

CRITICAL STUDY OF DOWRY DEATH IN INDIA

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Abstract

In India dowry refers to a property or any valuable security that is given or agreed to be given by one party within a marriage to another party. In India, the part who agreed to give dowry is mainly the parents of a girl to the groom's family. Taking dowry is itself a crime and prohibited as per the “Dowry act 1961”. However, as per this research, it has been found that the act, which is imposed in this country for the prohibition of dowry, was failed due to various limitations within it. Dowry death is a major social issue, where a bride commits suicide or being killed by their husbands due to their intolerable demand and abusive behaviour. The main aim of this research is to analyse the current state of the dowry system in India and determine the effectiveness of existing legislation in preventing dowry death.

As per the literature findings, the major reason behind the dowry death issues within India is the lack of awareness regarding the legislation associated with girls’ education and job opportunities. As per the literature, decreasing rate of dowry deaths in India is mainly caused by regular amendment of legislative structure to seek proper justice. A secondary thematic analysis has been endured in this research to identify various effects of the dowry system, main causes as well as gaps in legislative structure. As per the findings, it can be stated that proper education and empowerment in India can reduce the tendency of dowry deaths and make women confident to protest.

Keywords: “Dowry Deaths”, Empowerment, Education, “Dowry Act 1961”, “discrimination”, “Financial instability”, “Suicide”, “Social Programs”.

I. INTRODUCTION

1.1 Statement of research problem

Dowry deaths refer to a situation in which brides commit suicide or their husbands kill them after their marriage due to their dissatisfaction caused by the failure of the brides’ families in paying dowries. Despite enviable modernisation of this country and expanding rate of middle class families, dowry-deaths kept on rising in this country due to poor societal and ineffective legislative structure in past few decades. However, the figure 1 has reflected a different phenomena though a news article published by “Indian Express” in 2020. The number of death cases in 2020, has decreased slightly with amendments in Dowry-death Prohibition-acts. In 2020, there were 17 cases of dowry-deaths;

whereas in 2019, the number was 52 . Amendments were made in some of the terms of Indian dowry-death related legislations, which resulted in an improvement in curbing this issue.

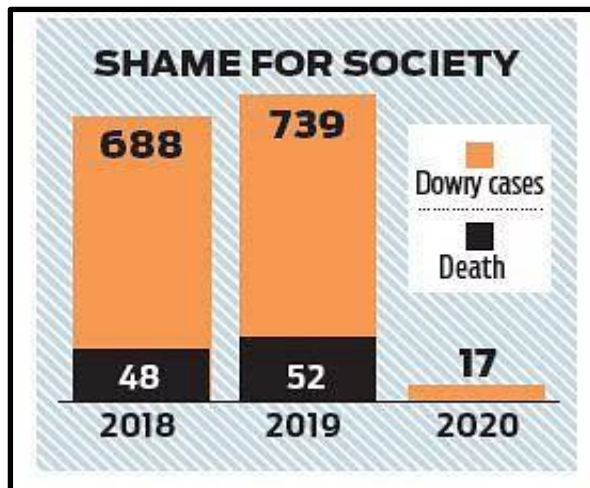


Figure 1: *Decrease in number of dowry-deaths*

In terms of rural areas, there exists a high level of income inequalities, orthodox societal structure and gender inequalities, which are impeding process of establishing a healthy societal structure by alleviating dowry systems from India and preventing dowry-death cases. Thus, it is essential to reinforce legislation in these areas by enhancing awareness. Present study has provided a critical understanding of factors influencing dowry-deaths in India and ways proper measures and legislations can reduce this issue.

1.2 Research objectives

Aim

To analyse the current state of dowry system in India and determine the effectiveness of existing legislation in preventing dowry death

Objectives

- To identify factors that are leading to increasing number of dowry-deaths in India
- To assess the efficiency of current legislation in preventing dowry deaths and providing proper justice to victims of dowry-deaths
- To provide proper suggestions to enhance efficiency of legislation for curbing this issue

1.3 Research questions

- What factors are influencing dowry system and dowry-deaths in India?

- How much effective is the existing legislation in preventing dowry-deaths and providing proper justice?
- What measures can be adopted for enhancing effectiveness of dowry legislations in India?

