of a dowry is to assist the newly-married couple in establishing their own household.

The dowry is provided as recompense to parents of the groom for expenses they've incurred in education and rearing of their son. While these answers may seem rational in the current context, they fail to elucidate the origins

of this behaviour. To trace the roots of dowry, one would need to go into ancient times. The discussion of dowry must include the less common practice of bride price, which is essentially the opposite of dowry. While the exact origins of these traditions are uncertain, it's reasonable to assume, dowry and bride price emerged after establishment of monogamy. Essentially, statement implies that dowry and bride price emerged after monogamous marriage had become widespread.

However, monogamous marriage is the result of humans adapting from animal promiscuity. Humans are the only species that engage in monogamy, whereas all other species are promiscuous. Therefore, it may be inferred that the establishment of monogamy by humans occurred at some point throughout the extensive development of their species. The concept of monogamy has undergone gradual development, as may be seen from historical accounts such as the Mahabharata, where five Pandava brothers shared single woman.

Promiscuity evolved into polygamy/polyandry, and via several iterations, monogamy eventually became the prevailing system. With the presence of promiscuity, the concept of dowry or bride payment was completely absent. The emergence of these two behaviours might be attributed to abandonment of promiscuity in favour of polygamy. These two types of marriage are inherently contradictory to one other. Polygamy refers to the practice of one male being paired with numerous women, whereas polyandry refers to the practice of one woman being paired with multiple males.

The presence of contrasting customs of dowry and bride price might be attributed to the historical practice of polygamy and polyandry. Emergence of polygamous and polyandrous types of marriage may have been prompted by shifts in demographic equilibrium between males and females. An increase in the female population relative to the male population creates favourable conditions for the development of polygamy. The likelihood of polygamy, when several women are married to a single man, is higher in this community.

In the absence of polygamy, in culture with a higher female-to-male ratio, a significant percentage of women would be unable to get into marriage. The need for male member to marry more than one female member may have led to the emergence of dowry as payment demanded by male and his family from female's family.

Concept of bride-price may have originated in a situation where there was a surplus of males compared to females, leading to a higher number of potential suitors for each female. This might have resulted in the practice of polyandry and the establishment of a bride-price.

In addition to this overarching notion, there were several situational circumstances that contributed to the emergence of dowry and bride-price practices. These variables can be more firmly determined. In the case of India, these activities might be attributed to the dialectical nature of our caste structure. The tension arising from conflicting impulses within the caste structure has led to the practice of endogamy, which prohibits intermarriage between individuals belonging to different castes. The genesis of dowry and bride-price may be attributed to same dispute. Therefore, the conversation on these two practices would need to be interconnected.

Dowry, alternatively referred to as Dahej or Hunda, denotes the remuneration presented by the bride's family to the groom's family during the Kanyadanam ceremony, which may take form of cash or products. The Kanyadanam ceremony holds significant importance within the context of Hindu matrimonial rituals. Kanya denotes the daughter, whereas danam signifies a gift. One plausible hypothesis regarding the origin of dowry is that it emerged as a result of the betrothed and his family taking on the onerous responsibility of providing financial support for bride for the duration of her life.

In contrast, the bride price pertains to the reciprocal provision of products or monetary presents by the bride's family in return for bride's hand in matrimony. Hence, the bride-price transaction can be described as a form of reciprocal exchange.

An important differentiation can be observed between bride-price and dowry: former was more prevalent among tribal communities, Vaishyas, and Shudras; in contrast, Brahmins and Kshatriyas were more receptive to the latter. The rationale behind the emergence of this peculiar amalgamation is contingent upon conjecture.

Vaishyas and Shudras were predominantly tasked with performing manual labour and menial duties in antiquity. The arrival of bride into family resulted in an augmentation of the workforce, as she could contribute to family's revenue alongside other members. The family from which the bride originated experienced the unfortunate death

of one of their breadwinners. Therefore, a dowry was given to the parents of the bride as a kind of compensation for this deprivation.

Brahmins and Kshatriyas were assigned exclusively to perform religious and martial responsibilities, without any physical work being entrusted to them. Marriage included the addition of a dependent member who needed financial assistance, placing a strain on groom's family because the bride didn't work and contribute to household revenue. Therefore, a dowry was accumulated to cover the extra financial responsibility that arises when a bride joins the groom's household.

