

# Dowry, Its Causes and Consequences: A Sociological Study of Dowry Harassment and Death Cases in Aligarh District of UP

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**Abstract-** Dowry refers to “the property, money, ornaments or any other form of wealth which a man or his family receives from his wife or her family at the time of marriage. Dowry is both a practice and a problem with Indian marriage” (Haveripeth, 2013). The practice of giving dowry was meant to assist a newlywed couple to start their life together with ease; however, now it has become a commercial transaction in which monetary considerations receive priority over the personal merits of the bride. Dowry system has given rise to many socio economic problems with very serious consequences. Numerous incidents of bride burning, harassment and physical torture of newlywed women and various kinds of pressure tactics being adopted by the husbands/in-laws’ pressurizing for more dowry have compelled the social reformers and the intelligentsia to give serious thoughts to various aspects associated with the institution of dowry (Sachdeva, 1998). Government of India enacted “Dowry Prohibition Act” in 1961, which was further amended in 1985 to control this menace. In spite of this Act, the “give and take” phenomenon of dowry is practiced widely throughout India, irrespective of caste and class (Grantham, 2002). In many cases, when dowry amount is not considered sufficient, the bride is often harassed, abused and tortured (Singh, 2005). Dowry related violence and bride burning (dowry death) are only peculiar to our country and beside husband, his kin also join together in persecuting the bride as the dowry and related customs provide a good excuse to them for humiliating, insulting and even beating up of woman (Haveripeth, 2013). The bride is helpless in her new home and physically so powerless that she cannot retaliate against the coercive tactics or actions of other; not many women have the guts to divorce their husbands on the ground of frequent mental or physical torture since they have nothing to fall back upon in a traditionally and poorly developed country like India (Singh, 2005). Recent studies suggest a link between domestic violence and dowry demands. Wife abuse has been found to be higher when a husband and/or his family believes dowry payments are inadequate (Banerjee, 1999; Bloch and Rao 2002), Suran et al (2004) in a study “Does Dowry Improve life for Brides” found that, in Bangladesh, married females who paid dowry at marriage “have a higher likelihood of reporting domestic violence compared to those who did not; in fact, paying no dowry is just as protective, if not more so, in terms of preventing abuse as the largest dowry payments”. Persons participating in dowry related violence are mostly mother in-law and siblings of the husband and Gautama & Trivedi found that in a majority of cases the husband and the mother in-law of the victim played a leading role in planning and execution of violence against the bride. These crimes appear to be a product of socially structured expectations about dowry giving the inferior status of women and consequently the low bargaining power of

the women and her parents; the growing urban consumerism among lower and middle class sections of the society as well as the lack of effective legal sanctions against such crimes (Haveripeth, 2013). Dowry related violence has been regarded as a universal phenomenon, cutting across all sorts of boundaries and is on continuous increase in India, it may be taken as a matter of grave concern that dowry harassment and death is one of the typical problems of Indian society (Singh, 2005). In this context it is necessary to understand the extent of dowry related violence and the resultant efforts made by the sufferers to stop control or overcome.

**Index Terms-** Dowry, Section 498A, cruelty, dowry related violence, dowry death

## I. INTRODUCTION

For over a century, eradication of dowry has been a major item on the agenda of the social reformers of all hues. In the last decade or so, it has perhaps received more attention than almost any social issue yet; dowry is nowhere, near being eradicated in fact, it has flourished and spread through all levels of society ([http://www.manushiindia.org/pdfs\\_issues/PDF%20files%2034/2.%20Dowryto%20ensure.....pdf](http://www.manushiindia.org/pdfs_issues/PDF%20files%2034/2.%20Dowryto%20ensure.....pdf)). The dowry system in India has a long history. To understand about the origin of dowry, we have to analyze the position of women throughout the ages. During the Vedic period, women were sufficiently educated and civilized. Marriage was not a social contract but a necessity in law and the married women enjoyed a place of dignity. Monogamy was the established system. Dowry system was prevalent in rich land lords only in the form of movable gifts. Widow Remarriage was also allowed during the period. During the Epic period, the condition of women had deteriorated considerably. The concept during this period was that women are the root cause of all evils and narrow mindedness. Polygamy and polyandry were also in existence during this period. According to the texts, the legal position of a woman was always that of a dependent. The unmarried daughter was under the control of her parents, the wife of her husband and widow of her sons. Though a dependent, a woman might possess her own property in the shape of jewellery. The stridhan passed on to the daughter and not to son.

