

Law Audience Journal, Volume 3 & Issue 1, 4th July 2021,
e-ISSN: 2581-6705, Indexed Journal, Published at
<https://www.lawaudience.com/volume-3-issue-1/>, Pages: 282 to 286,

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Cite this article as:

MS. PREETI RAJAN, *Dowry: A Threat to Reality!*, Vol.3 & Issue 1, Law Audience Journal, Pages 282 to 286 (4th July 2021), available at <https://www.lawaudience.com/dowry-a-threat-to-reality/>.

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Publisher Details Are Available At:

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(E-ISSN: 2581-6705)

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**“It Often Happens, That Misery Will Follow A Marriage When The
Dowry Is Too Large.” ~ Decimus Magnus Ausonius.**

I. INTRODUCTION:

“Dowry Prohibition Act, 1961, was passed by the Parliament on July 1, 1961, and it aims to prohibit the giving or taking of dowry in any form. It also extends to the whole of India except for the (then) state of Jammu and Kashmir. The Act defines Dowry as, any property or valuable security given or agreed to be given directly by the bride’s family to a marriage to the bridegroom’s family, or by the parents of either party, or by any other persons to either party. The property or security may be given at the time or before or after the marriage. The Act also states that ‘Dowry’ does not include dower or mahr (gifts given by the bridegroom to the bride at the time of marriage) and this is only in the case of persons to whom Muslim Personal Laws apply.

The people were not able to differentiate the difference between these laws and thus Specific forms of violence against women continued to be linked to a failure to meet dowry demands. As a result, the legislature underwent subsequent amendments to regulate the Dowry Prohibition Act of 1961. Any agreement, written or oral, for giving and taking Dowry is considered as a void Agreement”.

II. THE COGNIZANCE OF THESE OFFENCES UNDER THE DOWRY PROHIBITION ACT, ARE¹:

- 1) Notwithstanding anything contained in the Code of Criminal Procedure, No court inferior to that of a Metropolitan Magistrate or a Judicial Magistrate of the first class shall try any of the offences under the Act and no Court shall take cognizance of an offence under this Act, however, there are few exceptions and only,
- 2) except upon;

¹ Section 7, Dowry Prohibition Act, 1961.

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- a) *its own knowledge or a police report of the facts which constitute such offence, or*
- b) *a complaint by the person aggrieved by offence or a parent or other relative of such person, or by any recognized welfare institution or organization,*

For the sub-section, "recognised welfare institution or organization" means a social welfare institution or organization recognized in this behalf by the Central or State Government.

I strongly believe The Dowry demanding concept arises in our society only because of castes and communities. Marriage should be considered and must be enacted with pure intentions of liking each other and their families. The concept of gender equality is another concept missing, A bride should be respected.

Demanding money or property or anything worth as an asset in exchange of a girl is no less than considering and disrespecting the rituals of our own customs and norms and definitely gaping the bride as a commodity.

III. PENALTIES UNDER THE DOWRY PROHIBITION ACT:

When we look at the Penalties and Punishments under this Act, as a budding Lawyer, I strongly feel the Judiciary and Parliament have all the right to Increase the Intensity of the Penalties under this Act.

- *The penalty for accepting dowry or abetting such activities is imprisonment for not less than five years, and a fine of not less than Rs. 15,000 or the amount of the value of such dowry, whichever is more².*
- *The penalty for demanding dowry directly or indirectly from the parents, relatives or guardian of a bride or bridegroom, is imprisonment for at least six months and at most two years, and a fine which may extend up to Rs. 10,000. Courts may; for*

² Section 3, Dowry Prohibition Act, 1961.

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‘necessary or special reasons’ can impose a sentence of imprisonment of less than five years for giving or taking dowry, or abetting such activities³.

If Demanding Dowry is an offence that we should also accept the fact that accepting to give dowry is also an offence, as told in criminal law, The intent plays a major part in any illegal activity/ act so the Burden of proof lies When any person is prosecuted for giving or taking a dowry (U/S 3) and abetting such activities, or demanding dowry(U/S 4), the burden of proving that he had not committed an offence under those sections shall be on him.

IV. SOME IMPORTANT FIGURES & STATISTICS REGARDING

THE DOWRY DEATH CASES:

In 2019, According to statistics, dowry death cases in India amounts to more than 7.1 thousand. However, This was a gradual decrease from the 2014, in which this number was approximately 8.5 thousand. In 2012, around 8,233 dowry death cases were reported across India which amounts to a bride being burned every 90 minutes, or dowry issues cause 1.4 deaths per year per 100,000 women in India.

