

Critical Analysis of Dowry Death in India

Shabnam Shaikh*

Dr. Nagesh Colvalkar**

Introduction: The system of dowry increased in India at a very fast pace. As the evil of dowry was increasing day by day in India the parliament thought fit to enact a central Law under the Concurrent List with the approval by the President subject to State Amendments. Thus, when male and female, marry each other they must be capable of entering into the union and this marriage is called social institution. The male and female pledges themselves to abide by the marital obligation, to be honest and faithful and to maintain good relation with each other. Marriage, according to Hindus, is sanskara or sacrament but not a contract. According to muslim, marriage is called Nikka. It literally means the union of two persons of opposite sex and according to Christian's marriage is sacrament. Most Indian families feel a sense of revenge when the bride's family does not provide the dowry. It is said that although weddings are formed in heaven, they devolve into hell when the bride's family are not in position to satisfy the lust for the dowry. Thus, non-fulfilment of the demand for dowry leads to the breakup of the marriage. The dowry system has been in place for the past few decades in practically every region of India and among all societal segments. Women are burnt if the lust for dowry is not satisfied by the bride's family. The harassment for dowry is rising day by day.

Objectives. The goal is to raise public awareness about the consequences of dowry and discourage its use.

To urge parents to educate their female children so that they can stand on their own two feet and be self-sufficient in the event of dowry demand by her family and in-laws after marriage. To raise awareness among the general public and alert the relevant authorities regarding dowry demands made by husbands and in-laws in order to decrease suicides

Dowry means giving money, gold ornaments, property, cars and furniture by the girl's family to the husband and in-laws. A dower is a premarital gift intended to assist a married couple in beginning their married life. There will be no women not wanting to have a happy married life. Dowry in India, in Hindi is called Dahej, and in Arabic it is called Jahez. For family of bride who are poor giving Dowry puts great financial burden on them. In many of the cases wife is emotionally abused and assaulted for not getting required Dowry and wife is also killed in many of the cases. The married women get financial security when she gets gifts, cash etc from her

* Research Scholar, Goa University & Member Secretary, Goa State Legal Services (Cadre District Judge)

** Professor (Retd), V.M.S. College of Law, Miramar, Panaji Goa.

family. But in recent times there is negotiations between the bride's side and the groom's side and Dowry is referred as wealth and is family arrangement between the two families. Demand for dowry apart from cash is also for items like Television, motor cycles, video cassette recorders, home appliances and automobiles and electrical appliances. Dowry demand lasts for months or years and the husband and his family extract a large sum of money from bride's family. Dowry has been source of income for the spouse and in-laws. Dowry demands can be financially burdensome for the girl's family, leading to severe abuse and harassment of the wife. If the demand is not met, the wife may be murdered or driven to suicide. Not to put the parents into further hardship the bride takes the step to finish her life. Dowry is demanded even though taking dowry is illegal and when the groom's demands go beyond what the bride's family can afford or dowry demand incidents are only reported when the bride is slain or subjected to physical violence. Death for demanding dowry is the terrible crime that shows a deeply embedded social issue of seeing women as commodities and breaches women's rights. It is a kind of gender-based violence that can result in physical, emotional, and psychological suffering and death. Death for demanding dowry is unfair and undermines equality and justice and should to be abolished by tougher laws, then the one that is prevailing in India and should work on more enforcement.

Dowry crimes: Married woman dependent socially and economically on her husband is target for dowry related violence. New brides are most vulnerable and dowry is used as a threat a hostage type situation in order to extract more property from the bride's family. The family of bride to protect their daughter from domestic violence is compelled to satisfy the demand for dowry.¹ It is illegal for wife's husband and in-laws to begin mistreating the bride, abusing her and harassing her physically or verbally to acquire valuable securities or property.² In many instances, when the cruelty is unbearable it may even compel the woman to commit suicide and it has been specifically criminalized by the anti-dowry laws in India.

