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# LEX FORTI

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**A Study Of People's Approach/ Awareness Towards Dowry And It's Laws In  
Kerala**

**Keshav Pandey**

# 1. INTRODUCTION

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## 1.1 GENERAL INTRODUCTION OF THE TOPIC

According to Manu Smriti, approved marriages among Hindus has been always considered a Kanyadan, be it marriage in any form . Going by the Dharmashastra, in Brahma form of marriages which essentially is a kind of marriage that a hindu carries , there must be a Kanyadan and Varadakshina excluding which the marriage is supposed to be incomplete<sup>1</sup> .

Varadakshina includes ornaments, clothes, cash which is given to the bridegroom out of the feeling of love and affection and also to honor the groom.<sup>2</sup> Conspicuously what is notable here is that the quantum of the gifts varied in accordance to the financial condition of the bride and there was no compulsion as to giving of a specific demand . What also can be brought out to light and which also is a fact that many are not aware of is , whatever presents were given (clothes , cash , ornament) constituted the Stridhan which probably meant to provide the bride with a sort of financial security in adverse circumstances .There is a mention in different *vedas* about what is supposedly the idea of dowry today .[ The marriage of daughter of Sun , *Surya* to the Moon , *Som* . The picture according to the texts of *veda* is *Surya* travelling on a chariott decked up with all the ornamentals and with box containing the dowry . Along with the *vedas* the mention about the dowry is also seen in the *Mahabharata* , *Tulsidas's Ramayana* .]<sup>3</sup> In all these cases the presents that were given in the marriage were considered as 'dowry' in the real sense we understand it today . The facts also mention that these gifts were given voluntarily out of pure affection and love in which no compulsion was forced . It has also come to the notice even this practice of giving gifts in the marriage was performed by the aristocrats and the royal families . In the earlier society the advanced maidenhood was tolerated but in the medieval times , pre puberty marriage came into rampant practice . This sort of practice pressurized the father of the girl to marry her pretty early at times even with an offer of money demanded by the groom's father.<sup>4</sup> Until this the dowry was given willingly but for the first time it was given unwillingly .

Following this, the idea of rate of Bridegrooms came into the marriage market. The rate depended upon the education of the youth, the degree obtained by him and several other factors like salary , financial security and his family's economic conditions and social strata in the society . According to

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<sup>1</sup> Dr. Paras Diwan, Modern Hindu Law (Allahabad Law Agency 2011) 78.

<sup>2</sup> Diwan, Modern Hindu Law (Allahabad Law Agency 2011) 79.

<sup>3</sup> Reference from Rig Veda.

<sup>4</sup> Ram Ahuja, Indian Social System (Rawat 2015) 201.

a British writer , Princep , Bengalis who had a Bachelors of Law degree from Calcutta University collected (in 1915) as much as Rs.10,000 as dowry.<sup>5</sup> There is also a mention that higher strata of the society in the second quarter of the twentieth century paid huge sum by way of dowry to obtain desirable grooms .

*Encyclopedia Britannica* defines dowry as "the property which a man receives from his wife or her family at the time of his marriage". The amount of dowry specifically depended upon social and economic status of girl's father , salary of the bridegroom , education qualification of the bridegroom , beauty of the bride .Unfortunately, neglecting the first of the respectively mentioned factors , rest still plays a pivotal role as to determining the quantum of the dowry.

This project is to study how various factors are affecting the dowry practice in Anekal. Whether the laws relating to the dowry practices is implemented or even known to the people .This study is also to analyse the social causes behind the dowry practice and its consequent offences . This project will not only deal with the visible effects of dowry offence but also try to analyse how it creates an unhealthy relationship between a married couple making the atmosphere for the woman in the family really suffocating to live . The idea which started as the idea of gifts out of love and affection is now practised as the idea compulsory factor to give effect to a marriage and if even not so also affecting the later married life . Dowry demand has depredated the sanctity of marriage and has turned it into more of a business affair .

## **1.2 STATEMENT OF THE PROBLEM**

These two aspects of Hindu Marriage , gifts to bride and bridegrooms , got entangled and later on assumed the frightening name of Dowry for the obtaining of which compulsion , coercion and occasionally force began to be exercised . Dowry death became very rampant in India. Various forms on women torture on account of dowry disputes included violence, [bride burning], mental isolation , unhealthy marital relation with the husband etc. In most of the cases dowry death had occurred when the bride who was unable to bear harassment and torture , committed suicide . Sometimes the woman is killed by setting her on fire by her husband or in-laws ; this is known as "bride burning", and is sometimes disguised as suicide or accident. Death by burning of Indian women has been more frequently attributed to dowry conflicts. In dowry deaths, the groom's family is the perpetrator of murder or suicide. According to a 1996 report by Indian police, every year it receives over 2,500 reports of bride-burning. The evil of dowry not only restricts itself to the

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<sup>5</sup> Ahuja,Indian Social System (Rawat 2015) 203.



