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**DOWRY SYSTEM IN INDIA AND ITS LEGAL SIGNIFICANCES: A
REPORT**

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ABSTRACT

Dowry's crime, in recent times has become one of the worst and hottest problems in India. There are laws and regulations that are made and put in place by the national system; In addition, there are awareness campaigns and awareness programs launched by Administration and Non-Governmental Establishments that oppose the gift of Death and the Gift program in India, yet, despite the presence of these initiatives, the number of people killed by lobola has risen in the nation. Although the expansion of democratic and liberal ideas, contemporary measures, significant economic progress, the higher education system, and so on, there is still the assurance that the Gray zones exist wherever the country lacks growth and one such problem. that the current gift system is connected with death, which endures to rise over time.

The family of in laws murder a woman under the name of dowry to extort money or other favours from her, usually in the form of cash, property etc. It is irony that in the present age of modernism, the dowry has reached its new heights instead of coming down.

The Dowry Prohibition Act,1961, was enacted by the parliament to tackle the menace of rising dowry crime in India with stringent provisions in the form of section 304B(death), section 498A(cruelty) incorporated in the IPC. This analysis paper seeks to examine and analyse the legal provisions framed by the Indian system to reduce the frustration of doomsday deaths, highlight vulnerabilities and system improvements, as well as spotlight. Went. The way to improve any compensation in addition in the form of market remedies can actually benefit the affected party.

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Keywords: Dowry Death; Dowry Prohibition Act, 1961; Dowry System; Government; Section 113–B of I.E.A.; Section 302–B of I.P.C.; Section 498–A of I.P.C



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Introduction

“Whoever requires dowry as a condition of marriage not only disrespects women, but he also degrades his own nation, education, and womanhood. Such young people should be socially isolated and shunned.”.

- Mahatma Gandhi²

The concept of marriage is regarded as a civilised social system in which two individuals who are capable of entering into a marriage have dedicated themselves to established norms and values and promised to one other a very strong link to protect and sustain the marital obligation³. It is essential to the long-term survival of the human species. The woman was considered a burden in its own home, so the tradition of sending their daughter away has strengthened the concept of dowry. This custom can be summed up as the unquestioned belief that the young lady's family comes in second when it comes to staying with the child's family, regardless of her characteristics, so they should be on their best behaviour and make generous "endowments" to the child's family in order to please them. For many Indians, this ideal is so ingrained that they either destroy their financial well-being in order to pay for the prescribed prep at its correct price, or they try to avoid it by engaging in one-sided sex, becoming pregnant prematurely, or attempting female infanticide. It is one of the major determining components that prevent the rise of riches, veneration, and subjection that this exploitative system has made the practise of providing endowments and good wishes a required interest in. There is a saying that happy marriages are made in paradise. The woman has to leave the house of her own and she has to settle in other house which also remain distant towards it as she is not considered a legal heir. Gotra, nickname and femininity are all being abandoned by the young woman. At a very young age she was taught to work in home and be good so that her in laws find her a good bargain for their son. These aspirations have been dashed by an alarming rise in occurrences, including recent badgering to marry young girls for cash. To adopt a terror-mongering strategy that demolishes the marital household, in-laws are portrayed as outlaws. Almost the whole nation, as well as the majority of the populace, has been subjected to drilling operations. Affluent people with both accounted and unaccounted

² <https://lawbhoomi.com/dowry-system-a-menace/>, accessed on 1st August 2021, 3:34 pm.

³ <https://timesofindia.indiatimes.com/readersblog/legal-writing/divorced-daughter-is-better-than-dead-daughter-say-no-to-dowry-35455/>, accessed on 3rd August 2021, 6:07 pm.

funds have had a ball jiving and getting paid off. They enact their joint nuptials with much pomp and showmanship.

When a daughter marries, her parents must transfer their income and hard earned savings to her new husband. The bride's family pays the groom's family dowry, which can be cash, car, jewellery or a gift, when the couple gets married. For the wedding couple starting their life together, gifts such as cash, jewellery, electronics, furniture, crockery, cutlery, a car, and other requirements may be included. Dowry has been present for the age when the human began writing. In countries of Asia and Africa, dowry is considered a contract in which if the family of a girl do not fulfil the requirements, the marriage may be cancelled.

The Indian society has degraded much further due to the ill effects of dowry. Law makers will have a difficult time to counter the dowry system this entrenched and devious. Due to increased violence against women caused by dowry-related concerns, even though efforts to eliminate the practise stretch back over a century, it has emerged as a major social issue in the 21st century.

Dowry did not start necessarily as an evil practice. Varadakshina was a Dakshina in the Hindu Shastras who was entirely selfless, without whom Kanyadaan's good action would have been incomplete. For the bride's parents, their role was to provide security and compensation for their daughter's inheritance rights so that she could maintain an honourable and respectful life.