Fraud: To obtain a dowry, the male deceives the girls and her family by claiming to be unmarried and then marries her. When the harassment by the husband becomes unbearable, the girl and her family seek legal action. They collect oral and documentary evidence against the husband, demonstrating that he was already married and committed fraud to re-marry for dowry

Abetment to suicide: If the lady is repeatedly abused with threats of violence, she will not tolerate it for long and will end her life. The husband and her in-laws may be held accountable and punished for aiding and abetting a crime if the bride commits suicide after being harassed

¹ Teays, Wada (1991) "The Burning Bride: The Dowry Problem in India" *Journal of Feminist Studies in Religion*.7(2): 29-52.)

² Nangia, Anshu (1997) "The Tragedy of Bride Burning in India: How Should the Law Address It?" *Brook. J. Int'l L.*22:637, 682.

for the dowry on a regular basis. If torture for dowry continues and they threaten her with punishment the bride may then consider committing suicide, as has happened in numerous situations. This act is called abetment to suicide under Bharatiya Nyaya Sanchita 2023, in short BNS.³ The accused frequently uses the defence that the victim committed suicide of her own free will. After being tormented by the husband and in-laws for failing to bring the dowry the bride killed herself by eating rat poison. Soon after her marriage, the appellant began beating her till she passed away. Evidence presented against the appellant was used to properly establish the presumption under section 117 of Bharatiya Sakshya Adhiniyam 2023 in short BSA.⁴

The mental process of motivating someone or purposefully assisting them in carrying out an action is known as abetment. Before someone can be considered to be abetting suicide under section 108 of BNS, they must play a more active part that can be defined as initiating or helping the doing of anything.⁵ When a person integrates people to do something, it is considered abetting. Additionally, if the accused creates circumstances that force the deceased to commit suicide, this might be considered instigation.⁶ There must be a definite mens rea to conduct a crime without the accused taking proactive steps to encourage or assist in suicide, the conviction cannot be upheld.⁷ Where the husband was mistreating and abusing his wife for not conceiving, and such harassment and torture eventually pushed the lady to suicide, such conduct of harassing or tormenting a woman because she did not give birth to a child the husband's conviction was found to be legitimate.⁸ Where there was continuous harassment related to dowry demand until the deceased claimed to have met her parent two days before her death, the existence of harassment would be considered soon before death.⁹ Punishment for an offence under section 108 of BNS the term can be up to 10 years. However, if the husband is found to have harassed his wife to the point of driving her to commit suicide, a sentence of two years in jail and a fine of Rs. 500 is insufficient. A five-year sentence would be appropriate for the crime, with a fine of Rs. 20,000/- payable as compensation to the deceased's parents.¹⁰

Dowry death and dowry murder: The harassment of the bride by the groom and her in laws goes to a great extent that the wife gets rid of her life and ends her life. If the bride does not fulfil the dowry demand they put her on fire or they abate bride to commit suicide by hanging

³ Section 108 BNS.

⁴ Anusuya v. State of M.P (2018) 2 SCC 272 (2018) 1 SCC (cri) 698: AIR 2018 SC 673.

⁵ Randhir Singh AIR 2004 SC 5097, Suvarnasingh Tirat singh Dhanjai 2006, Cri LJ 185 (Bom), Amalendu Pal (2010) 1 SCC 707

⁶ Chitresh KK Chopra (2009) 16 SCC 605.

⁷ Mohan M AIR 2011 SC 1238: (2011) 3 SCC 626: (2011) Cri LJ 1900 (SC) See also - Mondakini K. Landge 2010 Cri LJ 4085 (Bom) (DB).

⁸ Sudarshan kumar, AIR 2011 SC 3024: 2011 Cri LJ 4364 (SC).

