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## DOWRY DEATH: A BRUTAL MURDER

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*Abstract: India is a land of oppressive patriarchy and where the responsibility for women is not given in the countryside of India as they are thought to be housewives, children and raising children. India is a country with an oppressive patriarchy. States like Haryana are infamous for female feticides in India and certain towns have no women and males can scarcely get married. When a woman in India gets married, the burden is thought to shift to the family of her husband, which means that she asks her bride's parents for a dowry in return. This article emphasises the role of the law in the abolishment of dowry deaths in India. The definition of dowry-murders is as 'woman's death by burning,' and 'she has been subjected to cruelty or harassment for, or in connection with, a demand for dowry, within seven years from her marriage.' Although hearing of one's wife's burning death should shock the consciousness, dowry deaths in India are, sadly, so frequent that eyebrows rarely arise when it is revealed that her husband and/or her in-laws have murdered a woman.*

**Keyword:** Dowry, Death, Burn, Prohibition, Murder

### **Introduction**

In many societies, domestic violence is unfortunately common. In particular, for India, 45% of its 496,4 million women get 'slapped, knocked or beaten by their spouses' and family members each year. Tragically "for many women in India, violence might be normal since they believe that their husbands have the right to dominate over them" Many of the Indian women therefore believe that it is fully legitimate for their husbands to 'discipline them' through physical and verbal abuse. Dowry deaths have been cultivated and grown in the Indian community under this norm of domestic violence. In India, dowry deaths are classified by law as, "A woman's death due to burn or bodily harm, under otherwise normal circumstances, in seven years since her marriage, and immediately before her death, her husband or other relatives, who had been

*exposed to abuse or harassment for or with respect to any application for dowry, has become apparent.”*

Therefore dowry death is a form of domestic violence, according to its Definition, directed particularly at married women who cannot satisfy their husband and lawyers' money demands.

The authorities and society often do nothing to tackle the torture and murder of the victim when brides are burned to death. According to some scholars, *“in official circles, police, judges, politicians and the massacre of women by dowry, harassment and beatings and murder are often either frequent or routinely ignored or even supported tacitly.”*

### **Origin of Dowry System and Dowry Death**

On average five women in India suffer dowry torture and cruelty every hour. In India, it is estimated. A research in 2010 suggests that every 90 minutes an Indian woman is killed. This amount does not take into account the other means of killing women whose families do not satisfy dowry demands. 8,391 dowry-motivated murders have been reported in 2010 alone. This is significantly more than the 7,000 instances recorded in 2003.

Moreover, because the bride's family simply does not advertise death, because it is regarded as disgraceful, thousands of fatalities are still unrecounted.

Even while numerous causes contribute to dowry deaths, the main cause of such murders originates from marital problems caused by the husband's and his family's excessive demands for a bigger payment.

The fact that *“the Indian families now employ dowry as a rapid way for riches to accumulate and increase their living standard”* complements this purpose. The husband and his family will not stop to get the dowry because the dowry is seen to have huge economic benefits. Even if it does involve the assassination of the bride, who seemed a hindrance to prevent the husband from economic gain.

It is first important to revise the historical tradition of dowry at the time of a woman's marriage before the concept of dowry burning can be properly comprehended. It's also vital to understand how a different society believes that the value of a woman correlates to financial rewards she may give the family of her husband who have modified the original aim of the dowry. In India, dowries are a long-awaited ritual during the marriage process. During the late Vedic period, the dowry of 2500 to 1500 B.C. indicated typically the property that the woman brought for her own

purposes to the marriage. Dowry has an important role in Hindu marital custom, which is known as Kanyadaan. The dowry has always had to leave everything behind, and join her new family, to voluntarily give a bride as a measure of economic protection. Given the social expectations that women should not work outside the family, the dowry was a contribution of the woman to the beginnings of a new marriage and a new family. The Kanyadann, who brought the bride into her marriage, was considered sacred and granted both her power and her rank in marriage. The custom of dowry in India, however, saw a dramatic transition as a result of *“creasing consumerism and a growing desire to connect social prestige with marital commodities.”*

Presently, the term ‘dowry’ refers typically to any *“unilateral transfer of resources from the family of the bride to the groom's family to permanently invite them to their homes and....is, consequently, compensatory payments to the family, which accepts hypothetically to keep them for the rest of her life.”*

Whilst exchanges of dowries were first aimed at protecting the woman, the current definition shows how women are not currently regarded as equal to their husbands, but as a burden that may be degraded by the entire family of husbands. It was under this social concept of dowry, dowry deaths evolved as a type of compensation for ‘putting up with’ the bride.