Marriages are made in heaven, but mothers-in-law, sisters-in-law, husbands, and other family members actively participate in the dissolution of unions because of dowry avarice. In this new age, the greed and jealousy increased much fold to look dowry as a status symbol in the society. The growing injustice against women, degrading status and alpha male concept has driven the society to do ill and malicious acts of killing and burning them. It might begin as a benign exercise and for the women's inheritance but as the time passed, it slowly has degraded into a tool for exploitation for women. The women of Indian society find no home whether in her parents or her in laws. She was made to look weak in the society to look as an object which can be used for all kind of small house chores work and ask no further questions. A society can never rise if its women are not treated as par with men. This is the reason today we lack in overall societal development as compared to other developed world. Their women were the main factor in their economy running and taking the society together.

So it is not wrong to assume that a society's overall development was much dependent on its status of women.

Married women are subjected to a variety of abuse, including beatings, sexual assault, threats of suicide, and other forms of maltreatment on a daily basis⁴.

Because of India's dowry system, the bride's family is put under a lot of financial stress. Given the seriousness of the issue, legislators have made measures to eliminate legal loopholes and enact new provisions to improve the law's logic and effectiveness. The Dowry Prohibition Act of 1961 was the first piece of federal law aimed at combating the social ills caused by dowry system. The law was enacted to make it illegal the dowry system. Although the Act includes a number of preventative and punitive provisions, but this act could not achieve its objectives as expected. Dowry-related violence, which can be fatal, comes under the criminal law, even though the problem completely may not be an appropriate objective. A large number of dowry-related deaths and the failure of dowry laws prompted the passage of the Criminal Law Amendment Acts in 1983 and 1986, which introduced substantive and procedural changes to criminal law.

HISTORY OF DOWRY

— Everyone whether male or female are equal and play critical roles in the formation and development of their communities, families, and societies.

- J KrishnaMurthy

India is a large and diverse country. Since our society's inception, India's civilization has been the world's oldest, with each age bringing with it a new social framework. India has gone a long way in terms of development principles in all sectors of society. Women are considered in Indian culture as a divine force of nature in a variety of notions. Women have been venerated as goddesses throughout history, including Durga, Kali, Sarawati, and Lakshmi. As the ages passed, so did the evolution of men's attitudes about women, which shifted in a negative direction. Women possessed the rank of Goddesses in the Vedic Civilization and the Indus Valley. It's amazing how women's status as Goddesses has been reduced to a simple item. However, just as every century has its own philosophy, so does

⁴ <https://timesofindia.indiatimes.com/readersblog/legal-writing/divorced-daughter-is-better-then-dead-daughter-say-no-to-dowry-35455/>, last accessed on 25th august 2021, 4:49 pm.

this one. The notion of feminism, which is widely misunderstood by both genders, has become a key weapon wielded by wives and family members against men.

Until recently, we had only heard of women being tortured and even killed in the name of dowry, but there are some cases now in which false charges are also placed. For a long time, women's standing was enormously strong and regarded as heavenly. It was said that she has the ability to generate good and destroy evil. They had the freedom to live according to their choice and were also involved in governmental policymaking. She had the freedom to pick her own husband, who was dubbed "Swayamvar, she acted both as a house builder and a society builder. However, certain ancient texts, such as Manushashtra, consider women to be quite inferior in society. The notion of dowry goes back thousands of years. Dowry was a transfer of daughter's inheritance when he left her home to a new home. It includes property, money, ornaments, and consumable items such as electronics, automobiles, and so on. In Indian weddings, dowry is both a custom and an issue⁵. Dowry has become a requirement for marriage in various areas of the world, particularly in Asian and African countries. Dowry was established into society with the express aim of assisting newly married couples, but as time passed, the definition of dowry transformed into a transaction of cash and other goods rather than the bride's real virtues.

EVOLUTION OF DOWRY IN INDIA

Dowry was not practised in ancient India, and it is difficult to pinpoint exactly when the dowry system started, but it is recognized as an ancient practice. According to Megasthenes and Arrian, who lived in the third century B.C., while choosing a bride, the dowry of property or money is not considered, but rather focus on her inner and exterior beauty⁶. Dowry and brides' riches were also included in the Manu Code. The distinction between Dowry and Brides Wealth was described by Manu. Dowry was considered more prestigious and was connected with the Brahmanic caste. This was most prevalent in the first part of the 20th century⁷. Dowry was referred to in ancient literature as Yautraka, which implies a type of tangible present that certifies two individuals have joined in

⁵ Haveripeth P.D., —Cause and consequences of dowry menace in India; RIJS Vol 2(2) 2013. (www.rierc.org)

⁶ <https://en.wikipedia.org/wiki/Dowry>, accessed on September 2021, at 21:25 p.m

⁷ Tambiah, Stanley; Goody, Jack (1973). *Bridewealth and Dowry*. Cambridge UK: Cambridge University Press. pp. 68–9

matrimony. The bride-to-be was handed away in exchange for a fee described as 'Sulka.' It indicates the parents have been compensated for the loss of their child upon her marriage⁸.