According to a 1996 report by the Indian police, every year it receives over 2,500 reports of bride-burning. Amidst unknown viruses, Natural calamities and diseases affecting our humankind, the *“deserving better”* and *“Bride like a model”*, just because *she is dark, Thin, Fat, wealthier, Poorer, factors take out a bride’s Life⁴.*

V. INCIDENTS REGARDING THE DOWRY DEATH CASES:

A 27-year-old PhD scholar committed suicide because of her in-laws who were not okay with her continuing her studies⁵. A flight attendant Anissia Batra jumped off her terrace and her

³ Section 4, Dowry Prohibition Act, 1961.

⁴ *Total Number of Reported Dowry Death Cases in India from 2005 To 2019*, available at <https://www.statista.com/statistics/632553/reported-dowry-death-cases-india/>.

⁵ JAGRITI SHARMA, *27-Year-Old Ph.D Scholar Commits Suicide After Dowry Pressure*, available at <https://www.shethepeople.tv/news/27-year-old-phd-scholar-commits-suicide-after-dowry-pressure/>.

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parents claimed that she was tortured emotionally for dowry⁶. India has an alarming trend that sees 20 women die every day as a result of harassment and mental stress given by her bridegroom and his family over a dowry. Brides are either murdered, or compelled to commit suicide just because they became a burden⁷.

National Crime Bureau of India, as a recent study in 2017, recorded nearly 7000 dowry linked deaths a year. Dowry deaths rose from about 19 per day in 2001 to 21 per day in 2016. And we are yet talking about reported dowry deaths and imagining the unreported cases gives a dreadful chill to the skins of every family where a girl has to be married. We are clearly failing women empowerment here, in this 21st century⁸.

As a Girl-law student after hearing Vismaya, a suspected suicide case of a 24-year-old Ayurveda doctor in Kerala's Kollam district, felt defeated being a woman and powerless. A day after the murder of Vismaya, police arrested her husband on charges relating to dowry death. Vismaya V Nair was found dead in Kiran's (*Husband of the victim*) house, days, after she shared on WhatsApp chats with close relatives, alleged torture by her husband for DOWRY.

The couple got married in May 2021. Kiran was allegedly unhappy with the new car which cost Rs 11 lakh, gifted to the couple by Vismaya's father Trivikraman Nair. Apart from the car, Trivikraman had also given 1.25 acres of land and 100 sovereigns of gold to Kiran as dowry at the time of marriage for his daughter's husband's family.

But, Kiran had been allegedly harassing and abusing his wife, saying he deserved better, as he was an assistant vehicle inspector with the state transport department. Following outrage

⁶ DEEPSHIKHA GHOSH, "Don't Spare Him," *Delhi Air Hostess Texted Family Before Death*, available at <https://www.ndtv.com/delhi-news/dont-spare-him-delhi-air-hostess-anissia-batra-texted-family-before-death-1883939>.


⁷ RUDRANI GUPTA, *20 Women Die A Day: Dowry Deaths Still A Threatening Reality In India?*, available at <https://www.shethepeople.tv/top-stories/opinion/dowry-deaths-reality-in-india-but-until-when/>.

⁸ *Ibid.*

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over the death of Vismaya, the state women’s panel registered a suo motu case on Kiran, while the police probe was taken over by Inspector General Harshita Attaluri in the state of Kerala⁹.

Before we bring justice and rest our salutations and condolences to Vismaya and her family, I was shocked as I heard-Separate incidents of two other married women allegedly committed suicide at Vallikunnam in Alappuzha, 19-year-old Suchitra was found hanging at her in-law’s place. Her husband Vishnu, an Army Jawan, was away from home. They got married in March 2021¹⁰.


**“TO MEN OUT THERE – WHAT’S YOUR DEMAND IN A DOWRY..
GOLD, SILVER, VESSELS? VEHICLES?
PROPERTY!
BECAUSE YOU ARE NEVER GOING TO UNDERSTAND THE VALUE OF A
DAUGHTER ADORNED IN A BRIDAL DRESS.”**
- Sonu Kumar Saha.

***The judiciary and parliament should intensify
punishments for such offences as the Lady kind is collapsing in this
society,***
***- In remembrance of
Vismaya and may more of her.***

⁹ P S GOPIKRISHNAN UNNITHAN, *Kerala Woman Found Dead Days After She Alleged Dowry Harassment By Husband*, available at <https://www.indiatoday.in/india/story/kerala-woman-dead-alleged-dowry-harassment-husband-1817659-2021-06-21>.

¹⁰ *Another Alleged Dowry Death in Kerala: 19-Year-Old Found Dead*, available at <https://www.thenewsminute.com/article/another-alleged-dowry-death-kerala-19-year-old-found-dead-151315>.