⁹ Kans Raj v. State of Punjab, 2000 Cri LJ 2993 at p 3001 (SC): AIR 2000 SC 2324:2000(2) crimes 213.

or by strangulation, consuming poison, acid attacks or by various other ways and such acts are referred to as dowry deaths or dowry murder. Brides are often murdered by their husbands or in-laws by dousing them with paraffin in the kitchen and setting them on fire.

Dowry during Vedic period: - In Hinduism, during the vedic period when the dowry system started it was first followed by the upper caste to benefit the bride as she couldn't inherit property under Hindu law. The dowry that the bride's family offers the groom is registered in her name because the bride does not inherit her parents' property. It was considered as stridhan in Sanskrit woman's property. During this period the upper caste practiced dowry and bride price to compensate her family for the loss of income is practised by the lower caste.

The modern day dower:- There are several types of dowry systems in use today based on geographical area and class. In North India dowry system is followed by all classes, and demand mostly is for movable goods and material. In south, the demand is mostly for inheritance goods or for land. In the current times, the practise of dowry that evolved in Indian families is different than one prevalent during the Vedic concept by the passage of time the price for bride system gradually disappeared and dowry system came for transfer things. In this era, the bride's family is asked to send gifts to groom and his family in exchange for the marriage. It is not a dowry when the value of gifts, such as clothing or jewellery, given in marriage as part of custom is less than Rs.2000, but it is a dowry when it exceeds 2000 and such a provision is required.¹¹ In India celebrations of marriage by both the families are grand celebrations and huge amount say in lakhs are spent for it and wedding presents are given to the respective couple by their respective family members. These gifts are expenditure done voluntarily depending on the family wealth, status and other factors which varies family to family. In many of the cases the husband and his family put pressure on the bride's family and fix the quantum for each gift as a part of the mutual give-and-take and in today's times it is the menace of dowry. Voluntary gifts from the family of the bride are not considered dowry, but those extracted from the bride's parents are. It specifies that a woman will be charged under section 80 of BNS if she passes away from burns, physical harm, or other causes within seven years of marriage and it can be demonstrated that she was the victim of abuse or harassment from her husband or a family member related to the dowry demand just before she passed away.¹²

Laws to curb the menace of dowry: - The Dowry Prohibition Act, 1961, various provision such as Sec 108, Sec 80, 85 of BNS were amended because there was an increase in dowry death rate because there was failure of legislation enacted to eradicate the dowry system. The

¹¹ Sanjay Kumar Jain v. Union of India: 2022, Latest Case law 1328 Del judgement Date: 4 May, 2022.

¹² Sanjay Kumar Jain v. State of Delhi: (2011)11SCC733, AIR2011SC363

Protection from Domestic Violence Act of 2005, was passed to prevent dowry killings and other forms of violence against women. The latest data of many landmark judgments, the NCRB and as per the empirical survey the laws meant to curb dowry system are unable to give good result in tackling the issue of dowry system. The reason behind the lack of effective execution of laws enacted to handle dowry system is a serious hindrance for want of social will. To prevent torture to women Section 85 BNS was enacted. It is duty of the court to encourage genuine settlement of matrimonial disputes.¹³ As there was failure of dowry regulations and an increase in dowry deaths, sections 80 and 85 of the BNS were added to the code. The BNS was amended to include section 80, which makes dowry death a specific offence that carries a minimum term of 7 years in jail and a maximum sentence of life in prison. A woman's death will be considered to have been caused by her husband or in-laws if she passes away within 7 years of marriage from burns, physical harm or strange circumstances and there is proof that they were cruel or harassed about the dowry. Section 85 of BNS was introduced by the legislature to discourage harassment of women who enter into marriages and later become victims of hunger for money.¹⁴ Offence under section 85 of BNS is non compoundable offence.¹⁵ Section 85 of BNS was adopted by Parliament to curb dowry deaths and harassment of wife's by their husbands or relatives.¹⁶ Each person has a different definition of cruelty under section 85 of the BNS, and their social and economic status also affects the definition and consequences of cruelty under section 108 of the BNS. The apex court held that cruelty need not be physical in order for it to be considered a crime.¹⁷ Depending on the level of endurance and intensity, mental cruelty differs from person to person. Some may face it bravely, while others endure it in silence. For some, it may be intolerable and a weak individual may consider suicide.¹⁸ There is a tremendous growth in crime against women, and the protection afforded to women by the Indian constitution and other laws can only be relevant if those tasked with the responsibility of dispensing justice are sensitized to women's problems.¹⁹ According to clause (b) of the section's explanation, harassment of woman would be considered cruelty under section 85 of the BNS if it was done with the intention of forcing her or anyone connected to her to comply with an illegal demand for property of valuable security, or if it was done because she or anyone connected to her failed to comply with the demand.²⁰