2. Literature review

2.1 Spread of dowry-deaths in this country

The major reason behind the spread of dowry-deaths in this country include absence of proper awareness regarding the legislation associated with girls' education and job opportunities especially in suburban and rural regions of this country. On other hand, increased purchasing-power and patriarchal-mindset within Indian society are fueling the establishment of a strong dowry system in this country. With the continuous growth of state economy, men become the recipients of enhanced economic opportunities. On contrary to this, women do not get adequate access to these opportunities. As this development increases, people belonging to a particular gender start to leverage this opportunity to the fullest and they start to demand in an irrational way during the time of their marriage.

Income and gender inequalities are major causes of an increased rate of dowry-deaths as women's power is decreasing at a rapid pace. However, with several amendments made in existing legislation regarding dowry-deaths, there has been a significant decrease in dowry-death cases in India over the past few years. In 2020, there was a significant reduction in dowry-death cases. However, it is essential to spread awareness regarding legal consequences of dowry and deaths associated with dowry system in Indian rural areas to enhance effectiveness of legislations. As per figure 2, dowry-death has decreased significantly in India and Statista research-department published this study in 2021.

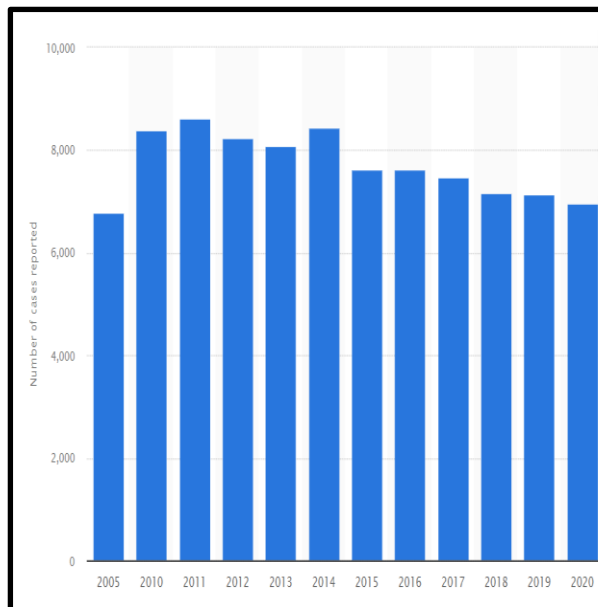


Figure 2: *Decreasing rate of dowry-death in India*

2.2 Factors leading to an increase in dowry-deaths in India

Illiteracy is considered as one of the fundamental elements in Indian society that is leading to an increase in dowry-deaths in India. In underdeveloped or suburban areas of India, people are mostly illiterate and lack awareness regarding consequences of this and laws that prevent dowry-deaths in India. Further, Illiteracy often limits economic-opportunities in suburban and rural areas, which makes the families in those areas compelled to make irrational dowry demands. Besides that, families of the brides also play pivotal role in enhancing risks of dowry-deaths as they consider that giving their girls in exchange of dowry and in most cases, the groom's families are not satisfied with the amount given as dowry, due to which they start to torture the girls both mentally and physically. However, the bride's families consider it to be shameful to protest against this and even, if the girls become victims of murder, the families remain silent due to fear of abuse and harassment from grooms' families. This type of attitude provides the family of the grooms with an opportunity to continue with their existing mindset and deprives victims of any kind of administration-of-justice on their behalf.

In some areas, women are still not allowed to work as wage laborers that reduces their financial strength and gives their husbands with ample

opportunities to torture them, in case, their families do not pay a satisfactory amount as dowry to the groom's family. In rural and suburban areas, weakening of formal state-institutions and strengthened informal gender-institutions families make their daughters stay in groom's house even if they are being abused and this type of attitude of brides' families put them at high risk of murder or dowry death. In most cases, it happens due to the existence of a taboo in relation to divorce in Indian traditional settings. In India, results associated with education of female citizens and their involvement or participation in workforce is highly contradictory.

In some regions, females do not have access to opportunities of education and jobs, which reduces their financial freedom or independence causing them to bear their husbands' torture if their families find it difficult to satisfy the husbands their families with the given amount as dowry. It could be due to the weak societal, political and economic structure in some areas, which is strengthening the dowry-system and enhancing risks associated with dowry deaths. Most common types of dowry-deaths include drowning, poisoning and burning. Therefore, the major causes of heightening number of dowry-deaths in India are female education, lack of participation in workforce, weak societal structure and so on.