During the Sangam period, there was no statement of legal and social equality among the sexes. Manu stipulated that, “A woman must be obedient upon her father in childhood, her husband in youth and upon her son in old age”. She should never be free. Introduction of child marriage at an early age resulted in

denial of educational right to women. Thus women's inferior position throughout the ages was, not merely in the family and society, but also in matters of property right (Jayapalan 2002:12-16).

During the Medieval period the system of dowry had taken a positive root of great magnitude from 13<sup>th</sup> to 14 century. However the amount of dowry began to increase disproportionately because of the exclusiveness of marriage with in one's own sub caste. During the later period of Muslim rule, the position of women had changed. Birth of a daughter was considered as a bad omen. Women were supposed to stay within the four walls of their homes and denied education. Polygamy was now an accepted practice in our society. Purdah system also prevailed. Women's right to Stridhan was recognized though, there were some difference of opinion as to what really constituted as Stridhan. Women's exclusive right was only confined to "only a part of Stridhan comprising free gifts of affection". The idea that they had a share in the property was gradually gaining ground. During the British rule, dowry system had grown up into the monstrous curse throughout the country. Under the burden of heavy taxes, peasant families were inevitably compelled to find cash where they could or lose their land. As a result, the dowry increasingly came to be seen as a vital source of income for the husband's family. The British modified laws, especially those regarding land tenure and in that process, women became invisible and they became dependent on men. By 1850's dowry became a way of showing the appreciation, a family had for their daughter. During this period women were left without legal entitlements.

During the modern times, when India became independent, the Indian women were caught up in the shackles of socio-evils like dowry, sati etc. However, social reformers like Raja Ram Mohan Roy, Renade, Ishwar Chandra Vidya Sagar and Mahatma Gandhi dedicated their lives to the abolition of these social evils like dowry, the fruitful result of their efforts were perceived first in Sind, called the Sind Deti – Leti Act in the year 1939. But this act however, failed.

After independence, however, the two states of Bihar and Andhra Pradesh enacted their own state laws, to stamp out the evil of dowry system. They defined dowry, as "Any property or valuable security given or agreed to be given as consideration for marriage". Giving and taking of dowry were made non-cognizable, bailable and non-compoundable. But these acts were not successful. In 1961, the dowry prohibition act was passed which made giving and taking of dowry, its abetment or the demand for it, has been made as an offence punishable with imprisonment with fine or both. This act was amended in 1984 and 1986 when the exploitation and suppression of women could not be checked. Thus Section 498A in 1983 and Section 304-B were incorporated in 1986 to deal with dowry-death. These sections have provided a tooth to the law. Today, dowry practice is a global phenomenon practiced by all people in India, with different religions; government is trying to eradicate the problem of dowry (Sharma 2006: 21-24).

## II. DOWRY A SOCIAL PROBLEM

The last few years have witnessed an alarming increase in the number of cases in which married women are harassed,

tortured, abused and driven to suicide in circumstances which are highly suspicious. As this cruelty or harassment and even deaths have come to be associated with dowry in popular parlance they have come to be called as dowry harassment and dowry deaths. In majority of cases the victim is often a young and a recently married woman. The phrase 'Bridal torture' and then 'Bride Burning' has come in vogue. The general public reacts vehemently against such inhuman acts and demands exemplary punishment to the culprit. But paradoxically enough, the culprit invariably goes unpunished taking advantage of some loopholes in the law. Sometimes the helpless young bride herself in sheer desperation resort to suicide from her hellish life. Rape and physical torture of young woman are common in most parts of the world, but bridal torture and burning appears to be an Indian phenomenon.

The major question that often strikes in the minds of the people about dowry torture that leads to bride burning firstly is, how common is this problem in our society? And what causes their laws and husbands to be violent to their brides or daughters in-laws? Since dowry related crimes and other forms of violence against women is a product of socio-cultural context such as types of dowry demand, socio-economic background of victims or of interacting families etc. there is a need to develop a theoretical frame work by evolving concepts and theories to understand the problem of dowry torture and bride burning. An attempt has been made in this chapter to analyze the problem of dowry torture and deaths with a sociological back drop (Umar 1994:87).

Dowry related offences under the law: Till 1983, the Indian Penal Code 1860 did not contain any specific provision to deal with violence against women within the matrimonial home and particularly dowry related offences. The guilty husband and the in-laws could be prosecuted under the general provisions of Indian Penal code relating to murder, attempt to commit murder, abetment to suicide, causing hurt, assault, or use of criminal force, outraging the modesty of a woman, wrongful confinement and causing disappearance of evidence etc. The criminal law Amendment act, 1983 created an entirely new offence unknown to criminal law in India. Chapter XX-A entitled 'of cruelty by husband or relatives of husband' which contains only one section 498-A, was inserted in IPC to deal with persistent and grave instances of dowry demand and such offence was made punishable with imprisonment which may extend to three years. Despite the dowry prohibition act and section 498-A these laws could not handle the dowry related offences and the constant increase in dowry death attracted the attention of the concerned persons. On the recommendation of the law commission the parliament passed a new law in 1986 relating to the offence of dowry death by introducing section 304-B in the IPC. Such deaths were made punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life (Jaishanker & Ronald 2013:85)

