

# LEGALFOXES LAW TIMES

## THE BURNING BRIDE AND THE LAWS IN INDIA

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### INTRODUCTION

India is a developing nation having been pacing with the globalization era but if it is looked into condition of women it fails to keep its position. If we trace back to the ancient period around the era of Vedic age where women were given the highest status in the society and were treated God like , this got deteriorated every progressing day and in the present age their value is nothing but confined to four walls of the house. Today, India is a ocean full of problems but among all these the most burning issue that is being rising every single day is the issue of bride burning and the dowry system. As we say that India is a land of cultural values where people worship God in the form Shakti, it can be set ironically that though they Worship Goddess Lakshmi, Durga , Shakti but it takes them hardly any second or minute to burn their bride for dowry cases which is rising in one or other part of the nation. Dowry in a sense means the money or estate that wife brings to her in-laws in marriage. To wipe away all these heinous crimes, various laws and judicial efforts have been made but these could not act as a medicine to these issue rather it is going worse day by day and the lives of the brides are taken away.

### PREVAILING OF DOWRY SYSTEM- THE MAIN REASON OF BRIDE BURNING:

The dowry system has been prevailing in India since ages but now there has been big difference, earlier brides' family gave the groom's family voluntarily as token of love, care and gratitude making the ritual pious while in today's age dowry system has been misinterpreted and used in a exploitive manner. The ritual which used to held in a pure form now has taken the position of evil practice. In today's society the groom's family cunningly extract money from the girls' side by taking huge amount of money, jewelleries, estate, or electronic equipment. Further, this evil practice is taking lives of young girls of our society.

here. The misery here does not end, the in-laws treat their daughter-in-laws in a very worst manner and regard her as inferior of house. In spite of handing over so much to the groom they didn't even bother to look at the girl instead they go on demanding more of dowry till they get satisfied or else they torture the bride which sometimes results in death or burning alive. This the very root where the crimes emerges and takes it to the maximum height.

This heinous crime has flapped its wings so wide that even the laws are getting failed to cut it<sup>1</sup>. The main cause behind prevailing dowry system are-

**Societal scenery-** Indian society has become so poisonous that it giving birth to varieties of crimes and among them dowry is the most highlighted one. As in Indian society, the structure that has been drawn by people is the most biased one that is male chauvinism where male group is valued over females.

**Illiteracy-** The most important factor that contributes to stop this evil practice is education but this is lagging behind which in result giving wings to dowry system. Illiteracy has turned the society into patriarchal. Millions of girls are stopped from acquiring education because of poverty and superstition based ideas. All these contribute to the rise of evil practice.

**Traditional customs and practices** now has been misinterpreted and has been taken a demonic practice costing the lives of many girls. Making girls confined in the four walls of a room and not letting them to the field of education along with considering them as a 'commodity' who can only cook and serve the family. All these narrow minded thoughts has made a home for unwanted and heinous crimes.

**Anti-dowry laws in India:**<sup>2</sup>

1. To erase this evil system Sindh LetiDeti Act of 1939 was passed.
2. Thereafter, the first national anti-dowry legislation was passed named Dowry Prohibition Act in 1961, but due to its ineffectiveness it got amended in 1984 then again on 1986 to make it more effective and stricter including Law Commission

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<sup>1</sup>Dr. Virendra Kumar, 'Bride Burning' (2004) 364 The Lancet [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(04\)17625-3/fulltext#%20](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(04)17625-3/fulltext#%20) . Accessed on 6 Feb, 2021.

<sup>2</sup>Vijay Pal Singh, "Bride Burning Laws in India" <http://www.legalserviceindia.com/articles/brbu.htm>. Accessed on 6 Feb, 2021.

91<sup>st</sup> report 1983, recommended certain provisions in IPC, Cr.PC and Indian Evidence Act to eradicate this demonic practice.

3. In IPC section 498-A was added which says that if cruelty is done by the husband or his relatives shall be punishable up to three years.
4. Section 304-B provides that if the death of the women is caused by any burns or bodily or occurs within seven years of her marriage or she has been harassed by her husband or any relative in her in-laws immediately before her death then such death shall be called as dowry death and sub-section (2) says that punishment with a minimum of seven years which may extend to imprisonment for life.
5. Section 174 and 176 of Cr.PC, mainly deals with the investigation and inquires into the causes of unnatural deaths, by the police and magistrate respectively.
6. A new section 113-B was added in the Indian Evidence Act, which says that the burden of proof in dowry deaths according to which the Court has to presume that a dowry death was caused by the person who is shown to have subjected the woman to cruelty or harassment soon before her death.

#### JUDICIAL EFFORTS:



Besides these, judiciary has played its important in combating dowry system from the Indian society. In the case of *KundulaBalaSubrahmaniam v. State of Andhra Pradesh*,<sup>3</sup> Supreme Court directed that this evil system and deaths of women should be dealt with more sensitiveness and in a realistic manner. In another case *StreeAtyacharVirodhi v. DilipNathumal Chordia* <sup>4</sup>, the Supreme Court held that while dealing with these cases the court has to be more concerned and should look that no criminal is escaped.

Despite of all these laws and judicial efforts this evil system is rising to its height . There has been 58,000 incidents and over 6,7000 dowry murders in the year of 2005, this notifies that it is increasing in its high level. And moreover many cases go unreported and unnoticed.<sup>5</sup>

#### CONCLUSION:

<sup>3</sup>1993 SCR (2) 666 1993 SCC (2) 684 JT 1993 (2) 559 1993.

<sup>4</sup>1989 SCR (1) 560 1989 SCC (1) 715 JT 1989 (1) 247 1989.

<sup>5</sup>*Ibid*, 1.

Bride burning in India has risen to a great extent and many prevailing laws have are unable to stop this rampant , to completely eradicate this evil system it has to go to its root cause where is it has germinated. First and foremost things is everyone should be educated specially female section has got to go the field of education where they can groom themselves and aware of their value in the society. The societal structure has to be changed, the prevailing patriarchal society has to be wiped off and a new light of thinking has to be inculcated. Merely going through the provisions and acting according would not eliminate these rather more stricter and more stringent laws are to be enacted. Effective NGOs, committies should set up to look all these matters sensitively. It should be backed by administrative and political authorities.