1.3 Definition of Dowry

The term "dowry" is currently defined as any form of property or valuable asset that is given or agreed to be given, either directly or indirectly, in context of marriage. This can include gifts provided by either party to marriage, as well as contributions made by the parents or any other individual involved in the marriage, either before or after the wedding. The case of *Pawan Kumar v. State of Haryana*. It was determined that agreement isn't always required. The continuous request for a television and scooter was considered to be a request related to marriage, hence such request would be classified as dowry according to the definition. It's important to observe that the Act defines the term "dowry" not only as what the bride's parents provide to bride and groom, but also what the groom gives to the bride. To clarify, if the groom provides property or valuable assets to the bride or her father as part of their marriage, it would also be included in the concept of dowry. Original Act defined the phrases as "as consideration for marriage," but they've been replaced with the words "in connection with the marriage." Revised definition addresses concerns raised by Joint Parliamentary Committee and also expands upon it, albeit it can no longer be considered a strict definition. This becomes evident when one observes that wedding gifts, regardless of their worth, are not considered part of the dowry. A more appropriate phrasing would be "anything that is not considered a wedding gift is considered a dowry." We have used a significant amount of verbiage without accomplishing a substantial outcome. It's true, seemingly, two safeguards against abuse of "presents" are laid down:

- (a) All gifts presented to bride or groom at moment of matrimony must be recorded in an inventory, excluding those presented prior to or subsequent to the wedding, and
- (b) Such presents should be commensurate to financial status of giver¹.

Doubts regarding the effectiveness of the rigmarole language in this provision, which purports to define dowry, are justifiable².

1.4 Historical Background

A Hindu-approved matrimonial union has consistently been regarded as a kanyadan, irrespective of its form. According to Dharmashastra, virtuous act of kanyadan is deemed incomplete until bridegroom obtains a dakshina. Brahma form of matrimony places significant emphasis on the kanyadan and varadakshina rituals, which entail the exchange of gifts and the relinquishment of the daughter. The father is directed to attire his daughter in opulent apparel and jewellery, with the intention of bestowing her as a present to a personally invited bridegroom. Bridal gregar should possess erudition in the Vedas and exhibit virtuous conduct. The qualities and qualifications of the groom were unambiguously delineated by Manu. It's universally accepted that any presents bestowed upon a daughter by her parents, relatives, or acquaintances in honour of her matrimonial union shall be regarded as her stridhan. Due to the fact that varadakshina comprised cash, clothing, and jewellery, it was contended that these items also belonged to the stridhan, or bride's property. The argument was that the twist is unnecessary. Indeed, having been presented as a gift to the newlywed, varadakshina naturally became his. Varadakshina was undoubtedly bestowed as a token of affection and esteem for the betrothed; nevertheless, the precise sum demonstrated was contingent upon the economic standing of father of bride. The action was executed voluntarily and without any form of coercion. It's noteworthy that the funds contributed by the bride's father and spouse, in addition to the donations of apparel, jewellery, and other items, were regarded as her stridhan. They were presented to the betrothed as an expression of her devotion and affection. Presumably, they were intended to

¹ Section 3(2).

² Section 2: See *State of Karnataka v. M.V. Manjunathgowda*, AIR 2003 SC 809.

provide her a kind of economic stability during difficult situations. The practices of giving presents to both the bride and groom in Hindu weddings grew intertwined and eventually took on the alarming label of dowry. Obtaining dowry became to include persuasion, coercion, and sometimes even force, leading to the transformation of most marriages into a transaction.

Over time, the practice of dowry has become a pervasive malevolence, and it has now reached alarming proportions. Remarkably, it has disseminated to other tribes that previously did not use dowry. Instances have been brought to public attention when brides, due to their inability to provide the promised or anticipated dowry, have been subjected to physical and mental abuse, deprived of food for extended periods, confined to unpleasant rooms, physically and psychologically tormented, strangled or burned alive, or coerced into committing suicide. In order to eliminate the widespread societal problem of dowry from Indian culture, Parliament enacted Dowry Prohibition Act in 1961. This law is applicable to all individuals, including Hindus, Muslims, Christians, Parsis, and Jews.