The criminal law was amended to create special categories of offence to deal with dowry harassment, cruelty to married women and dowry death. The protection of women from domestic violence act 2005 includes actual abuse or the threat of abuse whether physical, verbal, emotional. It also covers harassment for dowry or any other unlawful demands. In 1983

domestic violence was recognized as a specific criminal offence by the introduction of section 498A of the Indian penal code.

Section 498A: Section 498A was inserted into the Indian penal code in 1983 (Umar 1994: 201). The object of this section 498A is to deal with a situation when coercion is used for demanding dowry after marriage by husband and in-laws. It also includes physical or mental cruelty. The wordings of this section are enough to apply to other situations of domestic violence" (Umar 1994: 186-190).

Section-304-B: -- (1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. Explanation - For the purposes of this sub-section, "dowry" shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961). Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life" (<http://www.legalblog.in/2011/02/dowry-death-meaning-supreme-court.html>).

### III. HISTORICAL BACKGROUND OF DOWRY HARASSMENT

The beginning of the 19<sup>th</sup> century played an important role in degrading women. In India "family" has always been of prime importance. Marriage being an important social institution since Vedic period was biased against women. It was regarded as the social alliance between the two families instead of two persons. The bride was expected to serve her husband and his family and ensure their happiness and well-being. There was no question of her happiness, expectation, content. There were 3 main objectives of Hindu marriage: dharma, proja or procreation and rati or conjugal love (<http://www.legalserviceindia.com/article/I336-Section-498-IPC.html>).

The victimization of women in India starts from the time of their birth. Boys are preferred to girls. In most of the cases the birth of a girl child does not make even the parents of the child happy leave alone other members of the family. On the contrary the birth of the son is enthusiastically celebrated with blessings showered on the couple by all the members of the family, friends and neighbors alike. In such cases women are equally to be blamed. Though they are feminine first and anything else in the second place they want to have a son. If they have one son they want the second child to be a son, the third to be son and so on. Even if an educated woman gives birth to 2 or 3 daughters she is made to hang her head in shame. She is subjected to abuses and all sorts of ill-treatment especially by the in-laws. Many women have committed suicide being fed up with torture by mother-in-law and husband for being unable to give birth to a son for the family (Baruah 2004: 13-14). Indian women are always viewed as an economic burden with in society and within family. The daughters are always treated as secondary due to the strong preference for son and their financial burden as high dowry cost. Deliberate discrimination against girl child takes several forms: nutritional denial such as inadequate breast

feeding and early weaning, insufficient or delayed medical care, lack of attention causing emotional deprivation and insufficient investment to resources. All these have been documented as leading to excess mortality in the female child.

In the present context in our society, parents feel duty bound to plan and perform their daughter's marriage. It's considered a great dereliction of social duty if parents fail to perform this all important duty. A daughter is never considered settled if she is not married even if she has a well-paid high status job. The pressure is not only to settle her but to do so at the right age. The concept of right age has varied from time to time and community to community. For the urban educated middle class today, the right age begins soon after the daughter graduates when she is about 19 years old. By the time she crosses 26 years she is on the verge of losing out in the marriage market. Hence the desperation grows and the groom may have to be compensated with a higher dowry. Even if she has acquired more education or a better paid job these are not always considered efficient compensation for the age handicap (Reddy 2005: 254).

In fact a woman's education may actually increase dowry rate instead of reducing or eliminating it because a higher level of education implies that the woman has been kept unmarried for a long period of time. The social undesirability of postponing a marriage for a woman beyond her late teens or early twenties reinforces the low value accorded to the education and economic self-sufficiency of a woman in Indian society. Frequently a woman is encouraged to pursue education only to the extent it places her "in the social strata of men who may be highly candidates for marriage". A woman who acquires an education with the goal of becoming self-sufficient is generally viewed as being either licentious or arrogant. Thus she is still discouraged and often prohibited by her family and in-laws from earning an independent income. One new element that has entered in to the marriage arrangement is that the demand or expectation of dowry is subtly conveyed through various channels like the intermediary and in some cases kins and friends to the bride's parents (Paul 1986: 10).