In the contemporary occurrence, the modification of the dowry practise was significantly influenced by the low standing in Indian society of women. For example, the transferral of property and material goods to women under traditional laws of heritage. This is generally considered a burden for women, because use is made in their education and their dowry by significant family resources, which otherwise males would inherit. In addition, as Indian women are expected to break all relationships with their family after they are married, they are unable to help and promote their parents when they are elderly. Thus, few families are prepared to spend on women's children the minimal resources that they have.

Other harmful facts have been created by the tension between the conventional family bonds and women's demands. The low social position of women and the need to achieve economic prosperity resulted in high rates of female infanticide, abortion, and abuse and malnutrition of women. Indeed, *“about 50 million girls are missing from the Indian population”* because of child abortion and infanticide. The woman is considered a burden for her husband and family since the women have a low value on the woman's life. This bad image of a woman is the

standard that her family can be quickly disposed of as soon as her dowry to satisfy the husband and his family is not supplemented.

The notion that the dowry death phenomenon was promoted by the integration of western consummism, leading Indian families *“to see dowry as a way of escaping poverty and quickly accumulating wealth and material goods with little effort,”* was another dominant view explained in the emergence of modern dowry practises and dowry-related deaths. This consumer desire has led to a total of 3 to 6 times the annual male income of dowry in villages.

As a result, the dowry requirements far surpass the bride's annual income, making it difficult for her to match the expectations of the husband and ensure that the bride is protected against dowry related violence.

Although the exchange of donations between both families takes place, the process is controlled by the husband's family. The reason is that the economic value of man is considered more important than the economic value of woman, which is directly measured by his degree of education. Therefore women are sometimes at a disadvantage in the desire to prioritise their education before the daughter. Although a woman has the chance to reach a high degree of education in the uncommon circumstances, *“the bride's education levels and capability to earn are only relevant if they make him a better wife and mother.”* It is therefore clearly acknowledged that the value of women can only be judged when they are married and by their ability to bear their husbands' male heirs. The bridegroom and family have an unbroken power to demand the dowry to pay for the wife's perceived weaknesses during her marriage by measuring the value of a woman via her performance as a wife and a child-bearer.

Sometimes, before the advent of marriage the family of the bridegroom asks for a dowry. But since the need for dowry re-emphasizes the dominance of the male family over the female family, many do not require money until well after the marriage rites have been finished. The approach to strengthen the bridegroom's authority over his wife is extremely efficient, because the shame and disgrace connected with unsuccessful marriages compel the bride and family to fulfil the dowry requirement.

### **Statistics of Dowry Death in India**

The following table represents the number of dowry death occurred from 1995-2019:

Table

Year	Number of Dowry Death
1995	4648
1996	5513
1997	6000
1998	6975
1999	6699
2000	6995
2001	6851
2002	6822
2003	6208
2004	7026
2005	6787
2006	7618
2007	8093
2010	8391
2011	8618
2012	8233
2013	8083
2014	8455
2015	7634
2016	7621
2017	7466
2018	7166
2019	7115

Source: National Crime Records Bureau. Crime in India-2007. New Delhi: National Crime Records Bureau, Ministry of Home Affairs, Government of India; 2008.

### **Role of Bride and her Family in Dowry Death**

In-laws have a major role in making dowry for the bride and her family; they pressure their own son to harass and torture his wife in order to get large-scale amount. The typical family system is fairly prominent in India and the relatives also live together. Marriages are not made by the consent of the bride or the bride but are arranged via talks among the two families. Thus in these homes guys marry for material goods rather than for love.