However, the endeavour was in vain, and the malevolence of dowry persisted in its dominant position. In attempt to strengthen Dowry Prohibition Act of 1961, a number of Indian states attempted to amend it, but to no avail. These endeavours proved to be ineffectual in diminishing, let alone eradicating, the issue of dowry. Two factors were cited in the 1982 report of Joint Parliamentary Committee on Dowry as contributing to failure of dowry prohibition law: According to Section 2 of Act, dowry doesn't apply to gifts in the form of money or commodities, provided that such items were exchanged for the union. Nevertheless, substantiating the claim that gifts or presents presented prior to, during, or subsequent to matrimony were bestowed in return for the union is exceedingly challenging. One fundamental rationale is that the donor would never acknowledge supplying the item in return for matrimony, given that both bestowing and receiving dowries are regarded as transgressions. Moreover, an effective enforcement mechanism was absent from the Act. In order for a court to consider dowry-related offences, a complaint must be submitted within one year of date offence was perpetrated. Predicting initiation of a complaint by the betrothed, her parents, or other relatives is an impractical endeavour. Parents are generally the ones who shoulder majority of dowry demands. They're reluctant and hesitant to come forward for fear that doing so could expose their daughter's vulnerability.³

Regrettably, the expansion of education hasn't been effective in reducing the societal problem of dowry. In fact, the educated younger generation has become more assertive, as they and their parents expect to recoup every penny invested in young man's education. In some cases, there are even demands for additional expenses to send the young man abroad for further studies. Indeed, in many groups, marriage is increasingly being used as a means to accumulate wealth and satisfy unmet financial desires, regardless of their appropriateness or fulfilment. The higher the level of education of a young man, the greater the expectations for dowry. Therefore, it was determined that the legislation was ineffective in preventing this malevolent behaviour. We may recollect words of Pt. Jawaharlal Nehru:

“Legislation cannot by itself normally solve deep rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential, so that it may give that push and have those educative factors as well as the legal sanctions behind it which help public opinion to be given a certain shape⁴”

The Committee on Dowry has put forth several recommendations in an effort to give the law more fangs. Majority of these recommendations were ratified by Parliament, resulting in passage of Dowry Prohibition (Amendment) Act, 1984, and Dowry Prohibition (Amendment) Act, 1986.

In light of foregoing, SC stated in *Vakas v. State of Rajasthan* that not only society but also effective implementation of Act must regulate receipt and payment of dowry. Society must devise methods to combat this menace.⁵

³ For instance see, Dowry Prohibition (Bihar Amendment) Act, 1975; Dowry Prohibition (West Bengal Amendment) Act, 1975; Dowry Prohibition (Orissa Amendment) Act, 1976; Dowry Prohibition (Haryana Amendment) Act, 1976; Dowry Prohibition (Himachal Pradesh Amendment) Act, 1976; Dowry Prohibition (Punjab Amendment) Act, 1976. Most of these statutes provide for enhanced punishment for dowry offences; one or two years, imprisonment or fine of Rs. 5,000.

⁴ Speaking from the floor of Parliament in the Joint sitting of both Houses of Dowry Prohibition Bill, 1961 on May 6, 1961.

⁵ AIR 2002 SC 2830.

Conclusion

In Hindu mythology, it's believed that weddings are predestined, but unfortunately, the involvement of mothers-in-law, sisters-in-law, husbands, and other relatives in breaking the marriage bond for the sake of dowry is on the rise. Dowry death, murder, suicide, and bride burning are manifestations of a distinct social ailment and represent regrettable consequences of our societal structure. In recent decades, India has experienced the pervasive and severe consequences of dowry death system, which is prevalent across all segments of society. It's a common occurrence that not only married women are subjected to harassment, humiliation, physical abuse, and coercion to commit suicide or leave their husbands, but thousands are even killed by being burned alive because their parents cannot meet the dowry demands of their in-laws or husbands⁵.

It's evident that the new family member may have little motivation to use and, as a result, doesn't consider her own belongings as belonging to her. This treatment originates from the longstanding Hindu idea that children are considered as the "possessions" of their parents. Consequently, the bride, like the son, is seen as the possession of the family. The dowry she provides is then used according to the desires of the in-laws, often to marry off their own daughter. This leaves the bride entirely dependent on husband and his relatives. Frequently, dowry is considered to be of more significance than girl herself. Her procreative power, which seems to be initial foundation of marriage, is often overlooked. She is increasingly perceived as a convenient means of accumulating consistent money and fortune. As previously mentioned, dowry demands frequently persist long after the marriage ceremony, and if a demand is not met, it can lead to ongoing harassment of bride and even her death.