When marriage alliances are made both the parties take pains to display their status by describing at length their family connections and the amount of property owned. The socio-economic status and power of brother's, uncle's, grandparent's, cousins all play an important role in determining the outcome of marriage negotiations. When the groom's family insists that the girl has a decent family background it's an unmistakable hint at the status of the family. This enhances the likelihood of getting dowry of certain quantity and quality. Likewise the groom's family displays its own connections and relatives and economic worth to hint that whatever is given should be commensurate with their status as they define it. These status descriptions affect the calculations of a particular dowry although dowry is to a large extent determined by the customs in a particular kinship group ([www.manushi.in/docs/522.%20Dowry-to%20ensure.....pdf](http://www.manushi.in/docs/522.%20Dowry-to%20ensure.....pdf)). For the girls in societies like the Indian society marriage has an important aspect. As per the existing social traditions they have to permanently shift their residence to the home of their married partner leaving their parental home for good (Chitrasen 2006: 151-152).

A daughter's change of status and her transfer from one family to another has a strong cultural sanction. The formal

advice given to her by her parents is that she is not to leave the house she is entering, as a woman sees their recognition in society only through matrimony and for this they sometimes pay a heavy price. For the girl, marriage is a new start at a new place. She not only moves to a new place but also among new people who are almost strangers. In most cases the people they move in with are strangers whose way of life, custom and even daily habits may be entirely different from what the woman has thus far been used to. In many cases the difference maybe so much that she may have to unlearn all that she had learnt till then in her parental house and start learning everything a fresh. This learning and adjustment is not always as smooth as it was when she was a child because now she is expected to learn much more and much faster almost overnight. A helpful attitude and an understanding of the stresses and strains of her new situation is the least that can be expected to her if the marriage is expected to offer the best it's capable of offering. However, she does not always get understanding, but intolerance and abuses instead. So long as dowry was given by the parents at the time of marriage willingly and voluntarily to their daughter for starting their new home it did not create any social problem (Veer 2004:205).

The problem arises when the girl's parents make false promises of dowry fearing that the girl may remain unmarried resulting in failure to pay the remaining part of dowry. Dowry understandably is not a one-time payment made at the time of marriage. Instead it opens up a series of expansive ritual of gift giving to groom and his kin which continue even long after marriage on different occasions'. Added to this the marriage expenditure has also to be borne by the bride's family. Now a day's dowry is mostly paid in cash to the groom's parents and as a consequence the bride usually will have no control over the dowry she brought along. As a result after misappropriating dowry, the in-laws feel that they can make further demands to the girl for additional dowry. In fact majority of the girl's parents are not opposed to dowry. The pressure for larger dowries is due to the general rise in prices and the current obsession with gold and silver, the prices of which are rising almost every day. Education has become expensive. Parents who spend a sizable part of their earnings in educating their sons regard them as investments to yield returns. If the groom has unmarried sisters in the family the dowries brought by them help parents to utilize a part of them in their daughter marriage. The price tags attached to eligible bachelor varies according to the bride groom's qualification and his status in society (RajKumar 2004:165-166). In this ugly market of marriage a cut throat competition goes on and girls are being traded as chattels or cattle.

The consequences of the demand for dowry are obviously disastrous not only for the wife and the husband and their two families but, also for the marriage itself. The moment it's made it creates a wide chasm between the two families which can never be filled as the demand by its very nature is such that it cannot be fully met because it's not a time demand but a string of demands which follow one another ceaselessly. It also sets the husband and the wife apart as the relationship comes under an increasing strain. This is mainly so because the sense of balance in marriage is immediately lost and a feeling of unequal partnership is generated which makes the husband as the superior partner who has obliged his wife by marrying her and putting her under permanent obligation. The husband and his people thus assume

the role of the reluctant acceptors of the girl's parents whom they assume they have helped out of a difficult situation of carrying the burden of their daughter for life and in return for their generosity they assume they have a right to demand compensation in cash or in kind. The custom of dowry has permeated all religions and social classes. It has spread to neighboring countries and is flourishing even among south Asian immigrants to western societies. Dowry has come to be identified as one of the key aspects of Indian women oppression (Rajkumar 2004:165-166).

#### IV. DOWRY RELATED VIOLENCE AND OTHER FORMS OF HARASSMENT

Violence against women is not a myth but a reality that exists and exists everywhere. The type, intensity, frequency and control of violence against women may vary from time to time or place but it's there. In our society though many cases remain unreported due to cultural norms, apathy, or ignorance. This may manifest themselves directly in feticide, female child killings, bride burning, dowry, murder, wife beating, and abduction, eve-teasing and verbal abuses. Thus violence can be defined as any "aggressive behavior of a person or persons, hurting body or positive regard or both of another person or persons is human violence." When analyzed: Aggressive behavior means vigorous behavior or action.