The family of the bride allows their own daughter to be harassed and tortured for fearing society. They refuse to support the bride if she tries to return home since it is a shame that a daughter returns to her parents, according to social beliefs.<sup>1</sup> The dread of family honour and the tabou of unsuccessful marriages has caused the brides to reject their parents when after their abuse they try to return to her. The social stigma is powerful, more important than the lives of their own children, so strong that they choose to see their daughters die before them instead of having their abusive husbands separated.<sup>2</sup> There is therefore nothing to do with many Indian brides and they cannot anticipate any protection from their family. The family ignored the violence and even attempted to encourage the bride to come back to the abusive husband and family.



### **The Dowry Prohibition Act, 1961**

A major awareness of dowry cases occurred in the final quarter of the 20th century. The Government was thus compelled to establish provisions on 'dowry death' and 'cruelty,' dowry harassment, etc, as the existing punishment of the perpetrators of the Dowry Prohibition Act 1961 didn't seem to work in controlling the threat, and hence was obliged to modify the Indian Penal Code 1860. However, over 70% of the population has been estimated to be unaware of the Dowry Prohibition Act. The legislative provisions of Dowry Prohibition Act, 1961 (with amendments of 1984 and 1986) together with those of the Indian Penal Code are therefore relevant to understand.

- Dowry:

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<sup>1</sup> <http://hindu.com/fline/fl1617/16170640.htm>

<sup>2</sup> [http://www.essortment.com/all/dowrydeathsind\\_rgcg.htm](http://www.essortment.com/all/dowrydeathsind_rgcg.htm)

Dowry was defined as 'any amount and money, property or security offered in connection with the marriage of the parties before or any time thereafter,' as provided for by section 2 of the Dowry Prohibition Act 1961. It must be proved to escape the jurisdiction of the Act that:

- The gifts were presented without demands;
- they were included in the list as prescribed by rules;
- the bride or the groom was given the list, which was to be preserved after the signature of the two.

The dowry law is rather rigorous. Section 3 of the Dowry Prohibition Act, 1961 stipulates a minimum sentence of five years and a fine of 15,000 rupees (or the equal value for any greater dowry) for the donation or the taking of dowry. The penalty shall be imprisonment for a minimum period of six months and a fine, regardless of if the request is met.

If any person except the bride actually receives the dowry, it is required by law that person to transfer the dowry to it within 3 months from receipt of the bride. If not, the penalty for jail shall be a minimum of six months and the penalty shall not be less than the dowry obtained (section 6). In addition to obtaining the aforementioned dowry, penalties are levied in accordance with Section 3 of the Act

- Dowry Death:

The Criminal Law (2nd Amendment) Act, 1983 defined Dowry death under section 304-B of the Indian Penal Code. The most important factors of dowry death are:

- It only concerns women's death.
- The death is caused or other than in usual circumstances, by burns or physical injuries.
- It must occur within 7 years of marriage.
- It needs to be demonstrated that, shortly prior to her death, her husband or family were subjected to cruelty/harm.
- This cruelty/hostility was a demand for dowry, or in connection with it.

Section 113-B of the Indian Evidence Act 1874 reinforces this presumption of culpability, which provides that *“where cruelty or harassment is demonstrated before the deaths of the ladies with regard to dowry request, dowry death shall be imputed against such a person.”*

### Conclusion

Wife burning is the cultural problem which a simple pronouncement of its illegality cannot successfully tackle. If the Indian government does so proactively, the dowry murders continue to prevail in Indian companies unless they proactively repair the underlying shortcomings of the Dowry prohibition act. The government must perform its responsibilities to India's women with concrete measures geared to fight dowries at their roots, rather than excuse such violence as a private family affair. Whether or not the government wishes to implement the ideas mentioned above, it is evident that adequate actions must be done to eliminate the uncertainties that make the act ineffectual. Unfortunately, Indian women will continue to be victims in their own homes unless the Act is stringent to offer the victims the protection they were supposed to provide.

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