DOWRY A EVIL - “LEGAL OR ILLEGAL”

INTRODUCTION:

Marriage is a sacrament in hindu and contract in Muslims and it’s something very exciting and the purest form of activity. We all have heard the cases related to dowry demand and deaths caused due to dowry and it’s very disheartened to see that a women dies for not being capable to give dowry and at the same time it’s very shameful also that in 21st century this taboo is still being followed.

The Dowry system is something which has taken the lives of uncountable girls and violence among them. The Dowry system was made to help daughters in difficult times and able to manage various responsibilities in case of divorce but in today’s world dowry is the basic necessity for any marriage which is really sad.

LEGAL OR ILLEGAL:

We all remember that sometimes we hear from various people that dowry is illegal and people should not take it but on the other hand that people's only in favour of taking dowry and ask how much you got, what’s the deal and so on. Dowry has become a taboo now.

Dowry is illegal and morally wrong but part of our traditions as well and it’s more important to give a good amount due to fear of society. After this lots of girl suffers because groom family would not be happy enough and blackmail the brides for making pressure upon her parents and ask for more money and sometimes it leads to suicide, violence, murder.

According to reports, dowry crimes have been increasing by years and over the past years **1,10,378** womens were killed by husbands and in-laws, every year major portions of girls died because of this system. Some girls may take a stand for herself and that’s lead to divorces or 1% chance that matters will be sorted.

DOWRY’S POSITIVE ASPECT:

Dowry has a positive side also but people’s made it worse.

* Helps newly married couples establish their family.
* Supports higher education for poor grooms.
* Raise the status of women in the family and society.
* Acts as provided fund.

DOWRY’S NEGATIVE ASPECT:

* Dowry causes a great economic burden on the bride's family.
* Increase the corrupt attitude of parents.
* Lower the standard of living.
* Dowry leads to some unethical practices.
* Dowry practice lowered the status of women and also lowered the status of equality.
* Imbalance in the sex ratio.
* Enhance psychological tensions.

DOWRY DEATH UNDER INDIAN PENAL CODE AND EVIDENCE ACT:

**Section 304B** of the Indian Penal Code and **Section 113B** of the Indian Evidence Act clearly define the deaths that are caused due to dowry and if women dies within seven years of marriage by any means and was revealed that before marriage she was exposed to cruelty or any violence by her in laws or husband then the death will be considered as death due to dowry.

The punishment for dowry will be minimum imprisonment of seven years and maximum imprisonment for life.

ESSENTIALS FOR PUNISHMENT:

* Death should be caused within seven years of marriage by violence or any means.
* Violence on women must be related with the dowry demand.
* Must be revealed that before her marriage she was exposed to cruelty or harassment by her in-laws/ husband.

DOWRY DEATH “BAILABLE OR NON-BAILABLE”

Bailable offences are those in which the permission from the court is not required to release the arrested person. Arrested person can be released by following some procedures and police officers can’t refuse the person.

Dowry death is a non bailable and cognizable offence in which police have the authority to arrest any person without warrant and also has right to start the investigation without any person of the magistrate.

While arresting a person without warrant, a police officer must be satisfied with the complaint registered and must fulfill the provision of **Section 41** of Code of Criminal Procedure.

SECTION 498 OF INDIAN PENAL CODE:

This section defines cruelty. If a husband, inlaws or any relative of his side causes and tries to cause any harm to a woman and due to that if women commits suicide then they all will be punishable under this section.

Punishment will be imprisonment for 3 years or have to pay a fine.

***State of Punjab vs Gurmit Singh on 2 July 2014***

In this case the term relative was analysed and defined.

Respondent Gurmit Singh was charged under Section 304B of IPC for the death caused to Gurjeet Kaur, wife of Paramjeet Singh. He argued that he is not liable under this section as he is not the relative of the deceased husband.

Later it was found that Gurmit was the brother of Paramjeet aunt’s and due to this he is not considered as the relative of Paramjeet and not liable under Section 304B.

And it has been analysed that the word relative considers the relation by blood, marriage or by adoption, others will not fall under this category and they all will be punishable under different sections.

DOWRY PROHIBITION ACT, 1961:

This act came into existence in July 1961, Indian Officials created this act which totally prohibits the demand, receipt, or payment of dowry in marriage. In this act, any gifts viewed as a precondition for marriage were punishable and illegal.

Punishment for receiving or giving dowry is imprisonment upto 6 years and fine or Rs.5000 or the amount of dowry which was paid.

CONCLUSION:

The major cause of the dowry system is inferiority among womens, they do not have shares in property and don’t have an independent source of income. Parents start to save as the girl child is born so that they can give a good amount in her marriage and often girls don't get proper education and lifestyle due to this.

After providing everything some families are not satisfied enough and that's the reason families often go broke and sometimes bride parents are unable to supply the dowry to the groom.

Although laws were made and this system considered illegal, the people are also giving and receiving and we the members of society see this nonsense as statues. If we want change then we must change ourselves and raise our voice against things which are illegal.

Women also should not misuse the provisions and constitutionality for their own motives.

REFERENCES:

* <https://indiankanoon.org/doc/653797>
* https://www.thefreedictionary,com/dowry
* Code of Criminal Procedure, 1973
* Indian Penal Code, 1860