2.3 Dowry-prohibition act and its efficiency in preventing dowry-deaths

A range of different legislations has been passed with an aim of eradicating dowry system in India and reducing cases of dowry deaths. For example, "Dowry Prohibition Act, 1961" has been enacted for preventing dowry deaths. "Section 2" of this act considers the following elements:

- The death of a bride has been resulted from bodily injury or burns or in other ways than natural circumstances
- Death of the women has occurred due to unnatural causes within 7 years of their marriage
- Soon prior to their death, the brides were subjected to harassment or cruelty by their husbands or their in-laws in relation to any demand associated with dowry

- Dowry will be considered as a property which is taken from parents of either-party involved in marriage before or at anytime after marriage linked with marriage of said parties

A few loopholes are there, in the legislation and these were amended several times for ensuring that the victims get proper justice. This act has laid down a range of different punitive and preventive measures against this existing peril. However, still there are some issues when it comes to achievement of the objectives of this legislation. The main reason behind lack of desired improvement lies in lack of awareness regarding the act in different portions of Indian society. Further, in some cases, some problems were evident when it came to applying the legislation in the dowry-death cases; an expression in this act was interpreted in an inappropriate manner in one of the dowry-death cases in India. For example, in the case of “InderSainVs State of Punjab”, the expression “as consideration for the marriage” was interpreted differently with an attempt to narrow it down.

As per the decision of court, “consideration” was limited to reasons or motives, rewards or compensation will not include demanded properties. However, there was a problem in understanding if the type of reward or payment that is legal and the ones that are illegal. For this the act was amended and as per new legislation, concept of rewards or gifts are allowed in an Indian marriage; provided that they do not impose extra financial burden over either party involved in marriage.

3. Research gap

The major gap in this study is linked with unavailability of real-time information regarding dowry deaths in this country due to an increased number of unreported cases. As secondary information has been collected, it has restricted researcher from getting access to current information as in most cases, this is not available on the internet. Further, it has been difficult to provide proper recommendations that could aid in curbing this issue through reinforcement of legislations such as “Dowry-death act, 1961”

4. Research methodology

4.1 Data collection

Secondary data-collection methodology was considered in the present research-paper for gaining access to reliable data associated with different factors that are fueling growth of dowry-deaths and efficiency of existing regulations in preventing the same. Secondary-data collection has been appropriate for this paper as it has aided in gaining a deep insight into different facets of dowry-death issues in India. Besides that, it has aided in collection of original information as researcher has considered collection of all the data related to dowry-deaths and associated legislations from different authentic secondary sources including reliable websites, case law articles and journals. It is to be noted that collection of primary information would have been much beneficial, as it would have included provision of collecting real-time information.

This might not be possible when it comes to collecting information from secondary sources of dataset. However, collection of authentic primary information would have been challenging as participants in rural areas would have hesitated to share all requisite information due to shame especially in case they have been victims of this dowry system. Thus, it has been highly appropriate to collect secondary-information in present paper as it has reduced probable difficulties that could have been faced if the researcher considered collecting information from different primary sources.

It also aided in reducing risks of facing ethical obligations as it would have included provision of working with vulnerable groups of Indian society when conducting primary research. Further, use of this data-collection methodology has made it possible to consult various authentic sources of data that has aided in collecting exact numerical data regarding death cases caused by dowry-death in India. This helped in deriving proper conclusion from collected information in this study.

4.2 Data analysis

As secondary sources have been reviewed for collection of researcher’s requisite data, thematic analysis has been selected for generation of a range of various themes considering major objectives of this research as

well as variables included in this study . Major variables of this study include dowry legislations and effectiveness of dowry-legislations in demolition of dowry system from Indian society; factors affecting dowry-system and many more. This has aided in ensuring development of an effective research result as it has become possible to synthesise amongst the themes and develop proper relationships amongst these variables to generate an effective result. Besides that, as objectives have been considered in generating themes, it has become possible to achieve each of the objectives involved in the study in an effective manner. Thus, thematic analysis has ensured reliability of the generated research outcomes as variables have been defined based upon research objectives and purpose of the study. This has further helped in developing proper triangulation of data collected through different sources of data that has made it possible to provide proper recommendations on best ways of alleviating dowry system from Indian society

5. Findings and Analysis

5.1 Data Interpretation

Theme 1: Dowry is the main reason behind Indian Parent's son preference than their daughters

As per findings, it has been identified that Indian parents prefer their sons and invest more money in their sons than their daughters. This is itself gender discrimination, which a girl child needs to face from their parents as well. This practice mainly leads to a male-oriented society, which is the reason behind all the crimes that are identified in India towards females . Dowry is often considered as the main aspect, for which Indian parents prefer sons in India. It has been found that, due to Dowry, parents intend to eliminate foetal and newborn girls.