As humanity progressed through the twentieth century, advocating for equality under the law and equal protection, it became evident that these ideals held little significance due to the deplorable and distressing state of affairs. Consequently, laws were enacted to address this issue through protective discrimination, in order to give substance to the concepts of equality and equal protection under the law.

Every day, we encounter newspaper articles that discuss cases of dowry deaths. Obtaining an accurate depiction is challenging due to the diverse and conflicting nature of statistics. The NCB recorded an annual average of 6,000 dowry fatalities in 1995.⁵ In 2007 dowry deaths u/s 304B of IPC have been reported total of 8093 by NCRB, New Delhi⁵. Based on recent police report, there was a notable 170% surge in dowry-related fatalities from 1987 to 1997. The aforementioned official estimates are universally regarded as substantial underestimates of the true state of affairs. Unofficial estimates cited in Himendra Thakur's 1999 article "Are our sisters and daughters for sale?" place annual death toll at 25,000 women, with numerous others left disfigured and marred by suicide attempts.⁵

There are clear causes for the under-reporting. Similar to other nations, women exhibit hesitancy in reporting threats and abuse to law enforcement due to apprehension of potential reprisals targeting both themselves and their family. However, in India, there is an additional deterrent. If someone tries to involve the police in conflicts related to dowry transactions, it could lead to the woman's family members facing criminal charges and possibly being sent to prison. Furthermore, it's improbable that police intervention will effectively halt the requests for dowry payments.⁵

A significant number of the victims perish due to immolation—they are drenched in kerosene and ignited. Consistently, in-laws assert that the occurrence was merely an unintentional event. Kerosene stoves commonly seen in impoverished families pose a significant safety risk. When the evidence of malicious intent becomes too conspicuous to disregard, the narrative shifts to suicide. According to reports, the wife was unable to adapt to the changing dynamics of family life and consequently took her own life.

Research conducted in late 1990s found that law enforcement often hastily dismisses numerous fatalities. The police record of the interview with dying woman, which is frequently conducted in the presence of her husband and relatives, is the primary factor in deciding whether an enquiry should continue or not. As demonstrated by Vimochana 6, the statements made by victims in a moment of shock and under intimidation from their husband's relatives typically undergo significant changes in subsequent interviews. It was observed that when the victims were daughters-in-law, the police either ignored their statements or considered them to be mere coincidences.

Young married women are especially susceptible.

Traditionally, they reside in the residence of their spouse's family after the wedding. Matrimonial unions are commonly orchestrated, frequently in reaction to solicitations in print publications. While factors like as rank, caste, and religion may influence decision, it's undeniable that money plays a significant role in transactions between families of bride and groom.

Annappa Caleekal, critic, remarked on the increasing prevalence of dowry, specifically in the past decade. "The price of the Indian groom astronomically increased and was based on his qualifications, profession and income. Doctors, chartered accountants and engineers even prior to graduation develop the divine right to expect a 'fat dowry a

s they become the most sought after cream of the graduating and educated dowry league."

On other side of dowry equation, daughters are invariably perceived as an undesired liability, exacerbating the already marginalised status of women in Indian society. The prevalence of gender-based abortions is significant, with about two million cases. Out of the 1,133 instances of "unnatural deaths" of women in Bangalore in 1997, only 157 were classified as homicides, while 546 were labelled as suicides and 430 were categorised as accidents.

According to Vimochana activist V. Gowamma, out of the 550 cases reported from January to September 1997, 71% were classified as 'kitchen/cooking accidents' and 'stove-bursts' after investigations u/s 174 of CrPC were conducted. A significant percentage of female infants are born each year. An article highlighted the offensive billboard advertisements in Bombay that specifically urged pregnant women to invest 500 rupees in a gender test, with the promise of "saving" a potential 50,000 rupees on dowry expenses in the future.