married woman but also in the cases of young unmarried girls belonging to the not so well off family or to be very blunt poor families who have to bear the unbearable burden of dowry . The unmarried girls are forced to commit suicide out of frustration due to the burden of dowry . We have also come across several more heart wrenching cases completely biolating the public policies and provisions set by law .[One them being which comes out from the survey done by National Academy of Administration , Mussorie , which says that many girls have taken up promiscuous life to earn to meet for the dowry expenses. In Calcutta alone there were around 10000 , most of them were educated .]<sup>6</sup> There are several cases of domestic violence on women. The pressure to give or apprehension that having a daughter means a huge amount of expenditure later in future in marriage and dowry in lot of cases consequently leads to most of infamous of crimes , Female Infanticide . These serious repercussions of dowry practices breaks down the society destroys the various social relations of humans . Due to this practice it is even seen that people are in the most sacred relationship of all (marital) yet their relationship has a bitterness which has something to do with the amount the the parent of the bride has given or was not able to give . The dowry prohibition act states the time to file report against dowry system only for 7 years after the marriage<sup>7</sup> but what the law makers have failed to realize is that this is such deep rooted evil that it goes on to torture the woman for her entire married life. This serious problem is deep rooted in several parts of India but we shall restrict our studies to only small part of a huge whole , Anekal and see has this been of the same intensity as the other parts of India and how does the practice of Dowry socially stands in the region also considering the people's approach towards it. Hence the researchers have decided to conduct research on A STUDY OF PEOPLE'S APPROACH/AWARENESS TOWARDS DOWRY AND ITS LAWS IN ANEKAL.

### **1.3 REVIEW OF RELATED LITERATURE**

The introduction of the topic has been derived from Dr. Paras Diwan's Modern Hindu Law<sup>8</sup> (Chapter Name : Dowry ) . The chapter provides a comprehensive understanding of the idea of dowry from the ancient stage to the present prospect. It also highlights various factors responsible for the rampant practice of dowry.

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<sup>6</sup> Raghu Nath Patnaik, "DOWRY AS A SOCIAL EVIL:AN EVAULATION FOR RENDERING LEGAL AID." Journal of the Indian law Institute 507-576.

<sup>7</sup> Refer to the Dowry Prohibition Act, 1961 in the appendix.

<sup>8</sup> Dr. Paras Diwan's Modern Hindu Law-

The nationwide problem of dowry was brought into this project by a JSTOR article by Raghunath Patnaik's *DOWRY AS A SOCIAL EVIL: AN EVALUATION FOR RENDERING LEGAL AID*<sup>9</sup>.

#### **1.4 OBJECTIVES OF THE STUDY**

- **To understand the nature of dowry in Indian Society** – This project will be an attempt to study the nature of dowry and how it has been practiced since ages and how it still is being practiced in the society with different perspective .
- **To examine the social causes** – This project will be an attempt to examine the social causes behind the rampant practice of dowry in the present age even after the society changing expeditiously. Why the retrograde practice is still in existence even after such modernization.
- **To understand the laws relating to dowry** – To study and analyze the different laws to dowry prohibition.
- **To explore the reasons behind the inefficacy of the laws enacted** – This project will be an attempt to address different lacunae and loopholes in the law for its inefficacy .
- **To suggest measures for better implementation of the laws** – After analyzing the different laws this project will also attempt to suggest measures to increase the effectiveness of the law and enactments .

#### **1.5 HYPOTHESIS OF THE STUDY**

**Anti-Dowry laws are not able to give desired result due to some loopholes**

**It is so deep-rooted into the customs of the country that People are reluctant towards stopping the practice of dowry**

#### **1.6 RESEARCH METHODOLOGY**

The research methodology used in this project is both doctrinal and non-doctrinal. Doctrinal research involves the study of different laws, decisions of supreme court and high court of Karnataka, reading of articles, research projects , blogs related to topic. Non-doctrinal research

(empirical research) will be conducted by actual visiting the locality of Anekal and conducting interviews and administering questionnaire for the sake of this project.

### 1.6.1 SAMPLE SIZE

The data will be collected from Anekal locality from 35 household the questionnaire will be administered to get the response from the people. Few informal unstructured interviews were conducted to collect response from the people of the locality.

### 1.6.2 METHOD OF DATA COLLECTION

The method used for data collection were, a questionnaire along with which an informal interview was conducted by us. We also had one of our team partners who helped us communicate properly avoiding the language barrier wherever required.

## 1.7 SCHEME OF STUDY

The scheme of chaptalization is as follows

### **Chapter 1: Introduction**

In this chapter will consist of general introduction to the topic and research methodology. The chapter will elaborate on statement of the problem, objectives of the study, hypothesis of the study, methods for data collection, simple size, review of related literature, and scheme of chaptalization.

### **Chapter 2: Legal provision relating to Dowry Laws**

The chapter will discuss legal provisions relating to dowry in IPC, Dowry prohibition act, Indian evidence act, CrPC.

### **Chapter 3: Judicial Approach towards issues relating to dowry.**

In this chapter researchers will discuss the landmark judgements of supreme court and Karnataka high court relating to issues of dowry.

### **Chapter 4: Empirical study on people's perceptions towards dowry and issues arising due to dowry in Anekal locality.**

This chapter tabulates analyze and interpret the data collected from the field study done at anekal locality. It gives us people perception towards dowry and brings up the issue arising due to the dowry demand in Anekal area.

### **Chapter 5- Conclusions and Suggestion**

This is a concluding chapter where the researches will conclude their study and give suggestion to better implementation of the law.