The prosecution must first prove the unlawful demand and then the harassment she suffered for

¹³ B.S. Josh v. State of Haryana: 2003 Cri. L. J. 2028 at P. 2032 (SC): (2003)4 Supreme Court Cases 675.

¹⁴ Reema Aggarwal v. Anupam and others: AIR 2004 SC1418.

¹⁵ Ramgopal and anr v. state of M.P. and anr: 2011 AIR SCW 1193.

¹⁶ Bhaskar Ramappa Madar and ors v. State of Karnataka, AIR 2008 SC 2131 (2134).

¹⁷ Ganannath Pattnaik v. State of Orissa, (2002)2SCC619: [2002]1SCR 845.

¹⁸ Pinakin Mahipatray Rawal v. State of Gujarat 2013(3) MCL(Cri) 700: 2013 AIR(SCW)5219.

¹⁹ Vajresh Venkatray Anveka v. State of Karnataka, AIR2013SC329:(2013)3SCC462

²⁰ Wazir Chand and anr v. State of Haryana: AIR 1989 SC 378:1989 Cr LJ 809:(1989)1 SCC 244.

failure to fulfill the unlawful demand.²¹ Cruelty can be physical or mental. Due to the fact that cruelty is a relative phrase, it is challenging to define it precisely. For some people, what is considered cruel may not be cruel to others.²² Cruelty involves harsh and damaging behavior with a specific intensity and persistence.²³ This section 85 of BNS punishes husbands or other family members who mistreat their wives, particularly where the abuse has the potential to lead to the woman's suicide or murder.²⁴ A married man's extramarital affair with another lady amounts to cruelty to his wife.²⁵ To attract section 85 of BNS the victim should be a relative of the spouse by blood, marriage, or adoption.

Etymologically speaking a concubine or even a girlfriend wouldn't qualify as a relative.²⁶ The Term relative under section 85 BNS would only refer to blood relatives and marital links.²⁷ Members of the bar who belong to the noble profession must uphold its noble traditions and regard every complaint under section 85 of BNS as a basic human problem making every effort to assist the parties reaching an agreeable resolution.²⁸ Section 194 and 196 of the Bhartiya Nagarik Suraksha, 2023 (in short BNSS) address the police and magistrate's investigations and enquiries, respectively, into the reasons behind unnatural deaths. If there is any unnatural death, then the police and the magistrate have powers to investigate and enquire into the causes of unnatural deaths respectively. The police are required to send a woman's remains for a post-mortem assessment if the woman dies within seven years of marriage from suicide or other suspicious causes. Additionally, the executive magistrate has the powers to investigate her death. The DPA which came in force from 1st July 1961 was the first piece of legislation to be passed in India that aimed to abolish the dowry system. The State is tasked with protecting women from social evils of dowry system and put an end to it. When the spouses have reached a settlement and the wife complied with the accused husband's request, section 85 of BNS proceedings against the husband could be revoked.²⁹ Continuing criminal proceedings against appellants in case of settlement between both spouses would be abuse of process of law as well as in the interest of justice.³⁰

Judicial Review on Dowry Laws: In a Criminal Case. no. 1463 of 2002 the respondent/accused before the trial court was held guilty for offence punishable under section

²¹ Sameer Chandrakant Joshi v. State of Maharashtra, 2018 SCC Online Bom 236.