- A person means a victimizer either male or female.
- Hurting body means inflicting physical in fury.
- Positive regard means need to be loved or accepted by others as a person.

The last decade focused much attention on one specific group i.e.-women. The group is a majority one as more than half of the world population comprises of women. In spite of this dominant majority, the irony of fate lies here. The pathetic condition of women in society is itself an indicator of the low values set on women's lives and their suffering is very well in tune with the social system and life partner. The condition of Indian women is very much shocking. Limitations due to India's cultural and familial background, the social, economic and political conditions are also responsible for women's oppressions. They are the victims of circumstances which persist in India from cradle to grave (Jha 1998:107-113).

The problem of crime against women is not new. Women in Indian society have been the victims of humiliation, torture and exploitation for as long as we can remember. No serious attempt was made to explain why the Government and public alike have ignored for so long, the varied evidence that women are being greatly exploited in our society. The attitude of indifference and negligence can be attributed to 3 factors: lack of awareness about the seriousness of the problem, the general acceptance of man's superiority over women because of which violent acts against women are not viewed as violent, and the denial of violence by women themselves due to their religious values and social attitude. Laws and attitudes have been dictated by men so it suited them to perpetuate the image of the superior being. After 65 years of independence women of India do not enjoy a life free from torture (Giri 2006:179).

The atrocities committed on women can be divided into various groups are: - physical violence. Physical violence may include assault, serious injuries or burns etc. Sexual violence means robbing the dignity of woman not only by indecent behavior but it may take the extreme form of rape, female genital mutilation etc. Verbal violence means indecency or use of abusive and filthy language against a woman or their near and dear ones. Social violence includes demeaning, disparaging and humiliating a woman or her parents. Emotional violence leads to internal deprivation of love and affection, coercion, sympathy and care. It also includes depriving her custody of children. Financial violence which means depriving her of financial means and bare necessities of daily life also includes taking away the assets which a woman earns. Intellectual violence means denial of rights to take part in decision making and decisions for pressing issues. Other forms of violence may include denial of education, access to health facilities, reproductive rights etc. (Sharma 2004:118).

First a definition of dowry related violence is necessary. Research in this area is based only on official reports of cases that come to public attention. Therefore uniform definition of dowry related violence will have consequences not only for estimating the extent, forms and causes of dowry related violence but also help the researcher to study the phenomenon to identify subjects and to draw samples from a much wider population of cases. Nominally violence can be defined as "an act carried out with the intention or perceived intention of hurting another person." The hurt may be emotional in fury or even material deprivation. This definition also includes harassment cruelty as well as death caused by such behavior. Thus persistent demands for dowry leading to oppressive conduct by the spouse and/or by the in-laws toward the woman resulting in her harassment death or in commission of suicide by her can be termed as dowry related violence (Roy 1999:806-810).

The most common form of harassment of a woman by her in-laws, unfolds in the form of taunts, threats which generally escalate to wife beating and even burning (Veer 2004: 203). The taunts flung at a daughter in-law do not relate to major demands for cash or items like video and electronic goods. Much more common are taunts regarding the number and quality of saris given to her, the quality of the wedding feast and the present's given to her by her natal family at various festivals. If the main motive was avarice it would be wiser for the in-laws to demand cash for themselves rather than grumble about the number of saris given to the bride. The whole process of constant humiliation is intended to demoralize a woman so that her feelings of vulnerability forces her to carve a place for herself in her in-laws house however degrading the terms she must accept. She is compelled to grovel before her husband and his family in order to seek precarious foothold. Thus dowry demands are as little or as much related to greed as rape is to sexual satisfaction ([www.manushi.in/docs/522.%20Dowry-to%20ensure....pdf](http://www.manushi.in/docs/522.%20Dowry-to%20ensure....pdf)). Both are essentially forms of violence whose main purpose is to degrade and victimize a woman so that she retains desperate fear of disobeying the powerful.

Wife beating - The term dowry and dowry deaths have become synonymous with wife beating and domestic violence (Khanna 2009:156). It has become a key issue in practically all movements in which women are active. Dowry is one of the

major reasons of domestic violence. Dowry not given or dowry not sufficient enough demands far more dowries etc. are some of the reasons cited by women for domestic violence. Money matter is another reason for violence; it's more about the control over her income and assets. Her refusal to give money for reasons other than household expenses may lead to violence. There are instances when man spends all his earnings on alcohol and gives nothing to the household, when a wife questions her husband she is beaten up. Extra-marital affairs and bigamy also lead to violence. Violence occurs when the wife refuses sexual advances of her husband on the pretext of other woman. Usually if the woman of the household asserts her views on her husband's it is viewed as challenging the authority of male which is often taken as disrespect and needs to be punished by physical assault. In most cases of violence against women is always a primary actor either as a silent witness or as an accomplice to the crime. For instance in case of dowry death there is an involvement of mother or sister-in-laws. In case of domestic violence there is an involvement of second wife or other women. Thus the list is endless (Kaushik 2007:169-171).