The dowry system, which recognised gifts from parents and relatives as women's property termed "Stridhan," had been in use since the Vedic period. Along with money, jewellery, and other goods to be given to the groom as dowry in Indian marriages, the bride's dowry—'Kanyadana'—was also a component of it. Kanya denotes a daughter, whereas Dana denotes a gift. It was also known as 'Hunda,' which is derived from the term 'Handa,' which means pot. It was generally called by this because dowries were sometimes distributed in pots⁹. Dowry is considered as a women's wealth that she may utilise on her own. The use of a woman's property, according to Kautilya, is defined by her means of subsistence or jewellery. If her absent husband could not provide her support, a wife is not guilty of using this property to raise her son, daughter-in-law, or herself¹⁰. When the French arrived in India, they admired India's women for having a voice in the country's affairs, and they adored Ahalya Bai, who was a brilliant administrator. It was only in 1793, when the British arrived permanently under Lord Cornwallis, that a system of private land ownership became possible, which was previously unheard of in India. The Feudal system, also known as the Zamindari System, developed at this time; before to this, zamindars were just society's tax collectors. It was only during this period that the British outlawed women from possessing any land or property of any kind. Because the British forbade women from owning any form of wealth, the money given to the woman during her wedding now belongs to her husband¹¹. In this event, the husband got the right on the wife's money, and the notion of dowry was reborn as a cause in marriage, requiring the woman to bring the wealth sought by her in-laws' family as a gift for them. If the necessary riches were not given, the bride was subjected to different types of exploitation in order to pressurise her into bringing it, and thus, there have been several examples of crimes such as murder, suicide, bodily injuries, and mental abuse. In the 1980s, we saw the first signs of a backlash against Dowry. Women's radical movements established that it is women's right to inherit and that enacting legislation is insufficient until societal attitudes are altered via education

⁸ Hooja S.L., —Dowry System in India- A case study; Delhi, Asia Press 1969, p-15

⁹ Reshma, Ramegouda .A., —Socio Legal Perspective of Dowry; A Study; International Journal of Scientific and Engineering Research; Vol-3, Issue-7 (2012).

¹⁰ *ibid*

and political engagement¹². According to Islamic Law, Mahr is provided to bride in marriage. The woman has a Mahr or Dower right provided by the act.

OBJECTIVE

The aim of this research paper is to explain the idea of dowry death and to introduce steps for its elimination entirely in India and the underlying factors that cause it and to respond to programmes and laws related to dowry death and to see how it satisfies the objectives of justice.

CHAPTERISATION

LAWS PERTAINING TO DOWRY DEATH

Underneath the Indian Penal Code (I.P.C.), Criminal Practice Code (Cr. P.C.) including Indian Evidence Act (I.E.A.) underneath the *Criminal Law (Second Amendment) Act, 1983* and also how to proceed with cases of dowry death and married women's brutality.

INDIAN PENAL CODE SECTION 304-B

When a married woman dies from an ingestion or serious injury, or within seven years of her marriage in questionable circumstances, and it is obvious that her husband or any relative of her husband or his family tortured her or threatened her just before she died for or in association with any interest, you have a case for wrongful death.

At least seven years term that will stretch out to detention indefinitely, anyone who confers endowment passing will be rebuffed with detention.

In the case of *Satvir Singh and others v. State of Punjab*¹³ Among other things, the Supreme Court ruled that harassment or cruelty against women should not coexist with the demand for dowry, but rather occur "soon earlier than her death"

Further, in the case of *Raja Lal Singh v. State of Jharkhand*¹⁴ According to the apex court, the phrase "quickly earlier than her loss of life" in section 304 - B of the IPC is a very loose

¹¹ <http://www.hitxp.com/articles/history/origin-dowry-system-bride-woman-india-british/>, accessed on September 2021 via Google.com at 10 p.m.

¹² Dr. S. C Tripathy & Vibha Arora., 'Law relating to Women and Children'; Central Law Publication (2017), pg4

¹³ (2001) 8 SCC 633; 2002 SCC (Cri) 48; AIR 2001 SC 2828; MANU/SC/0588/2001

¹⁴ (2007) 15 SCC 415; (2010) 3 SCC (Cri) 539; AIR 2007 SC 2154; MANU/SC/7622/2007

expression, and it could be ambiguously termed as either immediately before her death or within a brief period of time before her death.

An important consideration is that there needs to be a sure link proved between the deaths of women and the harassment they endured as an outcome of dowry demands.

However, it absolutely was command within the case of *Bhagwan Das v. Kartar Singh*¹⁵ In the circumstance that a woman is killed or commits herself in response to a dowry demand and that occurs before long before her death, Section 304-B of the IPC may also be utilised.

*Prahallad Budek v. State of Orissa*¹⁶, if there exist no relationship between the women's death and her relevancy demand of dower, then the crime of Section 304 – B of the I.P.C. cannot be applied to her husband or in laws. It is clearly provided by the Supreme Court. It reiterated to what was declared in the *Baldev Singh v. Punjab State of India case*¹⁷, And it was also important that the time between the cruelty and exploitation and the women's death should be kept to a minimum

In the case of, *State of Rajasthan v. Jaggu Ram*¹⁸ According to the court's ruling, because no statute or act specifies a time period for the phrase "soon before her death," it is directed that because facts and circumstances in each case may differ, it must be decided by the court whether the fundamental quantity separating the girl's death from both the cruelty she suffered and her cruelty is immediate.