²² G.V Siddaramesh v.State of Karnataka: (2010) 3 SCC 152, 158 (para 24).

²³ Neeraj Subhash Mehta v State of Maharashtra :2017 SCC online Bom 62

²⁴ Rajesh Sharma v.State of U.P : (2018) 10 SCC 472

²⁵ Laxman Ram Mane V. State of Maharashtra: (2010)13SCC125,127 (para 7)

²⁶ U Suvetha v.State: 2009 AIR SCW3491:(2009)6SCC757:

²⁷ Vijeta Gajra v State of NCT of Delhi (2010)11SCC618, AIR2010 SUPREME COURT 2712

²⁸ Preeti Gupta and anr v.State of Jharkhand and anr, AIR 2010 SC 3363:2010 AIR SCW 4975.

²⁹ Dr. Arvind Barsaul Etc. V. State of M.P. And Anr, 2012 (2) DMC 645(646):2012(3) Cur Cri R 77(1) (SC) 2009(74) ALL CR 347: 2008(17) SCC; 485, 2008 AIR SCW 6814(6816): AIR 2009 SC (SUPP) 989.

³⁰ Maharashtra Distilleries LTD v. Municipal Corporation of Aurangabad and Another, AIR 2005 SC 757 (760).

85 of BNS. The accused filed appeal and in appeal the sessions Judge reversed the conviction in acquittal mainly because the complaint dated 11.1.1996 was missing and that there was free consent for marriage. The Superior Court noted that the sessions court's conclusion that the complaint dated 11.1.1996 was not before the Court was completely incorrect, when the complaint was registered on 1.2.1996 and was very much available and based on complaint the crime was registered. The marriage between the applicant and respondent was not performed at all and that there was no subsistence of marriage at all and as according to the appellant there was ill treatment by respondent (PW1) is false, was another ground on the basis of which accused was acquitted by the sessions court. Acquittal order of the the sessions court was reversed by the supreme court and the supreme court remanded the file back to sessions judge for re-hearing it and to decide it a fresh.³¹

Mere demand for dowry from the family of bride before marriage is an offence.³² Before being set on fire by her in-laws the deceased penned a letter to her father stating she was being tormented, ill-treated and threatened with terrible repercussions for failing to bring dowry. The offence of demanding dowry under section 4 is committed. When a list of ornaments and household items is handed to the bride's family during martial settlement it is considered dowry and is an infraction under section 4 of DPA. The accused was convicted under section 85 of BNSS based on her dying declaration and evidence from her father, as there was no evidence of abuse or dowry demands after her return to her home.³³

It is settled law that section 4 of the DPA is neither ultra vires nor does it violate Article 14,19,21,22 of the Indian Constitution. When the woman dies without issue the dowry article must be returned to her parents, not to the husband.³⁴ Within three months of her marriage, the wife dies without any complications. The dowry articles should be given to the wife's parents as the husband is not the heir.³⁵

The dowry system is a major slur on democracy and the country.³⁶ It is incomprehensible how dowry deaths, which are so regrettable and intolerable, are so common in society. The growing threat of dowry death needs to be addressed and controlled. The Legislature was genuinely concerned to heal and resist the increasing danger of dowry death in society, so the DPA was adopted. The court noted that in cases of bride burning and dowry deaths, the accused should not be released on anticipatory bail.³⁷ The conviction under section 4 of the Dowry Prohibition

³¹ Smt. C. Kandammal v. S. Chellaperumal & Ors: 2004 (1) Cri.199.

³² Pandurang Shivram Kawathkar v. State of Maharashtra:2001 SCC online Bom 80: 2001 Cr. LJ. 2792

³³ Sham Lal v. State of Haryana, AIR 1997 SC 1873: 1997 AIR SCW 1614:1997 Cri LJ 1927.