According to UN Population Fund report for year 2000, there has been a significant increase in female infanticide over the past decade. Additionally, the mortality rates for infant girls are 40% higher compared to infant males. In numerous regions of our nation, even in the present day, pregnant women, filled with anticipation, are fearful of delivering a female offspring due to the potential repercussions associated with the delivery of a baby girl. The presence of a female child in the family instills concerns about the potential for dowry-related harassment. Critics of dowry system point to fact that situation has worsened in 1990s⁵.

With the liberalisation of the Indian economy, the disparity between the wealthy and the impoverished has increased, along with the economic instability experienced by the bulk of the population, including those who are reasonably affluent. The recipe created a situation of intense conflicts that have resulted in the exacerbation of certain societal issues.

According to analyst Zenia Wadhvani, India is currently witnessing a significant increase in recorded cases of dowry deaths and bride burnings, despite its remarkable economic progress and the rapid growth of its middle class. The Hindu tradition has undergone a transformation, serving as a method for alleviating poverty, increasing one's riches, or obtaining the modern amenities that are frequently promoted on television.⁵

Statistics depict a daunting portrayal of married women. Every six hours in India, women are either immolated, fatally assaulted, or coerced into taking their own lives. Up to 6500 women are annually killed. Every day, 20% of married women experience physical abuse. Approximately 3 to 4 million women experience severe physical abuse. The UN states that domestic violence is most widespread type of abuse against women. Despite numerous acts of cruelty inflicted upon women, only 10% of these occurrences are officially documented.⁵ Instances of domestic abuse against women are not exclusive to India.

The official incidence of domestic violence is considerably lower compared to the United States. According to UN figures, an average of one woman is subjected to physical abuse every 15 seconds in the US. Violence in all countries is intertwined with a combination of cultural underdevelopment that places women in a subordinate position, together with the tensions arising from increasing economic insecurity and deprivation.

An idea about gravity of problem can be had from large number of reported cases of cruelty and torture by NCRB during 1997 number was 36592, in 1998 - 41376 and 1999 - 43823, in 2007 - 75930 respectively that demonstrate an increase of 5.9%.⁵ The purpose of this chapter is to penalise a husband and his family who inflict torment and persecution upon the wife, with the intention of compelling her or any one connected to her to comply with illegal requests or to compel her to take her own life. In order to increase the effectiveness of the punishment, Section 498A stipulates a three-year prison sentence and a fine for husband or his relatives who subject a woman to cruelty.⁵

However, in India, capitalism has created a direct connection between marriage and money by exploiting the traditional practice of dowry. Additionally, the increasing social divide in the country is exacerbating the everyday struggles, resulting in violent acts that are particularly harsh and disgusting.

The anti-dowry laws in India were established in 1961, making both the relatives of the husband and woman involved in the dowry practice subject to criminalization. The legislation itself has proven ineffective in curbing dowry sales and the accompanying violence. Law enforcement agencies and judicial systems are widely known for disregarding incidents of abuse against women and fatalities related to dowry. Legislation criminalising domestic violence was not enacted until 1983.

7.1.1 Constitutional Validity of Amendments

The amendments to IPC for incorporating Section 304B and 498A have been declared valid by various courts. In *Polavarpu Satyanarayana v. Soundaravalli*⁵, The husband, who faced prosecution u/s 498A, I.P.C. for subjecting his wife to cruelty, contested the definition of 'cruelty' provided in the Section as 'arbitrary' and 'delightfully vague'. He argued that this definition violated fundamental right to equality guaranteed under Article 14.

Andhra Pradesh HC acknowledged that the term 'cruelty' cannot be precisely defined, but concluded that it's not unclear in its meaning and hence doesn't violate the Constitution. Every case must be evaluated based on the specific facts of that case and the historical events that led to the change. In response to the second argument that legislation cannot specifically target some relatives, such as in-laws, for punishment, and therefore violates fundamental right to equality, the court disagreed. Given that dowry deaths pose a significant risk to women, it may be appropriate to classify husband and relatives as a distinct group.

This categorisation is rational and aims to accomplish the purpose of the recent legislation.

If a lady dies under the aforementioned circumstances, it will be assumed that the husband and his relatives are responsible for the death due to dowry, unless proven differently, and they will be held accountable for the crime. In this case, the accused bears the responsibility of providing evidence to prove their innocence, which is different from other offences where the accused is assumed to be innocent. Clause (2) mandates a minimum sentence of 7 years of incarceration, with the possibility of a life sentence, in the event of dowry death.