INDIAN PENAL CODE SECTION 498-A

Here we will talk about the abuse women suffer at the hands of their husbands or other male relatives. In the situation where the partner or a close family of the couple subjected the lady to harassment or agony, the offender faces a sentence of up to three years in jail and a fine. Inhumanity can be either mental or physical, and it can drive women to commit suicide or do genuine harm, or even risk their own lives or the lives of others around them¹⁹.

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¹⁶ (2008) 64 AIC 458

¹⁷ (2008) 13 SCC 233; (2009) 3 SCC (Cri) 537; MANU/SC/7907/2008

¹⁸ (2008)12 SCC 51; (2009) 1 SCC (Cri) 317; AIR 2008 SC 982; MANU/SC/0253/2008

¹⁹ Pragnesh parmar dowry death and law –Indian scenario published on 2nd October 2014

In *Balwant Singh and Others vs. State of Himachal Pradesh*²⁰, a two-judge panel ruled that a person who is convicted under section 304 - B of the IPC can also be condemned under section 498 - A of the IPC since the two provisions of the IPC are not mutually compatible. The court in the matter of, in addition to, providing justice for the victim and supporting public opinion of the country's criminal judicial system *Pawan Kumar and others v. state of Haryana*²¹ judged that if the spouse died in the 1st year post marriage as a dowry death by suicide, then the accused can be held liable under Section 306 of the IPC (which says aiding a suicide attempt) because the remedy of the accused compelled her to do so. This is in conjunction with Section 304-B of the IPC and Section 498 -A of the IPC.

INDIAN EVIDENCE ACT SECTION 113-A

This section details about the assumption that a married woman is abetting suicide²². Whenever it is determined that her husband or a relative of her better half encouraged the suicide of a woman, the court may draw this conclusion, considering the circumstances surrounding her death. If the woman has committed suicide within seven years after she lost her supervisor, it is probable that her spouse or in laws of her better half encouraged her death.

INDIAN EVIDENCE ACT SECTION 113-B

This section examines the possibilities of a dowry-related death. For instance, when determining whether a man has bestowed on the fate of a lady's share and finding that she was provoked to do such thing with some gain in endowment just before she died, the court may come to the conclusion that her death was caused by such a person and award a wrongful death settlement.

In *Kamesh Panjiyar alias Kamlesh Panjiyar v. State of Bihar*²³, For example, the court said section 113-B of the Indian Proof Act and section 304-B of the IPC must be read together to need evidence showing the husband or the husband's family have been harsh and tormenting their wife for the purpose of punishing the accused in dowry cases.

²⁰ (2008) 15 SCC 497; (2009) 3 SCC (Cri) 1094; 2008 CriLj 4683; MANU/SC/4359/2008

²¹ (1998) 3 SCC 309; 1998 SCC (Cri) 740; AIR 1998 SC 958; MANU/SC/0104/1998

²² Latha.k.s's dowry death implications of law published on January 1998

²³ (2005) 2 SCC 388; 2005 SCC (Cri) 511; AIR 2005 SC 785; MANU/SC/0076/2005

However, in the case of *Sham Lal v. State of Haryana*²⁴, As long as there is no proof of mental torture or cruelty "shortly before her death," the husband will not be found guilty under Section 306-B of the IPC or Section 113-B of the IEE.

In *Harjit Singh v. State of Punjab*²⁵, There being no scientific proof that the poison consumed by the woman was due to husband's cruelty or harassment, thus the husband was ruled not guilty under section 304 B of the IPC and the IEA's provision under section 113 B could not be applied to him, so he was pronounced innocent.

THE DOWRY PROHIBITION ACT, 1961

In order to provide assistance to those affected by gift cases in the country, the whole 1961 gift prohibition act is ready, equipped, and created. The entire statute serves only one purpose: to protect women's suffering from gift-giver harassment and abuse. It succeeds admirably.

It has a total of 10 sections given below:

- 1) Section 1 – Short title, extent and commencement
- 2) Section 2 – Definition of dowry
- 3) Section 3 – Penalty for giving or taking dowry
- 4) Section 4 – Penalty for demanding dowry
- 5) Section 4A – Ban on advertisement
- 6) Section 5 – Agreement for giving or taking dowry to be void
- 7) Section 6 – Dowry to be for the benefit of the wife or her heirs
- 8) Section 7 – Cognizance of offence
- 9) Section 8 – Offences to be cognizable for certain purposes and to be non-bailable and non-compoundable
- 10) Section 8A – Burden of proof in certain cases
- 11) Section 8B – Dowry Prohibition Officers
- 12) Section 9 – Power to make rules
- 13) Section 10 – Power of State Government to make rules

Clearly, this Act is designed with the interest of all sectors of society and law in mind, so that dowry victims can be protected and enhanced in order to prevent death, suicide,

²⁴ (1997) 9 SCC 759; 1997 SCC (Cri) 759; AIR 1997 SC 1873; MANU/SC/0438/1997

²⁵ (2006) 1 SCC 463; (2006) 1 SCC (Cri) 417; AIR 2006 SC 680; MANU/SC/2287/2005

harassment or cruelty as a result of dowry victimisation. because section vi of the D.P. Act states, "Dowry shall be for the use of the woman or her heirs," we must always understand that dowry refers to a gift of property (whether it is cash or other property) given by a her family or her parents out of pure love and affection to safeguard a woman's social and financial interest, and this is not considered a social evil. What is actually wrong is that her spouse and in laws have a "demand" for dowry while the woman and her family have a "responsibility" for it.