³⁴ Rajeev v. Ram Kishan Jaiswal: 1994 Cri LJ NOC 255 (All).

³⁵ Prithi chand v. Des Raj Bansal: 1990 SCC Online P\$H367:(1990)2DMC368P&H;

³⁶ Sanjay Kumar Jain v. State (2011)11SCC 733, AIR 2011SC363

³⁷ Samunder Singh v. State of Rajasthan and other AIR 1987 SC 737, (1987)1SCC466

Act and Section 85 of BNS does not constitute double jeopardy under Article 20(2) of the Indian Constitution.³⁸ In any case, the charge under section 498-A should be brought home by the willful act or conduct, not by any other means an incident that occurred in the past cannot be considered a factum noted in the context of an accusation under section 85 of BNNS.³⁹ When the dead's sister in law was accused of being unfaithful and demanding that the deceased give her son for adoption, it was decided that this demand did not qualify as a dowry, was therefore exempt from Section 85 of BNS's requirement.⁴⁰ Section 80 and section 85 BNS share the same definition of cruelty, but they differ in their breadth and scope while section 80 of BNS addresses cases of death due to cruelty or harassment within seven years of marriage, section 85 of BNS covers a wider range of situations in which a wife is subjected to cruelty by her husband or a family member of the husband.⁴¹

Sections 108 and 85 of BNS differ primarily in their intention. Under the latter, cruelty performed by the husband or her in-laws causes the wife to commit suicide, but under the former, suicide is encouraged and intended.⁴² Section 85 and 108 of BNNS are separate crimes. Simply because an accused has been deemed liable to be punished under section 85 of BNNS does not mean that on the same evidence, he must also and necessarily be held guilty of having assisted the commission of suicide by the woman involved.⁴³ Cruelty on wife by husband and in laws can lead to conviction under section 85 of BNNS which includes the presumption of abetment of suicide by the deceased.⁴⁴ The term "husband" may not necessarily refer to a legally married individual, but rather to anyone who appears to engage into a marital relationship and so assumes the position of husband in order to reside, cohabitate, exercise dominance over another woman.⁴⁵

In accordance with section 85 of BNNS, cruelty would occur if the husband or any of his family members engaged in behaviour towards the wife that may be considered painful or upsetting.⁴⁶ Cruelty or harassment may not only be physical but also mental in view of Section 85 of BNNS.⁴⁷ Section 117 and Section 118 of BSA attracted the presumption that the dead was

³⁸ Inder Raj Malik v. Sunita Mali, 1986 SCC Online Del 39, 1986 Cri. L. J. 1510

³⁹ Girdhar Shankar Tawade v. State of Maharashtra, AIR 2002 SC 2078(2082); 2002 AIR SCW 2140; 2002 Cri LJ 2814.

⁴⁰ Bhaskar Ramappa Madar and Ors. V. State of Karnataka, AIR 2009 SC(Supp) 1826; 2009 AIR SCW 2624; 2009 Cri LJ 2422.

⁴¹ Dinesh Seth v. State of N.C.T of Delhi, 2008 AIR SCW 5639(5648); AIR 2008 SC (Supp) 400; 2008 Cri LJ 4345.

⁴² Sushil Kumar Sharma v. Union of India and ors, AIR 2005 SC 3100(3102); 2005 AIR SCW 3569; 2005 Cri LJ 3439. AIR 2009 SC 2180; 2009 AIR SCW 2869.

⁴³ Ramesh Kumar v. State of Chhattisgarh, AIR 2001 SC 3837 (3845); 2001 AIR SCW 4282.

⁴⁴ Satish Shetty v. State of Karnataka, AIR 2016 SC 2689.

⁴⁵ Koppiseti Subharao Alias Subramaniam v. State of Andhra Pradesh, AIR 2009 SC 2684(2689); 2009 AIR SCW 4122

⁴⁶ Arvind Singh v. state of Bihar, AIR 2001 SC 2124(2134); 2001 AIR SCW 1913; 2001 Cri LJ 2556.

