



THE DOWRY SYSTEM IN INDIA

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ABSTRACT

The dowry system in India is very crucial part which plays an important role in death of many women's in the country .To overcome this the dowry system should be discussed and should be clarified .The dowry system in India will take place during the time of marriage where the bride family gives some gift or jewellery or immovable property to the bridegroom family. The dowry took place from the medieval period. By dowry system there are many violence against women which leads to the death of the women. Bride is treated very unpleasantly without care by the bridegroom and by his family for the dowry. This is illegal in the eyes of law in India.

Introduction:

In India marriages are made by traditional values and ethics. where the dowry system is one of it which later creating violence against women. There are many violence against women as rape, domestic violence, dowry system. The dowry system happens in all families. There is no rich or poor for the dowry. Mostly in many families both bride and bridegroom's family have no bother about how good they are and how intellectual they are; they see only how much dowry is going to get for them. By these there is more violence after a few months or years of marriage. The women's by these dowry systems are getting affected socially, economically and traditionally and there is no care for health by these types of harassment.

According to definition of the dowry under "section 2" of "Indian Dowry Prohibition Act 1961" it is clear that dowry is a property which a woman brings to her husband at the time of marriage and which also includes the land ,properties, valuable securities given or agreed to be given directly or indirectly at the time of marriage .

2. History of Dowry System

The dowry system started at the time of the medieval period. At the time of marriages the bride's family gives kanyadanam for the bride groom's family. Kanya means daughter and dhana means gift . The kanyadanam was followed by varadakshina (gift to the bridegroom at the time of marriage). At the time of ancient period the dowry system (giving gifts) was followed by the Brahmanic castes and bridewealth was restricted to the lower caste families and they are not allowed to give the dowries. These dowry system were not there in the vedic period. There was an increase of property rights for women in the ancient period of India. As this was followed slowly in all families in the society which was caused socially , economically and religiously this later led to the hyper cruelty in the society for womens and for her families by the bridegroom's family and they are not stopping the cruelty even at the time of marriages they also later continuing it after children birth . If the child born was a girl child then they show their cruelty towards the women on both the reasons of dowry and birth of girl child aspects. The dowry was later done with the secret when the dowry prohibition act 1961 was passed.Later the amendment of dowry prohibition act 1961 took place in 1984 .

3. LAWS RELATED TO DOWRY SYSTEM:



First the law related to the dowry system was Dowry Prohibition Act 1961 and this came into force on 1st July 1961. This act came into force for dowry harassment laws effectively prohibiting the demanding, giving and taking of dowry. Later Anti-Dowry -Law has come into force to stop offences of cruelty by the husbands or from his relatives against his wife. New provisions were added to Indian 'criminal Law' under section 498A of 'Indian Penal Code' and section 198A of 'criminal procedural code' in the year 1983. In 2005 the protection of women for domestic violence act was passed, this is added as the other layer of protection from dowry harassments

- THE DOWRY PROHIBITION ACT 1961.

The dowry prohibition act 1961 combined the anti- dowry laws which were passed by certain states. There are many remedies for the dowry system such as compensation (penalties), punishments etc ... The penalty for dowry prohibition act was given in the "section 3" of dowry prohibition act 1961 that is "If any person gives or takes or abscess giving or taking dowry ". and the section 4 of drowry prohibition act 1961 is "the penalty for the demand of dowry". The punishments for this would be imprisonment for 5 years maximum and minimum of 2 years and not less than 6 months and fine of more than 15000 or the value of dowry received. Later here the punishments or penalty for giving or taking dowry is not applicable in the case where they are given at the time of marriage without any demand and by their willingness. Then later after this act came into force the dowry agreements were void ab initio (means to be treated as invalid from the outset.) The government of India has framed the

maintenance of lists to bride and bridegroom rules, 1985 in this there are several state level amendments to dowry prohibition act 1961.

- ACCORDING TO THE CRIMINAL LAW THE PUNISHMENTS:

Indian criminal law comprehensively amended dowry as a punishable offence. under "section 304" of "Indian Penal Code " 1860 which made a dowry death an offence with minimum imprisonment for seven (7) years and maximum of life time and under "section 113B" of "Indian evidence act 1872" for additional presumption for dowry death that woman had been undergone for cruelty on account of dowry death and these sections enabled conviction of many who are not caught by dowry act 1961. The abetment of suicide of "section 306" of Indian Penal Code is an offence within seven(7) years of marriage and "section 406 of IPC" is offence for criminal breach for trust ,and applies in the cases of recovery of dowry as it is beneficial for women and for her relatives . under "section 302 of IPC" is a murder for these the court allows the death penalty of the perpetrators of the offence made. The "section 498A of Indian Penal Code" describes the protection of women from cruelty and harassment of dowry; later this was constitutionally before the supreme court of India on grounds of abuse. There are many laws to stop the dowry harassment and crimes against women which is taking charge against the offenders.