In the landmark judgement of *Suresh Kumar Singh v. State of U.P*²⁶, The SC ruled that the prosecution's evidence of demand for dowry cannot be older than five years from the date of the lady's death. Dowry demand's proximity to the victim's death, as well as the victim's own death, should be proven to elicit the phrase "soon before her death" and prosecute the defendant accordingly under the D.P. Act.

FORENSIC EXPERTS ROLE IN DOWRY DEATH

Post death analysis, specialists enter into the picture, to assess if they were being asked to make important conclusions about endowment-moving cases. Experts believe that endowment passage instances resemble other types of abnormal female passing situations²⁷. Endowment demise situations need strict adherence to the established rule of behaviour after death. Aim for medical-legitimate equitability through determining the cause and concepts of death and afterlife, as well as other important realities. The presence of a female specialist in the analysis group is critical for seeing and inspecting both edges, and each instance is significant. For the most part, the murderers target young married women, who are sometimes referred to as "coincidental passages." These homicidal occurrences, however, are anything from accidental²⁸. So, it will be the primary responsibility of law experts to look in a reasonable manner and process for the germane cause for death on the basis of essential facts and apposite measures.

SOCIAL FACTORS OF DOWRY DEATH

²⁶ (2009) 17 SCC 243; (2011) 1 SCC (Cri) 989; MANU/SC/0953/2009

²⁷ narmathas.ravikant's dowry death proposing a standard for implementation of domestic legislation in accordance with human rights obligations volume 6, issue 2

²⁸ Jaggit's the economics of dowry causes and effects of an Indian tradition 2001 volume 5 Issue 1

Many upper-class Hindu Indian women who have just married have died suddenly because they shared a meal with their new husbands, a social transgression that has long been blamed for their early deaths. There are other cooperatives among Hindu women aside from sharing, ignorance and structured or adored relational unions; child relational unions; joint family arrangements; oedipal amazement at relatives; insecurity and fiscal dependency of spouses on their kin; near total dependence of women; or their best half; and the requirement for social security. The part given only has a particular end of the shore of the sea of social abuse; cold-bloodedness, retribution, and harassment, physical or emotional torture, and so on are under a common area. If the young girl marries and finds herself suddenly thrust into a strange and complicated new order, it is due to because she is totally dependent on her husband's or her in laws generosity, who may or may not be concerned about her well-being.

MEDICAL AND LEGAL ASPECTS OF DOWRY DEATH

In order to thoroughly understand the vulnerable situations looked at by legal professionals in their time, a part of the important medico that need what has been handled here²⁹. The important point of view is that investigative agency must not only act promptly to prevent the loss of little pieces of evidence on the site of misbehaviour, but they should also move immediately to enlist all other grips. This should also be ready for analysis in the event that a strange team or cell is still standing at that point. The prevailing cops or purposeful partnerships are also brought closer to finishing the best possible examination when local police lag behind or show a deferring arrangement. It also relies on an in-depth knowledge of the corruption issue for media inclusion to be successful. Encouragement efforts to report an assertion by a trained expert should be made if the survivor is still alive following the occurrence at that time. In Indian law, a person who agrees that her dying is imminent would tell the truth and never lie, therefore the passing-on declaration has legal legitimacy. Female victims who make the kicking-the-bucket argument may, in certain cases, provide false information, especially if the woman has been tormented together for a long time or is severely impaired or influenced by drugs, or if she wishes to safeguard the ultimate fate of her young people. Abnormally, the courts have not tastefully checked these perspectives³⁰. The courts seldom recognise the mental concerns of these casualties who are moving on

²⁹ Subodh varma's dowry death:one bride burnt every hour published on January 27 ,2017

³⁰ Momoemakino's marriage dowry and women's status published on March 2017

updates³¹. Legal should analyse the authenticity of broadcasting information, explicitly, after rational certainties have censored the integrity of a declining announcement³². The acknowledgement and tendency are granted to the rational facts and not to the disappearing affirmation. In comparison, the motive of the casualty to make a clear assurance is either to protect the needs of her adolescent people or other family while the surgical pathologist or criminological professionals outfit reality to support the organisation of justice without think processes and in the interests of society. One day each life finishes, but an unusual end, mainly because of marriage, leaves a horrible case of good society. More hindrance punishments or proof of liability from the arraignment of the convicted will not work until persons are made aware of the fiendish effects of the endowment in general and insurance is assured on the off possibility that as they come out and fight against it. Extraordinary aid in indicting such fraud by supplying truthful testimony of general proposition given to the lady of the hour prior to her death.