Theme 2: Dowry is deeply rooted within Indian system and causes early death of female

As per reports, women in India are supposed to be beaten by their husbands and in-laws after marriage due to their dissatisfaction regarding dowry and willing to get more dowry from the women's parents . It can be identified that, almost a similar numbers of cases are found

from rural as well as urban areas, which is scarier for the society.

Nature of Death	Frequency of Cases	Percentage
Accidental	23	31.5%
Suicidal	35	47.9%
Homicidal	7	9.6%
Undetermined/ Pending Investigation	8	11.0%
Total	73	100.0%

Figure 3: Manner of Death

Abusive behavior sometimes leads to newly married young women to take a step for suicide, and sometimes they are brutally killed by their in-laws . The above figure, excavated from a study developed by "Vikas Gurbani and Shagun Thakur" stated that, suicide and homicide are the main reason behind the death of young women due to dowry issues. Young women get mentally vulnerable due to immense pressure and mental torture, which they get from their in-laws. They even feel ashamed regarding this issue and commit suicide in most of the cases. However, apart from suicide, husband or in-laws of those victims killed them, after immense mental and physical torture for a long period.

Theme 3: Despite implementation of Law 1961, Dowry is widely active in India

As per studies, it has been found that dowry is significantly prevalent in the states of Uttar Pradesh and Bihar in India. It can be also observed that, the overall proportion of dowry given by the girl's parents to their in-laws varies, in terms of the girl's age at the time of marriage, "spousal education" and "household socioeconomic status" . Limitations of dowry act 1961, was imposed 60 years back was the main reason behind the existence of Dowry in India, till today and there are some socio-cultural aspects, that is the main barrier for the implementation of any law. Dowry was termed as a light aspect, which leads to its failure for evading death of young women .

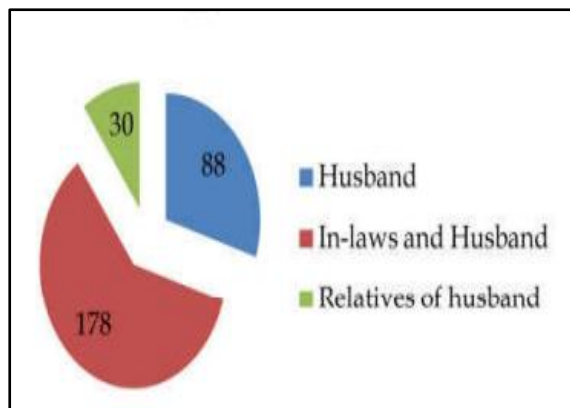


Figure 4: "types of Offenders"

The statistics reflected in figure 4 shows findings from another study, developed by "KarukuriRahesham" and his research team. This study has stated that, Socio-demographic profile is one of main aspects of these dowry deaths in India, which cause the death of women mostly by their in-laws and her husband, both slides .

5.2 Critical Discussion

Theme 1

In today's world, dowry payments in India have a Universal effect and the rate was scarier in previous times than today. However, in today's aberration as well, an Indian family starts to save money for dowry, as soon as their daughter is born. This whole circumstance creates plausible phenomena for Indian parents to prefer having a son . However, no such clear evidence is found, which tells that dowry is the main reason behind son preference for Indian parents. However, the circumstances and relatable events are the main evidence to reflect this concept.

Theme 2

As per the data found in the theme 1, most of the victim aged between 19-26 years old, and they can not survive after being tortured by their in-laws and they also wouldnot found any ways to get back to their parent's home. As a result, most of them take a bigger step by ending their lives . Financial instability is another important aspect of these young women, which made them take this step. A huge pressure on the bride's family imposed socially as well as financially, which needs to be reviewed by the government.

Theme 3

Dowry prohibition act 1961 was mainly failed due to poor public support. Under this law, the term "dowry" was introduced very casually by defining it, as a benefit of the wife or her inheritors and imposed a minimal punishment for the persons, who violate the norms. As a result, the law that has been imposed in 2005 was a savior for the society, if implemented correctly that talks about women protection and called "The Protection of women against Domestic Violence Act" . This law serves instant relief to the victim; however, the core socio-cultural issues are still alive in Indian society. These core socio-cultural issues need to be removed to prevent these deaths.