## LEGAL PROVISIONS RELATED TO STUDY

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In the year 1961 an act to prohibit the giving or taking of dowry was first introduced.<sup>10</sup>

[Under section 2 of this act "Dowry" is defined as

any property or valuable security agreed to be given either directly or indirectly --

(a) by one party to a marriage to other party to the marriage ; or

(b) by the parents of either party to a marriage or by any other person , to either party to the marriage or to any other person ;

at or before [or at any time after the marriage] [in connection of the marriage of the said partners but does not include] dower or mahr in the case of persons to whom the Muslim Personal law (Shariat) applies . ]

The above definition of dowry is ammended one , which was changed after the two ammendments in the year 1984 and 1986 . The original act of 1961 had many lacunae due to which various states brought their own ammendments to the act like the Dowry Prohibition (Bihar Ammendment Act , 1975 , West Bengal Ammendment 1975, Haryana Ammendment (1976) to enhance its efficacy which later proved to be of no avail .

The act had various provisions for the penalty for giving of taking of dowry which constituted of imprisonment for not less than 5 years and a monetary fine not less than 15000 or the amount of the dowry which shall be given back to the bride[section 3] . The act also talked about dowry as the benefit for the bride and her heirs. It had provisions for the transfer of anything that had been taken in a form of dowry to the bride within stipulated time failing which the party recieving the dowry would be liable for punishment of imprisonment for a term not less than 6 months which can extended to two years or with fine. The provisions for the same are discussed in section 6 of the act . The act also provides for the transfer of the property to the parents of the bride if the bride dies with no heir. The court along with the legal punishment specified failing the transfer of property the bride can also by order , in writing , decree to transfer the property within a stipulated time failing which an amount equal to the value of the property can be recovered from him as if it were a fine imposed by such court and paid to such woman or as the case maybe .

The act had also talked about the gifts which were given at the time of the marriage out of affection. The parties to the marriage ar supposed to maintain a list of gifts received whose value thereof is not excessive having regard to the financial status of the person by whom , or on whose behalf , such presents are given .

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<sup>10</sup> Refer to the Dowry Prohibition Act, 1961

Later in section 7 of this act, taking cognizance of the offence is talked about according to which no court can take cognizance of an offence on its own except on a police report or a complaint by an aggrieved party like parent of the bride or any other relative of the bride, or by any recognized welfare institution or organization. In sub section 3 of the section 7 of this act the lacunae caused by making the giver of dowry also liable for punishment is somewhat overcome by stating that a statement made by the person aggrieved by the offence shall not subject such person to a prosecution under this act. In section 8 of this act, the offence related to dowry shall be a non bailable and non compoundable offences [8[2]]and the burden of proof lies of the person prosecuted[sec 8A]. This section also makes the dowry offences a cognizable one in certain cases like the investigation of offences [8 [1a]] etc. Section 8B of the act talk about the appointment of dowry prohibition officer to see that the provisions of the act are complied with, to prevent as far as possible, the taking, giving or abetting to give dowry and also to collect the evidence for the prosecution of the persons committing the offence.

Section 304B, 498A of the Indian Penal Code and 113A and 113B of the Indian Evidence act works in the furtherance and strengthening of the anti-dowry provisions.

## **JUDICIAL APPROACH**

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### **CASES**

#### **BACHNI DEVI & ANR VS STATE OF HARYANA TH. SECY. HOME DEP ON 8 FEBRUARY, 2011**

Kanta was found dead on 12<sup>th</sup> aug 1990 in her in-laws house, within 3 months of her marriage and was from a poor background. Her father was a rikshapuller. 20 days prior to her death, her mother-in-law went to her father and told him that his son (kanta's husband) wanted to open a milk business and he henceforth required a bike, kanta's father denied as he himself was not a position to buy a bike. Kanta's mother-in-law told him that kanta would be thrown out of their house if he didn't buy them a bike. Five days prior to rakshabandhan kanta and her husband visited kanta's father's house where kanta's husband left her and went back home the same day. Kanta told about her illtreatment and harassment to him, after three days kanta's husband returned to take her back home by saying that there was an engagement ceremony in his relative. And said that kanta would come back for rakshabandhan, which she didn't. After 8 days kanta's father got to find out that kanta was dead on aug 12 1990 under unnatural circumstances. A FIR was on the same day under section 304-B IPC. After inpection n postmortem it was found that kanta was dead two- three

days before 12 aug 1990 In the trail court, the proceustion was able to establish that kanta before her death was subjected to harassment and cruelty by her husband and her in-laws in connection with the demand of motorbike and her in-laws were guilty of causing death and were convicted under [Section 304-B](#) IPC accordingly and sentenced to suffer seven years' rigorous imprisonment as noticed above. The High Court in the appeal preferred by the appellants concurred with trial court and dismissed their appeal. Mr. V. Madhukar, appellants advocate presented that the demand of motorbike was not a demand of dowry as it was for a business of milk He argued that the evidence let in by the prosecution was not trustworthy at all and the demand for dowry is not established the appellants argued that there was no evidence of demand of motorcycle the judgement was then given by taking the reference of appasaheb & state of Maharashtra.