REASON FOR DOWRY DEATH

What are the causes of dowry deaths? Nalini Singh's sociological study focused on this issue because of a survey of 38 young women's marriages, ranging in age from 17 to 24 years, in which a spouse died a fourth time, allegedly as a result of settlement badgering³³. The general perception that they are fundamentally weak, she further says, that they are considered less beneficial than men are. Their denial of fundamental social inclusion and what she terms their "zero- political standing" are shown in this. For her, it shows clear statement about how one's sexual perception divulge their worth or ability to make a difference. There can be further added substances transferred to counterbalance the value-lack among females since value is appropriately taken unequally by men and women during conception³⁴. Despite buying more than their spouse, even some who earn way more than their husbands must feel obligated to contribute disproportionately to the settlement of their marriage as women who lose everything. The endowment, on these lines, she watches, does not happen, but because newlywed ladies generally have no political criticality in their new houses because there is still a circular circle between blessings sought by in-laws and gifts received, she watches. The continued involvement in donation also shows the lack of political standing is misappropriated. This absence is often

³¹ sairasalim's dowry: its causes and consequences volume 5 published on 10th October 2017

³² k.v.sreeraj's domestic violence and dowry death in india published on 19th may 2016

³³ Angela k.carlsonswitley's dowry death

³⁴ Sonia Bhalotra's dowry death in india published on September 24, 2015

used in endlessly distinct forms to manipulate her. The word 'settlement, she argues, is therefore a misnomer because share-related badgering exists as a compromise the political awareness. The single explanation for the supposed transaction is hardly ever the share. The predominant explanation for the supposed transaction is hardly ever the share. As such, regardless of whether petitions for arbitration were to be entirely complied with, as a result of their purely sanctioned inadequacy, which denies them their basic human rights, young ladies may continue to face torture and badgering in their in-law homes.

When the in-laws ruin the life of a newlywed lady from the very beginning, all of them indulge so on that young lady has given up her cumulative being to them, and further she turns around in backward to show that she has no political standing and goes back to the lowest rungs in society. Meanwhile, the in-laws assure her that the lady is deeply obsessed with self-destruction³⁵. If there is a lot of competition with predetermined expectations for women's quiet constancy, why are our little girls dying in marriage at that point? According to Singh's findings, young women could not accept the absence of political importance in their extended families. Their phoney youth, on the other hand, demands absolute obedience, which she imitate. For the genuine papers, this capitulation is accepted by the professionals. After admitting to their relatives that the inhabitants of Lady of the Hour owe them an endless amount of arbitration (or compensation), the in-laws clear a way via Lady of the Hour so that this next step may be taken through there as well.

Because she no longer has a political position, she is unable to limit this request out of embarrassment and appears to practise one of two options: either she capitulates and obtains the requested items from her people (after first redirecting a portion of the request's hard edge by experiencing physical fierceness herself) or she refuses, prompting her to remain with her³⁶. It is crucial, she says, that multiple ladies eventually get the second choice at enormous individual expense, and high enthusiastic cost, and have sponsored security from share requests³⁷. This disruption is astoundingly offensive for the dictator relatives of the family of the partner, not so much in terms of the misery associated with assets, but rather because of its actual capacity to destabilise the system of power that punishes exploitative activity within the household.

³⁵ greenberg.j's criminalising dowry deaths published on 13th may 2003

³⁶ the legal blog dowry death- meaning and causes published on febraury 9,2011

³⁷ G.Singh's dowry death and legal protection of women in india published on 2017

CURRENT SCENARIO

Today's Indian women are well-versed in their rights, and the judiciary has traditionally inclined to women. The strong legislations gave women the independence to think about themselves. They were previously paralysed by their ignorance of the laws and their rights, believing that domestic violence was their fate and that they had no choice but to suffer in silence. The number of cases filed was exceptionally low due to the social taboo, fact that the bride's parents pushed her to suffer it all because it is an issue of respect. Modern women, on the other hand, are educated and self-sufficient; they show courage, no longer dependent on their husbands for financial support, so they no longer have to put up with bad behaviour from their husbands or in-laws; they can divorce with ease, and in instances of abuse, they will not hesitate to seek help from authorities or the legal system. Some women, on the other hand, misunderstand the empowerment process and use it for evil purposes. There are some who make false cases against their husbands and in-laws for their personal self. To the extent that sections 498A and the Dowry Prohibition Act, which are both non-bailable and non-compoundable offences, protect women, she will be able to exploit pro-woman legislation to further her own agenda.

The Anti-Dowry statutes have been found to be abused by women in several situations by the courts. In the case of *Preeti Gupta vs. State of Jharkhand*³⁸, the SC stated that the section 498A IPC warrants a closer examination. It is commonly known that more number of cases are reflected in a high percentage of complaints. In another case, *Sushil Kumar Sharma vs. UOI*³⁸, A case under section 498A was deemed to be submitted purely for the purpose of satisfying personal revenge, according to the Supreme Court. it may thus become necessary for the Legislature to find ways how the makers of frivolous complaints or allegations can be appropriately dealt with." "There is no iota of doubt that most of the complaints are made in the heat of the moment over trivial disputes and ego clashes," the Court said in *Tr. Ramaiya vs. State*³⁹. In *Savitri Devi Vs. Ramesh Chand & Others*⁴⁰, Instead of accusing the whole in-law family of ransom, this petition is being misused to extract money from the woman by falsely claiming dowry under s498A. The court was aware of the possibility that this provision would be abused, because it defined cruelty and harassment as falling within the parameters of intentional conduct to such an extent that it

³⁸ 2005 6 SCC 281

³⁹ order dated 7.7.2008 and 4.8.2008 in MP No.1 of 2008 in CrI. O.P. No.10896 of 2008.