A prominent characteristic of crimes resulting in dowry deaths is that they consistently occur within the secure confines of the home, and the perpetrators are predominantly immediate family members, such as the brother-in-law, mother-in-law, and sister-in-law, who reside in the same household. The phenomenon arises as a result of the exploitation of recently married women by their husbands and their relatives, who are actively colluding with each other. The familial bonds are so robust that the veracity will perpetually remain concealed, leaving no eyewitnesses to provide testimony against the culpable party in a legal tribunal.

The circumstances are hostile to an early or easy discovery of the truth.

While punitive measures may possess sufficient formal intent, effectively implementing them presents a formidable challenge. This is reason why culpable individuals escape punishment and are rarely brought to justice.⁵ Implementing punitive along with preventive measures with resolute determination is critical in order to curtail practice of dowry-related fatalities. Additionally, law must be strengthened in its efficacy. In *V. N. Pawar v. State of Maharashtra*, SC stated that police should be more vigilant in regard to such offences⁵

.... The increasing frequency of wife-burning tragedy necessitates a proactive response from the country rather than complacency. In order to prevent the occurrence of such heinous acts, it's imperative to establish police sensitisation mechanisms. Similarly, proper law should include specific rules that make it simpler to establish certain fundamental facts for proving a distinct category of murders.

Justice Dr. A. S. Anand in *Kundula Bala Subrahmanyam* observed:

An disquieting surge in incidents involving harassment, torture, abetting suicides, and dowry-related fatalities of young, innocent brides has been observed. This expanding cult of exploitation of young brides continues unabatedly, despite fact that each incident sends shock vibrations through civilised society. Constant erosion occurs with regard to fundamental human values of tolerance as well as "live and let live" philosophy.

The economic dependence and lack of education of women have provided motivation for avaricious perpetrators of crime. It's even more alarming and purported that in majority of these reported cases, woman is primary perpetrator of crime against younger woman, while husband either remains silent or actively engages in the illicit activity, completely neglecting his marital responsibilities. In numerous instances, it has been observed that the spouse retains the status of "Mamma's baby" even after the union, and umbilical cord seems to have remained uncut during that time!"

Undoubtedly, women continue to be the oppressed group and hence require laws and procedures to safeguard their rights. However, it's concerning that certain laws and procedures have the potential for misuse. Despite the existence of strict laws, the mistreatment of married women in India continues to be a prominent and widely discussed issue, attracting much analysis and even making headlines. There is an additional facet of the situation that is equally disheartening and troubling, yet it remains unaddressed, unexamined, unanalysed, and disregarded by those who hold influence. The issue at hand is the alarming and increasing abuse of anti-dowry laws by estranged spouses and their family, who are fraudulently accusing innocent husbands and their families. Empty text.

There is an increasing inclination among women to involve a significant number of relatives from the husband's family in order to educate them. The reason is straightforward - the more individuals involved, the greater the likelihood of obtaining a substantial sum of money to resolve the issue.

Several spouses and their relatives are being subjected to harassment by deceitful wives and their misguided parents, who exploit dowry rules to the point of pushing them towards suicide. Specific legal measures are designed to protect the rights of wives. However, these provisions can be problematic if they are abused, leading to significant harassment for those who do not comply. In addition to that, the conflicts have become so great that they cannot be resolved, and there is no possibility of reconciliation between the parties.

Fear of being implicated and harassed by a woman on a false dowry charge is so strong that the husband and his parents choose to end the marriage rather than attempt to reconcile and expose themselves to the potential risks of legal trouble, loss of respect, and mental distress. These fears are not entirely baseless.⁵

Further, in *State v. Srikanth*,⁵ Karnataka HC observed that: "Roping in of the whole of the family including brothers and sister - in- laws has to be depreciated unless there is a specific material against these persons; it's down right on part of the police to include the whole of the family as accused."

Women may experience harassment and suffering for various reasons, including forced marriage, financial difficulties, lack of privacy due to living with extended family, incompatibility, the husband's habits such as drinking, smoking, or sexual dissatisfaction, psychological issues, or inability to conceive. However, the most common way to address these problems is often by accusing the husband and in-laws of harassment and demanding dowry.