Ashok Kumar VS State of Haryana,[AIR 2010 SC 2839]

The deseced and ashok kumar, her husband were married on 19<sup>th</sup> october 1968. Harbans Lal, her father had given enough dowry at the time of her marriage according to his Means, desire and capacity. But the appellant and his family members were not satisfied with the dowry. They used to harass and beat her every day.

The deceased went to her father's house in Kaithal one week before the date of the event and narrated the tale. She mentioned specifically that her husband wanted to set up a new business for which he needed a sum of Rs. 5,000/- .The deceased's father could not do that because of which the appellant and his family members, Lajwanti and Mukesh in particular, allegedly burned the deceased by sprinkling kerosene oil on her as a consequence of which on 16.05.1988 the deceased died in the hospital at approximately 4 p.m. The father of the deceased received information of the incident from his sister's son Subhash Chand. Neither the appellant nor his family members informed him about the said demise. The father of the deceased moved a complaint before SI Randhir Mohan who made endorsement on the basis of which FIR was recorded. The case was committed to the Court of Sessions by the learned CJM vide his order dated 18th October, 1988 which framed the charge under [Section 304-B](#) of the Code read with [Section 34](#) of the Code. Upon completion of the evidence of prosecution, statement of the accused under [Section 313](#) of Cr.PC was recorded. The learned Trial Court by a detailed judgment dated 13.01.1989/16.01.1989 held all the three accused viz., Ashok Kumar, Mukesh Kumar and Lajwanti, guilty of the offence punishable under [Section 304-B](#) of the Code and vide order of the same date, sentenced the accused to undergo rigorous imprisonment for a term of 10 years and to pay a fine of Rs. 1,000/- each and in default of payment of fine, to further undergo rigorous imprisonment for 3 months. Thereafter the accused filed an appeal before the high court Punjab and Haryana, which was partially accepted.

Lajwanti and Mukesh, the mother and brother of the accused Ashok Kumar, were acquitted of the offence under [Section 304-B](#) of the Code while the conviction of Ashok Kumar, accused was upheld and the order of sentence was also maintained by the High Court. It is also contended that the Courts below have failed to appreciate the evidence in its correct perspective. The evidence brought on record clearly shows that there was no connection between the death of the deceased and the alleged dowry demands or alleged cruelty. Further, it is contended that there was delay in registration of the FIR and no explanation has been rendered whatsoever in that behalf. The occurrence was dated 16.05.1988 at 4.00 p.m. and the FIR was lodged on 17.05.1988, while the deceased died in the hospital on 16.05.1988. Unexplained and inordinate delay in lodging FIR (Ex. PU) creates a serious doubt on the case of the prosecution. There were no specific allegations made in the FIR with regard to dowry and the allegations made, in any case, did not specify the basic ingredients of dowry demand. So, the appellant was charged with an offence under [Section 304-B](#) of the Code.

#### STATE VS SANJAY SINGH ON 8 JANUARY, 2018

Suman („deceased“) daughter of Nathu Singh (PW1) was married to the Respondent/Accused Sanjay Singh on 26th April, 1995. According to the prosecution, the in-laws of the deceased were not satisfied with the dowry given by her parents. She was, therefore, ill-treated by the accused and his family members in the matrimonial home. Her ill-treatment increased after she delivered a baby girl. For a period of about 2 months in May and June, 1997, the deceased stayed at her parental house. The co-accused Vijay Singh, the father of the Respondent, visited the parental house of the deceased along with his younger son on 26th June, 1997 and brought the deceased back to her matrimonial home. At night, she had coitus with her husband. In the early hours of 27th June 1997, the deceased Suman and her daughter Sweta were both found lying dead. The body of the deceased was found suspended with a hook with the help of a ligature. He stated that his daughter had been subjected to cruelty and torture at the hands of the accused on account of dowry demands. She was pregnant at the time of her death. Her in-laws wanted the deceased to abort the child, but Suman had not agreed. The accused pleaded not guilty. The prosecution examined 19 witnesses. In the judgment dated 31st January, 2000, the trial Court concluded that the offence under [Section 302](#) IPC read with [Section 34](#) IPC had not been proved against any of the accused persons and accordingly they were acquitted. However, all of them were stood convicted for the offence under [Sections 498A](#) IPC.

### STATE OF U.P. VERSUS SANTOSH KUMAR

Deceased Sunita, daughter of Dhani Ram was married to Ram Chandra on 1.5.1987. For the marriage to be conducted and to make the in-laws happy Dhani Ram gave dowry beyond his capacity, but unfortunately her in-laws were not happy, they harassed her by asking dowry everyday in the form of articles and money. Her dad Dhani Ram met with Prem Narain and Shiv Pyari and assured them that he would continue to give them throughout his life, apart from anything he had already provided in dowry, but they should not harass his daughter. One Day Thereby pouring kerosene oil and killing her and taking care of ten to twenty thousand litigation expenses to save Santosh Kumar. Immediately afterwards, Santosh Kumar carried a kerosene oil container and poured the same on Sunita, lighting fire and burning her alive. Deceased Sunita wept for assistance instantly after the burning episode and eventually jumped into a tiny water tank to save her life. Hearing her cry her neighbor came to save her , but she died the death of deceased Sunita was caused by accused Santosh Kumar in furtherance of the common intention of all the accused on account of demand of dowry, while the defence version as set up by the respondents was a case of accidental fire. The trial court came to a definite finding that it was a clear case of murder and not a case of accidental fire.