⁴⁰ 2003 (69) DRJ 6

could either drive the women to commit suicide or cause serious injury. The SC has said in *Arnesh Kumar Vs. State of Bihar & Others*⁴¹ that Section 498A is a cognizable and non-bailable violation, and has given it a questionable position of pride among the statutes that are employed as swords rather than shields by unhappy spouses. Getting the spouse and his family detained under this clause is the simplest method to annoy them. The instances of dowry fatalities increased by 4.6 percent in 2014 compared to the last year (8,083 cases). During the year 2014, a total of 8,501 victims were recorded in 8,455 dowry killings incidents across the country. Uttar Pradesh alone accounted for 29.2 percent of all dowry deaths (2,469 instances), followed by Bihar (1,373 cases). In terms of dowry fatalities, Bihar had the highest crime rate (2.8), followed by Uttar Pradesh (2.5), compared to the national average of 1.4. When analyzing with previous year, the number of cases filed under this Act fell by 6.2 percent in 2014. (10,709 cases). Bihar (2,203 instances) had the most, after by Uttar Pradesh (2,133 cases), Karnataka (1,730 cases), as well as Jharkhand (1,730 cases) (1,538 cases). Jharkhand has the highest crime rate (9.6) compared with the national average of 1.7. Bihar has the highest rate of dowry murders. Bihar's marriages are entrenched in deep-rooted ancient customs, many of which have been reinterpreted to fit the present. The dowry system is an example of a heinous practise that has long resisted reform. The practise, which may be dated back to mediaeval times, is now a well-established habit in Bihar, despite the fact that it is prohibited.

SUGGESTIONS

This country's 1961 Boycott of Giving and Taking Settlement Disallowance Act has been put to the ultimate test ever since it was passed in its original year of passage⁴². There is little distinction that wrongdoing against women's hands of their husbands and/or in laws is rising further. The Indian Penal Code's section 304 is dealt with by combining 498- A (Cruelty by spouse or other family members) in the mid-1980s. The 1961 Dowry Prohibition Act should be re-analysed since it has failed to regulate wrongdoings in the current world as it is.

Against ladies or, as a consequence, failed to deliver the critical results⁴³. Additionally, as a special demonstration, the Dowry Forbiddance Act, 1961, usually police do not make advances or take any care of it, larger sense of self-awareness because of the

⁴¹ SLP (CRL.) No. 9127 of 2013

⁴² j.vanwilligen's crimes against women the problem of dowry death volume 50, no 4,1991

⁴³ s.sekhri's dowry death consumption smoothing in response to climate variability in India

demonstration's focus on cognizable offences. Severe discipline is to be offered to citizens who embrace settlement and violent rules are surrounded by aggression and settlement linked to settlement. Men whose wives have been burned alive or who have been given up to speed in dowry before the final decision should be prohibited from marrying again under strict regulations. And a strong police squad should be set up specifically for this reason along with side by side with law enforcement exams. Continuous surveillance is also an indisputable precondition for the earliest possible expression of equity in all enrolled share passing instances, including at the municipal and high court levels. According to Zeba Khair, a New Delhi legal counsel with considerable authority over women's concerns, the sharing system is nonetheless customary given that it is unlawful. I may have an endowment because it is decreased as numerically as well. Recently, a school reading in Maharashtra caused controversy when it said that young women who were "vocal and active revolvers" were less likely to become more settled, and that the spouse's family would want larger settlements if they did get involved in a marriage. Protesters say such a declaration creates a pervasive situational mindset and explains why it has to be torn down.

CONCLUSION

Dowry death is a public problem that is a hot topic in Indian society. Punishment for the murders of women murderers by women's welfare groups, the police, community officials and the judiciary. It can be said that the Indian government, in collaboration with Indian lawmakers, passed a cooperative and supportive law to safeguard the lives of women and their dignity, and to provide more justice for those who are exploited or abused by their husbands and relatives. Changes in the education system have improved the quality of education for women, and house-to-house services will reduce the number of lobola deaths. However, other remedial measures should be used to eliminate or at least reduce the public's endangerment of lobola loss, but more importantly, the will of the society and the determination to reject the materialistic hunger for lobola is needed.