⁴⁷ Satya Narayan Tiwari and anr v. State of U.P., 2010 AIR SCW 7144(7149); AIR 2011 SC(Cri) 507.

being mentally harassed for bringing a smaller dowry.⁴⁸

Presumption of Dowry Death: In the case of dowry death, there is a presumption that the death was due to demand for dowry if it is established that the woman was subjected to brutality before to her death for lack of dowry.⁴⁹ Many a times accused are acquitted under the DPA for want of evidence, however under section 80 of BNS along with section 118 of Bharatiya Sakshta Adhiniyam, 2023 (in short BSA) and Section 117 of BSA the accused are convicted based on presumptions. Death of a woman within a period of seven years of her marriage is an offence if proved that the woman died and that she was harassed and ill treated by her husband or her in laws for dowry, shortly before her death.⁵⁰ The court in many of the cases has held such a person accountable for her death.

Protection of Women from Domestic Violence Act 2005: In order to defend women's rights, end physical, verbal, or sexual assault, and give victims of domestic abuse a civil law remedy, the Protection of Women from domestic assault DVA was passed in India. It also included an extra layer of protection against dowry harassment.⁵¹

Statistics of Dowry deaths: In India dowry death statistic for the years 1989 to 1991 shows that 16,000 women were killed and 15 dowry death takes place per day.⁵² Newly married women are burnt to death for bringing insufficient dowry, say in an hour and 42 million are newly married women is burned to death.⁵³ The dowry deaths rate in India is highest in the world. The statistic as per the national crime records bureau for the years 1989 to 1991, 2002, 2011, 2012, 2013.⁵⁴ is shown in tabular form in Figure 1. There are dowry deaths of a woman every 90 minutes, 1.4 deaths per year per 100,000 women in India. In the year 2012 as per national crime records bureau statistics for the year 2012 nearly 200,000 people including 47,951 women were arrested for demanding dowry and were tried for the offences but only 15% of the accused were convicted. State of Uttar Pradesh in India has highest number of reported dowry deaths in the year 2022. In Mizoram, Nagaland and Meghalaya there is hardly any concept of dowry system. Dowry is most commonly practiced in Tamil Nadu, whereas it least common in Mumbai. India, Pakistan and Iran are the main countries where dower deaths

⁴⁸ Amrutlal Liladharbhai kotak v. state of Gujrat, 2015 AIR SCW 1575 (Pages.14,17,18): AIR 2015SC (cri) 699.

⁴⁹ Section 118 of BSA.

⁵⁰ Section 108 of BNS.

⁵¹ Ghosh, Biswajit (1 July 2013). "How Does the Legal Framework Protect victims of dowry and domestic violence in India? A Critical Review." *Aggression and violent behaviour*. 18(4) 409- 16. Doi.10.1016/j.avb.2013.04.002. (<http://doi.org/10.1016%2Fj.avb.2013.04.002>)

⁵² Reena Shah, *Indian Invisible War Against Women*, St PETERSBURG TIMES, MAR.13, 1992 AT 10A.

⁵³ India Report Details Abuses of Women, DETROIT FREE PRESS, Jan 29, 1993, at 6A

⁵⁴ WWW.INDIACELEBRATING.COM/essay/issues-and-problems-faced-by-women-in-india-essay/, visited the site on 19.1.19.

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Statistics of Dowry Deaths

Year	Dowry Death
1989/1991	16000
2002	6787
2005	6000
2011	8618
2012	8233
2013	8083
2014	8455
2015	7634
2016	8455
2017	7466
2018	7167
2019	7141
2020	6966
2023	6450

Figure 1

International conventions: India is member of International human rights instruments and it provides theoretical remedies to the dowry problems. These international conventions are The universal declaration of human rights (UDHR), The International covenant on civil and political rights (ICCPR), the International covenant on economic, social, and cultural rights (ICESCR), the convention on the elimination of all forms of discrimination against women (CEDAW) and it codifies the rights most relevant to the discussion of dowry-related violence, the rights of women and The convention on the rights of the child (CRC).