### ALAMGIR SANI VERSUS STATE OF ASSAM [(2002) 10 SCC 277]

On 31 May 1994, the appellant married Dr. Anjum Ara. On February 14, 1995, one Dr. Kalpana Sharma (P.W. 1) sent a telephone notification to the Dispur Police Station that a female was killed in suspect conditions. A diary entry was produced on the grounds of this data. Then the police came to the incident site. Dr. Anjum Ara was discovered dead on the bed. The deceased's dad, who is the Sub Divisional Officer, has been notified of the death by telephone. The police initially arrested the Appellant. he father of the deceased gave information, which is treated as FIR, that his daughter had reportedly committed suicide "by hanging inside the bathroom". The diary entry dated 15th February, 1995 records that the father of the deceased had informed in writing that he does not have any suspicion and that it was purely a case of suicide. After receipt of the post-mortem report on 22nd February, 1995 the father of the deceased gave a second report to the police. Now he alleged that his daughter had been murdered by her husband. He alleged that she had been so murdered for non-fulfillment of demand of dowry made by the Appellant. The Appellant was therefore charged under [Sections 302](#) and [304-B](#) of the Indian Penal Code.



The recent orders of Supreme Court has clearly a made a statement about its approach towards dowry and it is also ready to take step against people trying to misuse the laws regarding it .

One such incident was evident in a situation where the Supreme Court of India in 2018 where it restored an immediate arrest provision in section 498A of IPC with an added provision that the arrested can approach court for misuse of the law. Contradicting this a NGO , Social Action Forum argued that the dilution of law had just made situations worst for woman as there were no credible data to as to suggest whether the law was misused . <sup>11</sup>

In the year 2017 and few years ago as well the law and order observed an increased number of cases filed under The Anti Dowry Law . The Supreme Court of India in July 2017 accused the women of misusing the Anti Dowry Law . A NGO had challenged the decision of a two bench Judge of there could not have been an immediate arrest until the charges were proven by 3 member Family Welfare Committe gave its nod under the Section 498A of the IPC.

In the last 11 years between 2006-2016, for every case that resulted in a conviction, five other cases resulted in an acquittal and one case was withdrawn with the net result being that only one out of every seven cases resulted in a conviction-National Crime Records Bureau.

The Supreme Court also said that most number of cases filed under 498A were not *bona fide*(good faith). By relying on NCRB data of greater number of acquittals than convictions meant that case were false and *mala fide* . What is interesting here is that this rate of convictions and acquittals could have been beacuse of out of court settlements , ineffective investigation etcetera . With all this in mind one should also consider that the number of bride death had increased to 8445 by 2014.

The Supreme court has also felt the need to introduce Family Welfare Committes consisting members of civil society to give reports about facts and its opinion.<sup>12</sup>

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<sup>11</sup> ‘SUPREME COURT RESTORES DECISIONS ON DILUTION OF 498A’, The Economic Times (New Delhi, 15<sup>th</sup> Sep 2018)

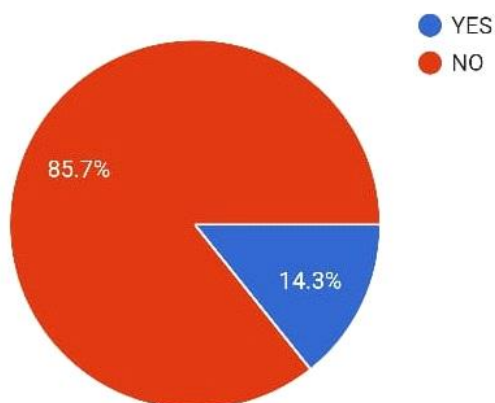
<sup>12</sup> ‘SUPREME COURT RESTORES DECISIONS ON DILUTION OF 498A’, The Economic Times (New Delhi, 15<sup>th</sup> Sep 2018)

## EMPIRICAL STUDY ON PEOPLE'S PERCEPTIONS TOWARDS DOWRY AND ISSUES ARISING DUE TO DOWRY IN ANEKAL LOCALITY.

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Question title: Do you give or are willing to give dowry?.

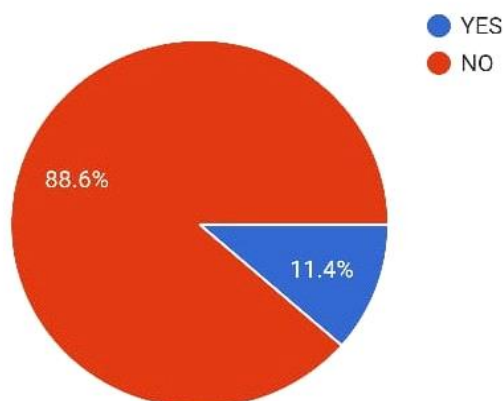
Number of responses: 35 responses.



This question was particularly asked to get the idea about as to what is people's stand on the practice of dowry in the society . The answer as it comes out is that around 86 percent of people who took the questionnaire were either willing to give or have given dowry . What also comes out from the casual conversation during the filling of questionnaire is that few people think that dowry should be eradicated from the society as it a making the sacred imstitution of marriage a bargain .

Question title: Do you think dowry is a must for marriage?.