Mental torture of a wife is a covert phenomenon it may even be more devastating than the physical assaults. Taunting the wife, insulting her in the presence of children, guests and domestic help, and cutting off communication with her are common manifestations of mental torture (Giri 2006:185-186).

Confinement is isolating the woman in a room which is again another form of mental harassment. Often woman is locked in the room with no access to food and water. Threats include intimidation and cursing. Man threatens his wife of grievous assault, killing her or killing her children and parents in some cases threat is given for forced abortion.

Verbal abuse is a most prevalent form of domestic violence and commonly understood as scolding. This form of violence is often followed by physical violence. Physical abuse is beating with hands and fists, iron rods and sticks throwing her against the wall kicking hurling objects at her etc. There are instances when husband in rage has thrown boiling water on wife, poured kerosene to burn her etc. (Kaushik 2007:169-171). Wife beating, though a universal phenomenon existing through ages has been shrouded in secrecy, guilt and shame on the part of the victim. It's only in the last decade that wife battering has been recognized as a social problem of major proportion. The death which occurs within the home is the ultimate manifestation of the violence suffered by most Indian women. There can be nothing more shattering for a woman than being battered by a husband who is supposed to love her and look after her and whom she trusts the most (Misra 2006:145).

The term dowry death is an oversimplification of a far more complex social phenomenon of power relationship within the family. Most of these women are harassed for a long time before they are murdered or driven to suicide and every woman who dies in her home there must be a million more that are beaten and harassed, economically deprived and mentally humiliated. Ram Ahuja has rightly pointed out that there is no woman who has not suffered at one time or harassment and humiliation, violence always shadows her sex. A woman's life lies between pleasure at one end and danger at other end. The violence ranges from slaps and kicks to breaking of bones including physical and mental torture. Beatings may be simple or it may cause severe hurt in the

form of permanent impairment of limbs or leading to hospitalization. It may also involve the use of dangerous instruments and weapons. Under section 320 of I P C the following kind of hurts have been described as grievous:-

- Emasculation
- Permanent deprivation of the sight of either eye
- Permanent deprivation of the hearing of either ear
- Deprivation of any member or joint
- Destruction or permanent impairing of the powers of any member or joint.
- Permanent disfiguration of the head or face
- Fracture or dislocation of a bone or both or
- Any hurt which endangers life

The net effect of this provision is that beating simply by hand or by use of instruments or any dangerous weapons is a serious matter. Accordingly the punishment also extends to 7 -10 years with fine depending upon the nature of weapons used for commission of offence. The offence is cognizable but bailable. However if grievous hurt is caused by dangerous weapons with a view to extort money or after administration of stupefying drug the offence becomes non-bailable. While beating has been common among the lower and middle classes in recent years; it has become a widespread phenomenon in the middle and upper middle classes. Harassment of the wife and the daughter-in-law has become common with the sole purpose of extorting money as dowry (Srivastav 1985:31-33).

Several women's organizations have been working with battered women. Narrating their experiences with battered women, the women from *Saheli* (1986) North Delhi felt that the matter of violence differs from one class to another. There is nothing private in a husband beating his wife as half the neighbourhood is witness to the act. The sympathies for the wife are according to rules established. If the husband is an alcoholic or a womanizer there is always a lot of sympathy for the wife and the neighbours often reach out and help the wife slapping her husband. But if they perceive the husband as a decent sort of man with no major vices the blame is usually laid on the wife basically because wife beating is considered legitimate. Very often no one else even in the house knows what is happening. The first time when a wife confides in a friend or relative it's sealed with stunned silence and disbelief. One levelling point between all these classes is the attitude that the wife must have provoked the husband it could not be his entire fault which in other words is the overall acceptance of physical violence towards the wife. The experiences at the *Saheli* made it clear to them that (1) An odd slap or a kick now and then was not perceived as something major (2) the connection between the above and regular physical assault was not perceived (3) A lot of women who suffered physical abuse were willing to continue to suffer provided he would change his habits. From this they concluded that that woman had a very low esteem. Yet paradoxically somewhere in the subconscious all women who could talk about being beaten felt more humiliated by this act than any other form of subjugation and which finally broke down their resistance. It became the most painful aspect of their lives to talk about. Yet because they were convinced that this form of

chastisement was natural for a man to use, it had to be accepted (Jesan 1998:6-7).