- DOMESTIC VIOLENCE ACT (2005)

The domestic violence act was passed in order to provide the civil law remedy for the protection of women from domestic violence



in India. This domestic violence act includes all types of physical, verbal, emotional, economic and sexual abuse etc.....and the section 3 of dowry violence act tells that all forms of harassment, injury and harms a woman to meet an unlawful demand for dowry.

Remedies in Dowry violence Act includes:

1. Residence orders
2. Custody orders
3. Protection orders
4. Compensation orders

DEATHS:

There are many deaths of women in society by the dowry system. As there are many laws amended in India but there is no total hundred percent or minimum percent of change in the society in the deaths of women in aspects of dowry system. As we see many deaths, that as we saw in 2012 we see 8,233 deaths all over India and in 2013 there were 8,083 deaths and there is no stop of the deaths. There are many types of deaths by women in according to the dowry, the deaths may be in the type of suicide or murder by bridegroom family or etc..... As we see the dowry deaths are more in UP and Bihar in overall India. Actually there are many child marriages in India even in this modern period also, in some rural areas as there are many girl children and women are dead due to dowry harassment even at the time of child age for many girls. There are many girl families nowadays who are making to educate the girl as everyone has the right to education as per the law. In this modern period every parents are making their girl child to educate in equal to the boy child as the parents are even having financial problems. As previously the families used to not educate their children and used to save that money for giving the dowry. But now they are not saving, they are

making their child educate because nowadays education is becoming more important for every person to survive. There should be a minimum of education to every person in the society. These families cannot satisfy the orders of the bridegroom's families and by this the bridegroom family harasses the women for their orders which are not satisfied and which leads to death of women. There are many women who are attempting suicides in the modern period also this is happening only because of these dowry systems and cruel behaviour of bridegroom and there is no change in the mindsets of many people and becoming more rude against women. As though there are many women who harass other women for dowry on behalf of the bridegroom. As many of them even now think that if the girl brought more money or property then it is proud for the bridegroom family and even for some girls families also by these small families in society are facing problems of this dowry harassment. The way to overcome these dowries is to bring the change in the mindsets of the society in their view towards the dowry system. The change only comes when every person in the society comes to know that dowry is illegal and that it makes us lose our women in the society and the people should think as they should not take the dowry and should not give the dowry. The people change only when it comes to the knowledge about the problems of this dowry system, no one can change the people in society by the strict orders and laws. The strict orders and laws also should be included with, motivating people about the problems due to the dowry system in the society. Then only we can expect justice for every woman in the society . . .

SOME REFERENCE CASE LAWS



- Sunil Kumar Sharma v. Union of India
- Kuldip Singh And Anr. vs. State Of Punjab
- Arvind Kumar And Ors. vs The State Of Rajasthan
- Balkrishna Pandurang Moghe vs The State Of Maharashtra And Anr .
- Gopal Reddy vs. State Of Andhra Pradesh
- Baldev Singh vs. State Of Punjab
- Ashok Kumar vs. State Of Haryana
- Anil Kumar Guptha vs. State Of U.P
- Bachni Devi And Anr vs. State Of Haryana
- State Of Karnataka vs. M.V. Manjunath Gowda And Anr.
- The State Of Andhra Pradesh vs. Raj Gopal Asawa And Anr.
- Dhain Singh And Anr vs. State Of Punjab
- Dharma Chand vs. State Of Punjab
- Tarsem Singh vs. State Of Punjab
- G.V. Siddaramesh vs. State Of Karnataka
- Dasrath vs. State Of M.P
- Sanjay Kumar Jain vs. State Of Delhi
- Sham Lal vs. State Of Haryana Etc.
- Kans Raj vs. State Of Punjab And Ors.
- Kunhiabdulla And Anr vs. State Of Kerala
- Kaliyaperumal And Anr vs. State Of Tamil Nadu
- Kailash vs State Of M.P
- Raja Lal Singh vs. The state of Jharkhand
- Deen Dayal And Ors vs State Of U.P
- Raman Kumar vs. State Of Punjab
- SMT . Shanthi And Anr vs. State of Haryana
- Vinod Kumar Sethi vs State Of Punjab
- Prem Kumar vs. State Of Rajasthan
- Yashodha And Another vs State Of M.P
- Kunju Moideen vs. Sayed Mohammed
- SMT.Rajeshwari vs. The State Of U.P
- Satpal vs State Of Haryana
- M.Srinivasulu vs. State of A.P
- Kishan Singh And Anr vs. State Of Punjab
- Dinesh Seth vs. State Of N.C.T.Of Delhi
- Balwant Singh And Ors. vs State Of H.P
- Rajendran And Anr vs State ASSTT.COMMNR Of Police Law And Order With Criminal Appeal No .1139 Of 2003
- Bakshish Ram And Anr vs State of Punjab
- Gopal vs. State Of Rajasthan
- Soni Devrajbhai Babubhai vs State Of Gujarat And Ors .
- Alamgir Sani vs. State Of Rajasthan
- Arun Sagar vs. State Of Punjab