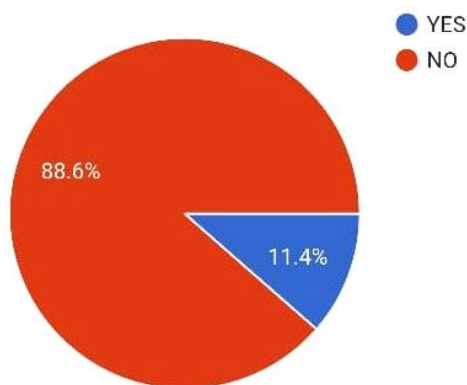
Number of responses: 35 responses.



In accordance with the answer to the first question , almost 89 percent of people think that dowry is not must for marriage but what is interesting to note here is that this opinion of people to some extent contradicts the statement during filling of the questionnaire which was mentioned in the first question when people said practice of dowry made marriage a mere bargain . This statment reflects that somehow people think that every marriage that happens has a factor called dowry in it.

Question title: Do you think the amount of dowry which you are willing to give will satisfy the groom's side?.

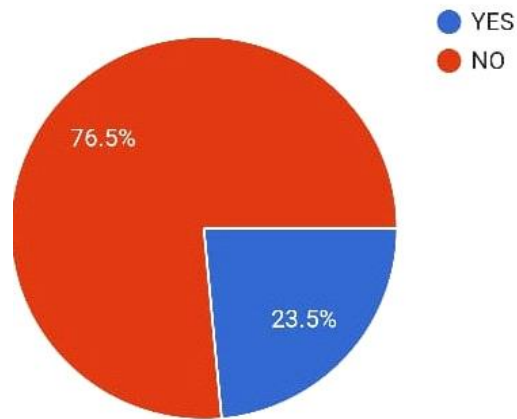
Number of responses: 35 responses.



Again in this answer people have contradicted themselves, 89 percent of them saying that the amount of dowry which they will give or are willing to give will not satisfy the groom's side . In the first question a majority of them had answered the question as to they were not will to give dowry . This question had also an option of "No answer" which none of them had opted for . This means that somewhere in the minds of people there is still a thought that they would have to give dowry .

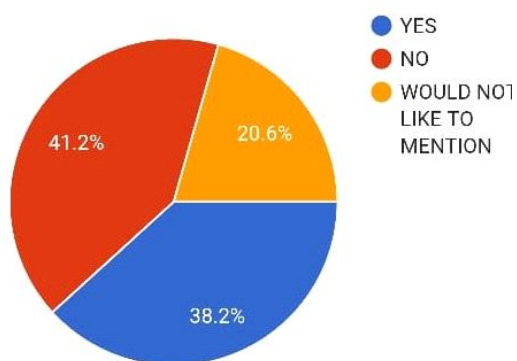
Question title: Should practice of dowry keeps on prevailing?.

Number of responses: 35 responses.



Almost 77 percent people in this question had opted for NO as an answer but what is rather more interesting to note is the 23 percent who opted YES for an answer . The minority's argument for this is a striking wherein almost all of them mentioned two reasons it that the idea and practice of dowry is deeply rooted in the heads of the people and in their customs and now it is merely impossible to remove it another striking reason that they mentioned is that dowry has now become a status symbol for people of their economic and social capacity . The status of a groom's side is decided by the amount of dowry he takes and it also decides how well educated he is for an outsider. The amount of dowry given by the bride's family reflects their economic status and also in how well off family they have married their daughter to .

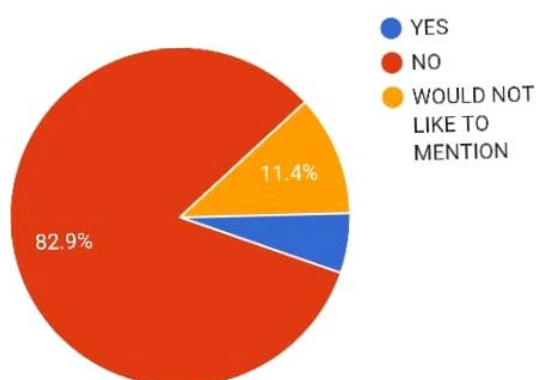
Question title: Have you had any complaints from your daughter or from people you know about the ill treatment on grounds of dowry issue?.



This question here tries to get the idea as to whether people are ready to bring the problem of the their daughter because of dowry to the world and consequently in eyes of law . 21 percent of people in this question chose WOULD NOT LIKE TO MENTION as an answer . When further inquired they said they did not want any thing such as to be on paper anywhere as they did not want to land their daughters in any sort of problem with their in laws because of this . Now this is the reason and example of people do not approaching to any legal authorities for remedies .

Question title: If you have a son will you ask for dowry?.

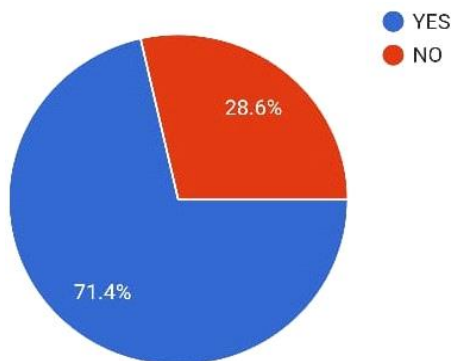
Number of responses: 35 responses.