The courts in India have observed numerous instances of the misuse of dowry ban statutes when resolving family conflicts. The statute, intended to facilitate the restoration of social and economic empowerment for women in a deeply patriarchal society, has been improperly utilised in numerous instances, as acknowledged by the highest court. In the cases of *Preeti Gupta v. State of Jharkhand* (2010) and *Sushil Kumar Sharma v. UOI* (2005), not only the husband but also all his close relatives were falsely accused. These actions of excessive implication are frequently employed with the sole intention of causing harm in personal vendettas, resulting in a form of modern legal terrorism.'

Suggestions

The current imperative is to substitute animosity, avarice, self-centeredness, and rage with reciprocal affection, reliance, and comprehension. If women were to acquire knowledge and achieve financial autonomy, the prospect of this harmful societal malady naturally ceasing to exist may not be a mere fantasy.

Regarding the enforcement of laws against dowry, it's frequently claimed that anti-dowry legislation is more commonly violated than adhered to. However, it's important to acknowledge that dowry is a socio-legal issue that cannot be effectively addressed alone through legislation. It requires active participation and cooperation from

members of society, alongside law enforcement institutions, in order to combat this problem. Furthermore, it's imperative to generate social consciousness and rally public sentiment against the practice of dowry through a comprehensive educational initiative at all levels, with a particular focus on rural areas. In recent times, several voluntary non-governmental agencies and social organisations have been actively involved in assisting dowry victims and exposing those responsible for dowry crimes. They have been able to achieve this through community support and guidance. In addition to these efforts, it's important for legal aid workers, including law teachers and students, to take the lead in eradicating dowry through an intensive legal literacy programme. This programme should not only be implemented in urban cities and towns but also in remote village areas.

Based on the above discussion and observations, following recommendations are proposed to revise the relevant provision through appropriate changes and by raising awareness among the police, courts, and to some extent, women and society as a whole.

1. Appointment of Dowry Prohibition officer: -

All state governments should promptly implement preventive measures such as designating a Dowry Prohibition Officer. In addition to their responsibilities, it's imperative for the officer to generate public consciousness on the issue of dowry through the organisation of seminars and similar events. Several state governments have established the position of DPOs in order to deter the exchange of dowry. However, it's worth noting that in several jurisdictions, no instances of dowry-related cases have been documented by DPOs. The institution, such as the DPO, should be fortified to effectively regulate and prevent dowry-related fatalities.

2. Speedy clearance of Dowry cases: -

Pursuant to the mandate of SC, it's imperative that these matters be resolved expeditiously within a period of six months. However, several instances have remained unresolved for a period of 12 to 16 years, as arrests made under dowry-related laws are not eligible for bail. Individuals who do not have access to sufficient resources to obtain legal assistance are confined in jail for extended periods of time. The majority of these individuals affected are elderly individuals.

3. Legal help to victims: -

Due to the lack of legal knowledge among most victims, and the fact that many accused individuals were unaware of the existence of sections 498A and 304B until they were imprisoned. Legal assistance can be offered to safeguard the rights and welfare of numerous individuals who have been accused or arrested, as well as their family members.