Many women who are battered loathe the battering but find it difficult to leave a terrifying situation. Shame is an important factor (Hirsch 2003:179). The battered wife feels ashamed to let people know about her situation. Like the rape victim the battered wife often feels that there is something wrong with her and that somehow she is responsible for the beatings. The girl is discouraged from frequently visiting her parents. Her isolation from her earlier natal source of support being complete her natal family is kept in the dark under the impression that all is going well and not having an inkling of what is going on. However most parents would rather see their daughters dead than have them get a divorce and return permanently to their parents' home. Dowry acts as a supposed bribe to the son-in-law to keep the daughter who after reaching certain age is totally unwanted in her parents' home. ([www.manushi.in/docs/522.%20Dowry-to%20ensure.....pdf](http://www.manushi.in/docs/522.%20Dowry-to%20ensure.....pdf)). That is why a woman's parents are always ready to meet with continuing demands made by the husband's family provided he keeps her in his house ([www.manushi.in/docs/522.%20Dowry-to%20ensure.....pdf](http://www.manushi.in/docs/522.%20Dowry-to%20ensure.....pdf)).

The natal family too offers little support as the parents are hesitant to intervene in the sanctity of the marital relationship or unwilling to take on the responsibility of a daughter who may wish to leave her husband. The parents of the dowry victim do not file a case against the in-laws during her life time but only upon her death and that too in order to avenge her death and retrieve the gifts. What is worse "the parents are all set to marry their next daughter with an equal amount of dowry to a boy of their choice" and this itself constitutes a form of violence (Bhattacharya 2004:60-61). It's usually only when the woman is thrown out of her marital home after all attempts to placate her in-laws fail that her family will in desperation finally think of taking some action. Her parents only reluctantly take her back but her hold in their house remains precarious. She is there on sufferance but not by right. Part of the justification used by many families for their refusal to provide support to their daughter is that they have already done all that they could for her by giving her a dowry. Parents frequently therefore discourage daughters from leaving tyrannical husband's because this will mean a loss of what they consider their investment. Hence their constant advice to her is to adjust to maltreatment.

In most cases of murder and maltreatment the woman feels so weighed down by the expenditure under taken by her parents that she feels duty bound to present a smiling face to them and never let them know that their investment has proved a dismal failure. The in-laws take advantage of a girl's parent's unwillingness to take her back in to their home in order to blackmail them in to giving more and more money. Most parents justify their succumbing to these demands saying it was done for the daughter's well-being. But it's almost unheard of for parents to try to solve the problem by giving the daughter a shop or a house or capital to set herself up separately so that she does not have to put up with maltreatment. Thus the woman's parents by putting additional resources in the hands of the groom's family in fact enhance his power over her life and incite him to make

additional demand and tilt the power scales even further in his favor ([www.manushi.in/docs/522.%20Dowry-to%20ensure.pdf](http://www.manushi.in/docs/522.%20Dowry-to%20ensure.pdf)).

#### Dowry in India

today, remains a compelling force in the life of Hindu families (Ghadially 2007:92-93). In fact marriages with dowry are continuing despite the dowry prohibition act of 1961 that made dowry illegal. However with the changing socio-economic structure dowry has changed shape and meaning to the point where Srinivas sees it as a modern monstrosity which people attempt to legitimate by linking it up with an ancient and respected custom. The earliest legislation to deal with the problem of dowry was passed in 1961. The act was however more a step to educate public opinion than to seriously deal with violence generated by dowry system. The legislation accordingly proved to be totally ineffective in dealing with the problem of dowry violence. By the end of 1970's it became clear that the exploitation of women through giving and receiving of dowry was rapidly increasing in various sections of society. Incidents of dowry violence were reported almost every day in the media. It was in these circumstances that women organizations demanded sweeping changes in the law relating to dowry and dowry violence. The joint committee of parliament took evidence from a cross section of people including representatives of women's organization and groups and suggested various changes in the dowry prohibition law. This dowry prohibition law was amended twice thereafter in 1984 and 1986 and significant changes were made in the act to make it much stronger and to give it depth. The punishment for giving and taking of dowry was increased to a minimum period of imprisonment for 5 years and a fine of not less than Rs. 15000 or the equivalent of the value of such dowry which ever was more. The demanding of dowry was also made punishable for a period of not less than 6 months which could be expended to a period of 2 years and a fine. Dowry was made cognizable and a non-bailable offence.