In this question 83 people answered NO but what is notable here is that around 16 percent are one's who will take dowry or are someone who will take but are not ready to mention it outright . So this idea of taking dowry is present in people's mind which is a troubling situation.

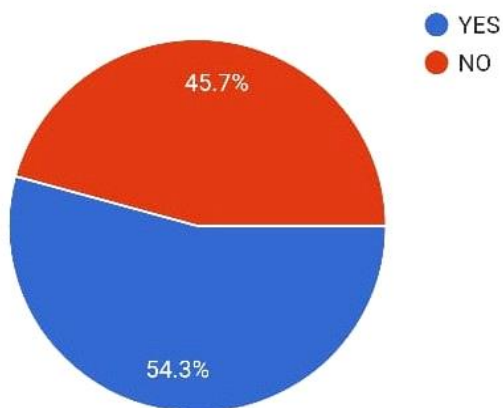
Question title: Do you know about Dowry Prohibition Act?.

Number of responses: 35 responses.



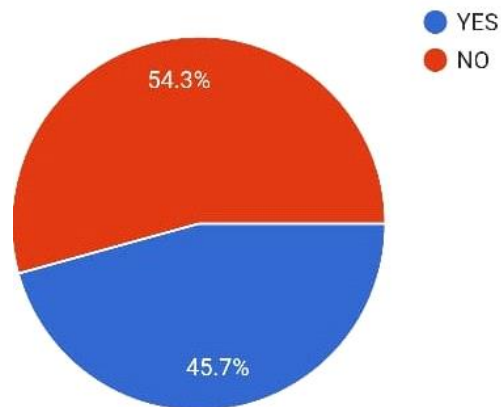
The 30 percent people who do not know about the the Act are people who should . We learnt that that even the people who answered YES knew it by its name that there is an act that exists but not the required provisions that are supposed to know.

Question title: Do you know about Section 498 A of the Indian Penal Code?. Number of responses: 35 responses.



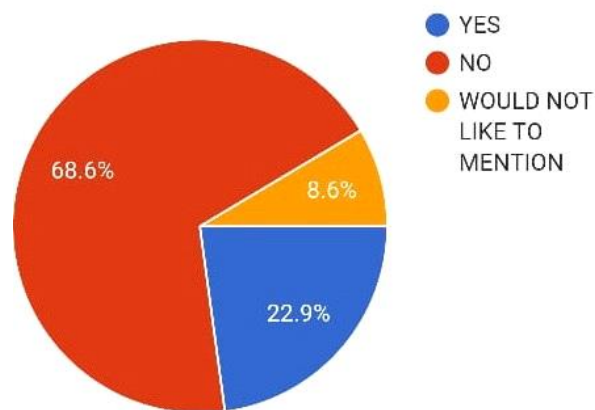
Yet again almost half of the people did not know about the law .

Question title: Do you know about Section 304 B of the Indian Penal Code?. Number of responses: 35 responses.



Question title: Does having a daughter worry you financially?.

Number of responses: 35 responses.



This question was here to asses people's approach towards having a daughter . The 23 percent who said YES to it when further enquired mentioned that they had a financial burden which doubled the burden in case of having a son because whatever the expenses were done in educating at least share

of it would received back in form of dowry but in daughter's case the extra amount of dowry that they necessarily had to give was a heavy load to take . Again this was a very striking answer as to what is the social status of female child is right now .

## **CONCLUSIONS/SUGGESTIONS**

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Rani Jethmalani , a famous lawyer in one of her articles wrote , "Ironically , for 50% of population of India born free and notwithstanding the explicitly the Constitutionally declared goals of egalitarianism and social justice in Article 14, 15(3), Article 38 , 19, 51(A) and Article 21 , freedom is determined by gender , biology , economy and power of which "Dowry" is a manifestation". This was a very powerful statement made by Rani Jethmalani in her article. Whenever we think of Dowry and its laws all the Anti Dowry Law like the Act of 1961, IPC, Indian Evidence Act comes in our but at times what goes missing from our observation is how grossly the practice of dowry violates the the only epic of Indian Judiciary. The Constitution of India. The Indian Constitution promises equality based on caste, creed, race , gender and many more . The practice of dowry and its related offences brutally crushes those constitutional provisions. The Judiciary now has to take serious stand against it which it does not seem to do . Citing the example of a case previously mentioned which led to dilution of the Section 498A of the Indian Penal Code, the honorable court came up with an argument that since the acquittal rate in the dowry charged cases were around 70%, the female section of the society seems to be misusing the law. What they forgot to take in consideration is that even the criminal matters like murders, according to the Indian statistics the the rate of acquittal is near around the same 70% mark. Even after so many acquittals the crime rate is pretty high in our country which means there is some serious loophole in the criminal law and based of this loophole the judiciary seems to be making an analogous comparison between the two equally brutal offences . What is also to be taken in consideration is that many such dowry related issues have ended in the out of court settlements how many of them have not even reported which brings this paper to another point of discussion,