Indian women are humiliated and disfigured by lobola and lobola. Of course, the situation of pseudo respect and values has led to a decline in the status of women. However, contrary to popular belief, women do not have a better status in castes and in communities where lobola and lobola are paid. While laws are important to protect basic rights and punish criminals, the problem of violence against women, especially in Dowry and Bride Price, requires a broader response. Raise your voice and fight lobola for everyone watching. Do not accept or give a pay off. In India, the practice of lobola is on the high side. The burning

of brides, or the burning of women who could not be considered sufficient by their husbands or in-laws, was worse. Most of these incidents are not described as kitchen fires or as suicide attempts. In India, it is clear that deep-seated discrimination against women continues. In Indian culture, cultural practices such as the transaction of lobola tend to degrade women. Although it was declared illegal in 1961, the practice of paying lobola to bride's family before marriage continues. The bride is constantly harassed, humiliated, and unhappy when the amount of the meal is considered insufficient or not available.

The collapse of the settlement is a common daily problem of Indian culture. It should be noted that the desired effect cannot be achieved by passing a law alone compared to an assignment. Repeated and co-ordinated response by the police, women's rights organizations, transparent, and legal staff and by providing a ban on all faulty parties will address this public insult. So, improvements in the teaching environment of female and non-low-level posts for entry-level jobs or private employment offices will reduce sharing events. In order to prevent a partner from mixing foods, drugs or, on the other hand, betting, confinement to one person and earning real money through a conscientious effort rather than the need for rental income, speculative businesses should have time off for marriage. As we can see, it can be very helpful to find a reasonable and common solution to the problem mentioned earlier. The settlement of money is compensated by the lady's family in cash and goods, for example, jewellery, family assets and vehicle for her husband or her parents. Since 1961, declared illegal in India, but it has always been natural, with dire consequences. The women committed suicide because they could not afford to pay the prescribed fee. Some are killed for ignoring their demands for mediation from other important people or in-laws. As indicated by the country's department of cybercrime, about 8,000 contracts are registered annually in India. In Gurgaon, a high-speed satellite city of Delhi, two 20-year-old women committed suicide due to cash-in-transit grant at about the same time last month, As reported by The Times of India, the cost of living increased by 66.7 denarii per year, from 12 in 2015 to 20 in 2016. A 21-year-old woman kicked a bucket after her half better than the situation described a few months earlier in Hyderabad, and the caretaker's son-in-law sprayed her with kerosene and set her on fire after a compensation dispute. The property, which was established in Hyderabad on Monday, was found hanging in the middle of an area where it was plagued by its best part of the compensation collection, even after its family officially gave her bullion during the wedding. Even after the introduction of anti-lobola laws in India, there is no significant reduction in marital

crime rates which is why this view is being confirmed. It should also be emphasized that both sides of the application and misappropriation of royal laws exist in society at the same time, but despite the drastic change in attitude, the fact that lobola is a crime remains constant. Even if lobola is recognized by the public, the original origin of the data is no more, where property is given to women as a protection of freedom.

So finally, the report suggests that the triad of legislature, executive and judiciary has to work in tandem to take active reforms for the improvement of condition of women. The legislature can make laws, judiciary can check, but it is the executive which has to bring the implementation part on the ground. The illogical thinking that they are biologically inferior has been proven wrong in various scientific journals and in fact it came out as a surprise that they are more resilient, can express emotions clearly, have more responsible decision making and are much more rational than their counterparts. So the norms and old traditions which suggest this type of thinking has already been discarded and it is time to take the women at the same level of development as has been traditionally enjoyed by the men.

References

1. J.P.S Sirohi criminology and penology seventh edition 2011
2. n.v.parenjape criminology and penology central lae publications published on 4th june 2011 pg no:193
3. Dr.Lakshmi T and Rajeshkumar S “In Vitro Evaluation of Anticariogenic Activity of Acacia Catechu against Selected Microbes”, International Research Journal of Multidisciplinary Science & Technology, Volume No. 3 , Issue No. 3, P.No 20-25, March 2018.
4. Trishala A , Lakshmi T and Rajeshkumar S,“ Physicochemical profile of Acacia catechu bark extract –An In vitro study”, International Research Journal of Multidisciplinary Science & Technology, Volume No. 3 , Issue No. 4, P.No 26-30, April 2018.
5. Latha.k.s’s dowry death implications of law published on January 1998
6. Pragneshparmar’s dowry death and law- Indian scenario published on 2nd October 2014
7. Narmathas.ravikant’s dowry death proposing a standard for implementation of domestic legislation in accordance with human rights obligations volume 6,issue 2

jaggi's the economics of dowry causes and effects of an Indian tradition 2001
volume 5,issue 1

8. Subodh Varma's dowry death: one bride burnt every hour published on January 27 ,2017

9. Sairasalim's dowry: its causes and consequences volume 5 published on 10th October
2017

10. K.V.Sreeraj's domestic violence and dowry death in india published on 19th may 2016

11. Preeti Gupta vs. State of Jharkhand, AIR 2010 SC 3363

12. Sushil Kumar Sharma vs. UOI, 2005 6 SCC 281

13. Tr. Ramaiya vs. State, order dated 7.7.2008 and 4.8.2008 in MP No.1 of 2008 in Crl.
O.P. No.10896 of 2008.

14. Savitri Devi Vs. Ramesh Chand & Others, 2003 (69) DRJ 6

15. Arnesh Kumar Vs. State of Bihar & Others, SLP (CRL.) No. 9127 of 2013