Failure of dowry laws: For last many years Anti Dowry laws are existing in Indian but has failed to eradicate the system of dowry to its satisfaction. The Laws created to address the issue of dowry-related crimes are highly criticized since they are ineffectual. Dowry deaths and murders for want of dowry continues and are unchecked in many parts of India. Women are afraid to complain against their husbands, as in Indian society it is considered that women have to anticipate abuse after her marriage. Many of the women do not report the harassment keeping in mind that it will damage their husbands and wife's family's reputation.

Social Factors: When social support is lacking in the society then punishing the culprit of dowry relating cases becomes a challenging and difficult job. The acts of domestic harassment, cruelty or unnatural death mostly take place inside the four walls of the house and there are no independent witnesses to witness such act, except the family members. Due to pressure from their families and other factors, some people may volunteer to support the prosecution's case while others may not. The neighbours are reluctant to give statement in spite they have witnessed the act of harassment and ill treatment against culprits because of the fear of spoiling the neighbourly relation. The neighbours will also not want to open their mouth as they might have to attend the court cases again and again to give statement before the court and will also not want to attend police stations. Being neighbour for years the neighbour will try to take side of the culprits in many of the cases. The researcher wants to suggest the public at large that all should come ahead to bring the truth and to put an end to dowry system.

Conclusion: To improve status of women in the realm of education, change must be introduced into the mindset of the people and people should come ahead and give good education to girl child only then the women will be self dependent and tackle the difficulties that come before them. To deal with the crimes against women in India, there are substantive components and policies in criminal law. The reforms in substantial law owing to progressive judgments of Supreme Court and legislation need to be supported by strong law enforcement mechanism.⁵⁵ Every woman will have to be provided with jobs which will make the women financially sound. Some corrective measures should be adopted to put an end to the social menace of dowry death. There is also need for everyone to have strong will not to be greedy for things and not to demand dowry or give dowry. People should refrain from demanding dowry. In the interest of proper investigation and justice, to increase the rate of convictions in dowry related cases the investigation in dowry cases should be preferably done by the police officer not below the rank of assistant commissioner and in Goa the investigation should preferably be done by superintendent of police. In cases of dowry related offence practical rational approach to be

⁵⁵ LAW & SOCIAL TRANSFORMATION, BY ISWARA BHAT, Publisher: EBC Publishing (P)Ltd, Lucknow, page 604

adopted and it be certainly helpful. For the courts to punish the culprit by convicting the accused in dowry cases there has to be thorough investigation at the police investigation stage to deter husband and family of the husband from demanded dowry. The conviction rate in dowry related cases can rise higher only if proper investigation is done at investigation stage by police and strong evidence and sufficient material is produced along with the chargesheeted.

Suggestions: The people should be made aware about punishment for harassing females for dowry for this awareness to be created about the dowry law to the people by organising camps in schools, villages, and colleges. Creating awareness may not completely eradicate the dowry related crimes but will definitely reduce the dowry related crimes. There has to be change of views by people towards women. To prevent and minimise dowry crimes the following precautions should be taken care. Never accept or provide dowry under any circumstances. The person who gives and takes dowry is equally liable to penalties and Jail. Stop persuading your daughter that remaining silent will ensure her marriage's success. Instead of viewing your daughter as a burden, assist her in becoming self-assured and self-sufficient. If your daughter resists, don't make her return to her spouse. Invest in your daughter's education, not in her marriage. Everyone should oppose this immoral behaviour. To halt one prevent dowry killings, we must elevate status of women in Indian society. Raise awareness in your community about dowry. The societal framework should provide women more authority and freedom. Women will continue to face violence and oppression as long as men maintain decision-making power and control over their lives.