While conducting our survey, in answer to one of the questions which was whether the person surveyed had received any complaints from their daughters regarding domestic violence due to dowry , along with some people going with YES as an answer , there were people who were not ready to mention about it . When questioned further they said they did not want to by any chance bring it out to public since it would worsen their daughter's situation there. The same answer was mentioned when asked why do these people don not report it to the police station. The fear of their



daughter getting in a much more worse situation was abstaining them from going for a step which had a possibility to improve it. The answer to why not move to the court was they at first did not know about the provisions and ways and methods to move to the court. Secondly the amount of expense that would go in court proceedings was surely not to their reach. This brings us to an interesting case as to what about poor woman litigants, how do they get justice delivered which until now they are not and as we all know equality before law is also a fundamental right and it is the responsibility of the state to protect the fundamental rights of the citizens from violating. What we think is needed to be done in this field is to provide expeditious and efficient legal aids and to have a legal society in every *Taluka*, districts of a state to provide legal knowledge and solutions for this. The NGOs that are working for this cause shall be conferred with a little more power as to take as many cognizance of the offences as possible. One major thing that needs to be done in this field is upliftment of the morale of woman especially in the rural areas. The submissive attitude that rural woman predominantly have in them leads to their own problems. The NGOs and local government should have ways and means to make the woman in the society much more aware of their prestigious place in the society. A woman who can stand for herself, can make life better for herself.

During the unstructured questionnaire we came to know that the cases where these violence took place for dowry most of them were marriages which was more than 7 years old. This fact puts a big question mark on the provision of Section 304B of the Indian Penal Code and also few provisions of the Dowry Prohibition Act. What if the death is caused in any of these cases these would definitely not fall under the purview of the Section 304B and would dilute the case with certain manipulations in the facts, the case might not even be filed under the purview of a dowry offence and yet again here the problem of cases not reaching the judiciary comes up. The Law making bodies need to understand that it is not such a problem which can be settled within the time limit of 7 years it needs much longer for it or in certain cases even a lifetime was not enough.

Section 3 of the Dowry Prohibition Act, 1961 has a provision for punishment to both one who takes and gives dowry. This is one serious loophole that law has. Section 7 which talks about the dowry offence as being one of a nature that no court can take cognizance in any matter until reported, makes the law very much contradictory as why would a person who has given dowry report to the court or any competent authority with a view of even them getting punished for the offence. One thing that can be done in this case is the person giving the dowry can be exempted from punishment given that he can establish with proper evidence that the demand of dowry was made and it was also mentioned as a necessity for the marriage to happen (in case where the marriage has

already happened) . What this would do is create an apprehension in the mind of the person who is taking dowry of getting penalized. In earlier cases this did not use to happen and the person who demanded and took dowry used to feel safeguarded as the dower would not file any complain against him.

We now move to the social stand on Dowry. By the research that we had conducted in paper we got know that the majority of people when personally asked gave an ideal answer of not supporting dowry but when random people who were not a part of this survey were interrogated with unstructured questions, were of different opinion. They spoke very highly of the amount of dowry which was given and it also seemed as if they somehow related this to their economic status. Broadly speaking and also interacting with people from the south , here dowry is not a forced act but some people give out of their own magnanimity but whatever be intention , law violated is a law violated and what worse it does is it does not let the practice of dowry come to an end . A lot of them might not be affected in an adverse way but even if one does it should stop all the more in this the number of people adversely effected is way more or in fact the number of people not affected are almost negligible to the amount of people who are. This has now become a deep rooted social evil and nobody has an exact number as to how many are suffering from this evil even without any signs of torment.

Another social problem that needs to be eradicated is the problem of education. Contrary to every single social problem to which education can be attributed as the solution, dowry stands apart. The more the educated son, the more the demand of dowry. We used to think that education would eradicate this problem but it seems to be aggravating it more. The mentality of demanding high amount of dowry for more educated son is pulling us down as a society and also creating an imbalance and biasness as the way we treat our female child.

Rani Jethmalani in her article<sup>13</sup> mentions about how the woman becomes a foe to another woman citing the example of mother-in-law and sister-in-law as the accomplice in dowry offences. The woman who are supposed to understand the pain of another woman turn out be the malicious ones. This is a very depressing fact as to the declining condition of woman in the society.

India is a country where women were always treated with immense amount of respect since the evolution. They were the goddesses of the household. "*Beti Babu Ghar ki lakshmi hoti hai*" this idea is still rampant in the Indian society. But the condition our women our facing today is of much worry. Rape, abuse, harassment, eve teasing, judgmental attitude and the list goes on and after all this the

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<sup>13</sup> [http://www.womenstudies.in/elib/dowry/dw\\_dowry\\_deaths.pdf](http://www.womenstudies.in/elib/dowry/dw_dowry_deaths.pdf)

least we can do is treat them with respect even after the sacred bond of marriage is tied unfortunately we seem to be failing to do so as well. We might be progressing economically. modernizing but we are regressing socially. We have come into 21st century and we still see cases on bride burning, suicides, mental torture of woman by their own in-laws and husband . Even after this grave a situation, Neither the judiciary not the executive seem to have a clear stance on the issue. Instead of strengthening the law we have ended in diluting it . It is high time we realize we are taking the idea of "no matter how many guilty are acquitted not a single innocent should be convicted", too seriously. It is time that we start setting our laws right and also the citizen should set their actions right and take step forward towards an Indian society and Indian marriage without dowry in practice.

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