4. Using of dowry prohibition laws with double edge:-

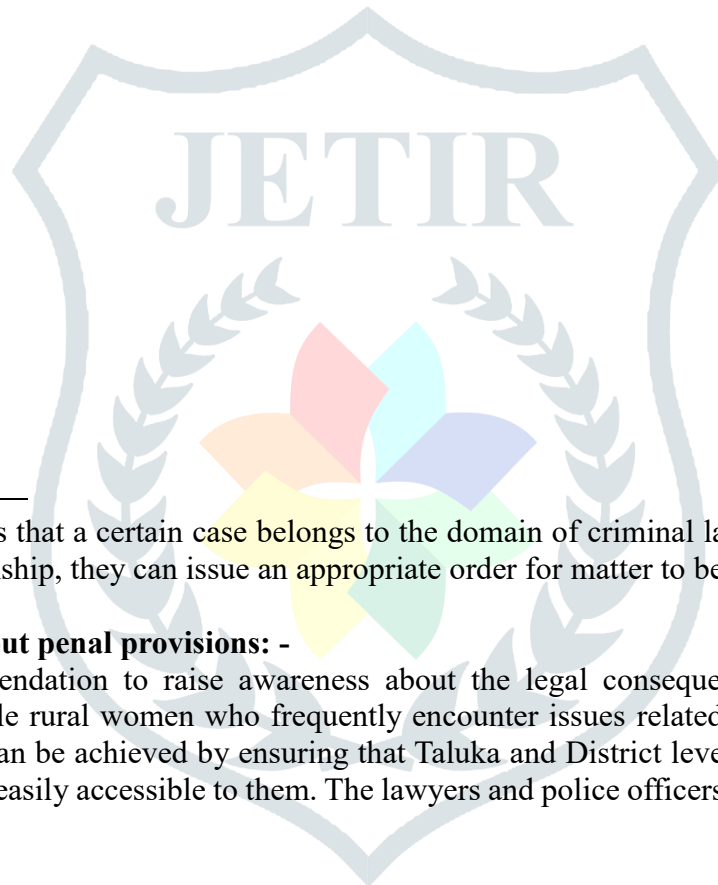
According to section 3 of the DPA, both giving and taking dowry are considered criminal offences. The exact same clause might be applied to the bride's family for providing a dowry. Many instances have emerged where young women, driven by the need for fast money, have falsely accused their in-laws, seeking to acquire the in-laws' lifelong wages and savings for themselves and their families. Simultaneously, women are subjected to victimisation inside a patriarchal society. The law is ambivalent and requires reassessment. Or should be employed with extreme caution. If greed is to be addressed within the framework of criminal law, it's important to recognise that it's not exclusive to the groom's family alone.

5. Rethink on Legal terrorism of dowry sections under IPC: -

To deter baseless and trivial accusations, it's proposed to reclassify the dowry offence under CrPC as compoundable and bailable, rather than non-compoundable and non-bailable. We are not prepared to adopt a perspective that weakens the effectiveness of dowry-related provisions to the point of undermining their objective - which is to safeguard women against acts of violence. It's necessary to adopt a comprehensive and unbiased perspective when considering the advantages and disadvantages.

6. Handing the cases of dowry demand by the civil court: -

In instances of cruelty and harassment related to dowry demands, the responsible investigating agency should be the civil authorities. Due to the delicate nature of the offence and to prevent any awkwardness in interpersonal relationships, it's necessary for the investigation of these offences to be entrusted to civil authorities such as Executive Magistrates. This would empower civil court to resolve issues related to excessive influence and unintended consequences, while also providing the benefit of considering the potential for marital reconciliation.



If the Magistrate determines that a certain case belongs to the domain of criminal law and there is no chance of reviving the marital relationship, they can issue an appropriate order for matter to be tried in a criminal court.

7. Creating awareness about penal provisions: -

There is a strong recommendation to raise awareness about the legal consequences of the section among impoverished and vulnerable rural women who frequently encounter issues related to misbehaviour caused by drunken individuals. This can be achieved by ensuring that Taluka and District level Legal Services Authorities and/or reputable NGOs are easily accessible to them. The lawyers and police officers should be reminded of their moral and legal obligations.

8. Declare Dowry Killing a social stigma: -

Exclusively adopting a punitive approach to address dowry issue is not suitable. It's necessary to associate some form of social stigma with it. Dowry killing is a unique form of crime in which the bride's elimination becomes an urgent requirement in order for the groom to be resold on marriage market and obtain a higher price. Elimination appears to offer a potential method for fixing the dilemma. Social reformists and legal jurists can develop mechanisms to prevent such a boy from remarrying, regardless of which family member committed the crime, and to punish the entire family, including those who were involved.⁵

9. Education of women to curb dowry deaths: -

There is a need for a social movement to educate women, especially in rural regions, about their rights. Furthermore, it appears that the eradication of the dowry system would naturally occur after women attain education and economic autonomy. To enhance outcomes, it's advisable to initiate a PR campaign to educate individuals at all levels on the intricacies of legal regulations pertaining to dowry. It's important to prioritise and emphasise enforcement schemes. The current imperative is the awakening of collective consciousness.

10. Responsibility of courts: -

Courts must take on a larger duty and it's anticipated that they would handle such cases in a more pragmatic manner, ensuring that criminals are not able to evade justice due to procedural technicalities.⁵