As per the above data, socio-demographic profile is an important aspect for dowry death and abusive behavior to young women in her in-law's home.

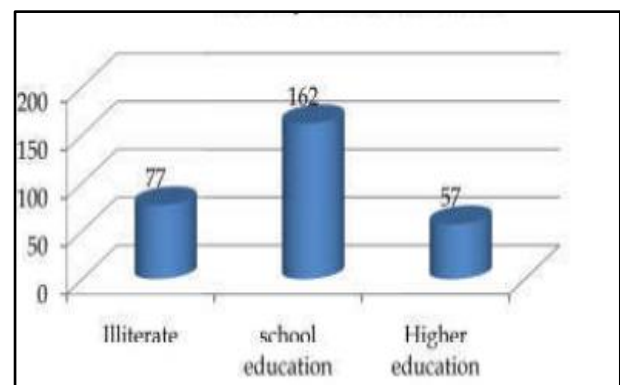


Figure 5: Literacy Rate of Victims

The above figure has been excavated from a study developed by "KarukuriRahesham" and it was found that, the literacy rate of victims is very poor and most of the victims only have school education or are illiterate (Rajeshamet al. 2017). Lack of literacy among these women, made them more vulnerable and weak while fighting against their in-laws, for mental and physical torture.

6. Recommendations

- It can be observed that the core issue within the dowry death in India focuses on the various restrictions of legislative structure and socio-cultural aspects. As a result, social awareness is a major factor that needs to be

undertaken by the Indian government to stop dowry deaths in this country.

- Social workers need to be engaged significantly in various states of India, where literacy rate is poor among women to prevent this issue .
- It has been identified that literacy rate among women, who are suffering from tinctures and abusive behaviour by their in-laws due to dowry issues, it is important for the Indian government to take necessary steps for generating programs to engage all the women and girls to have their proper learning.
- Educating and empowering women can be considered as the most effective aspect by the Indian government to improve social status victims and this can lead them to protest against their in-laws and seek for their justice.
- Moreover, Indian parents needs to be aware regarding the issues, which mind change their mind by not discriminating among girl child and boy child at the time their birth. They need to understand that they are not required to make their daughter marry to any family, who wants dowry from them.
- Social workers as well as influencers are the bridge, who can make them realize this social concept.
- Literacy among Indian Parents is another important aspect to prevent these issues and change their mentality.
- Government of this country needs to provide social programs and awareness camps in order to make the parents realize that they need to spend money on their daughters for educating and making them self -reliant and independent alongside their sons .
- Apart from women protection laws and regulations, the government needs to focus on imposing laws regarding the rate of expenditure on marriages at weddings and make changes in them as required. This can be a major action for changing social issues and awareness among people needs to be spread, where they can refuse to attend any wedding, where dowry is given to the groom's family from the bride's family .

7. Conclusion

As per the above discussion, it has been found that, dowry is a major social malign in India and dowry is a decadent practice in India, which was implemented by the society. Moreover, it has been found that the limitations and the definition of dowry within the law imposed 60 years back against dowry was the main reason behind its failure. Despite having this law within our country, from many years ago, the rate of dowry was still the same and Indian parents are still vulnerable while dealing with their daughter's in-laws regarding their dowry demand. It has been found that, the rate of preference towards sons than daughter in India, maycaused by parent's fear of giving dowry to the in-laws.

As per the result, it has been seen that, the core socio-economic issues and cultural aspects are significantly dominating in India, which leads to these dowry deaths. As per the findings, most of the victims are aged between 19-26 years old, and they are either illiterate or have school education only. This is a major demographic aspect, which prevents young women from protesting against their in-laws and their husbands. Moreover, it has been found that, most of the victims take a step to end their life due to the immense torture they need to face at their husband's house due to their intolerable demand for dowry.

It can be concluded that, financial instability, less education, less women empowerment programs and facilities are the main aspects of these young women, which made them take this step. Though, after the amendment of dowry acts, women protection acts and engaging social programs, the rate of dowry in India has observed decline. However, still there are issues in rural as well as urban areas of this country that need to be reviewed for complete mitigating of this social vulnerability.

As a result, it was recommended to Indian government for taking more effective steps for developing literacy among women of rural areas of this country and makes them aware regarding the consequences they might need to face after agreeing with groom's family for giving them dowry at the time of marriage. Parents of this country are recommended to be provided with proper awareness to make them realize that they need to spend more money on their daughters to make them educated as well as empowered for

taking individual and self-resilient decisions against these crimes.

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