Women's groups and others repeatedly pointed out that unless preventive steps were taken to curb dowry the law would be ineffective. The complaints against dowry were always made when the relationship between the parties had broken down or when dowry murder occurs. The 1986 amendment sought to provide preventive machinery by stipulating that the state government could appoint a dowry prohibition officer who would be responsible under the act to prevent the taking, abetting or demanding of dowry and to ensure that provisions of the act are complied with. In spite of these amendments dowry still remains a widespread phenomenon. If dowry is to be curbed it's essential that various other steps are also taken to improve the status of women and to make them economically independent. The amendments relating to dowry violence introduced two new types of offences in the Indian penal code- 498A and 304B.

Before the year 1983 there was no specific legal provision pertaining to violence against women at domestic front. Husbands guilty of committing violence on their wives could be convicted under general provisions relating to murder, causing hurt, abetment to suicide or wrong full confinement. These general provisions under criminal law does not take in to account the specific situation of women facing violence within the confines of home as against assault by an outsider or a stranger. Therefore an amendment was made in 1983 which

added section-498A to chapter xvi IPC. Although, the aim of this amendment was to deal with dowry harassment. In this law the word dowry was used as a necessary condition to define cruelty. It therefore applies widely to situations of domestic violence. It recognizes the fact that offences committed within the privacy of home by a person on whom a woman is emotionally, financially social or otherwise dependent needs to be dealt at different plane. It makes violence perpetrated by husband and in-laws a cognizable and non-bailable offence and enable a woman to take preventive steps before such violence leads to her death (Ghadially 2007:92-93).

#### V. WHAT IS SECTION 498A OF THE INDIAN PENAL CODE?

Chapter xx-A of the Indian penal code 1860 which was amended in the year 1983 refers to "cruelty by husband or relatives of husband and includes section 498A". Section 498A states "who ever being the husband or relatives of the husband of a woman subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to 3 years and shall also be liable to fine.

Explanation: For the purpose of this section cruelty means:- Any willful conducts which is of such a nature as is likely to drive the women to commit suicide or as to cause grave injury or danger to life limb or health (whether mental or physical) of the women. Harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security is on account of failure by her or any person related to her to meet such demand (Sharma 2007:68). The increasing number of dowry deaths is a matter of serious concern. The extent of the evil has been commented upon by the joint committee of houses to examine the working of dowry prohibition act 1961, cases of cruelty by the husband and relatives of the husband which culminate in suicide or murder of the helpless women concerned constitute only a small fraction of cases involving such cruelty. It's therefore proposed to amend the Indian penal code, the code of criminal procedure and the Indian evidence act to deal effectively not with cases of dowry deaths but also cases of cruelty to married women by their in-laws. The offence shall be cognizable if the information relating to the commission of an offence is given to the officer in charge of a police station by the victim or by relative of the victim. The Indian Evidence act 1872 is being amended to provide that where a woman has committed suicide within a period of 7 years from the date of her marriage and it's shown that her husband or any relative of their husband had subjected her to cruelty the court may presume that such suicide had been abetted by her husband or any relative of her husband (Sharma 2007:69-70).

Salient features of 498A: This is a criminal law that deals with issues that mostly takes place within closed walls. It deals with cruelty by husband or relatives of husband towards the wife. Cruelty or harassment is considered as a willful conduct with a view to meet unlawful demand. This offence is cognizable, non-bailable, non-compoundable and triable by judicial magistrate of first class. It's specified as non-compoundable. However only the high court can give permission for compounding the case in exceptional situation (Shirwadkar 2006:138).

Cruelty under the matrimonial law: Cruelty began as a sort of crime against grounds for dissolution of marriage i.e. cruelty is a ground for separation under the Hindu marriage act 1955 (Sharma 2007:73). In Ashwini Kumar Sehgal vs. Swatantar Sehgal the court observed cruelty in such cases has to be of the type which would satisfy the conscious of the court to believe that the relation between the parties had deteriorated to such an extent due to the conduct of one of the spouses that it has become impossible for them to live together without mental agony, torture or distress. It further said that cruelty as a ground for divorce under section 13 (1) of Hindu marriage act, is a conduct of such type that the petitioner cannot reasonably be expected to live with the respondent. Under the Hindu law, intention or motive is not an essential element of cruelty. The act or conduct constituting cruelty need not be always direct it may be in indirect form as well. When the wife is ill treated by the members of the family and the husband stood idly instead of saving or protecting his wife it also amounts to cruelty on the part of the husband. Cruelty is divided into two parts – physical and mental cruelty. Physical Cruelty: violence by one spouse to another resulting in injury to body, limb or health or causing reasonable apprehension of the same have been traditionally considered as cruelty. In fact, this is the original meaning of cruelty, what acts or physical violence will amount to cruelty will differ from case to case depending upon the susceptibility and sensibility of the party concerned. In Kaushalaya vs. Wisakhiram the husband had been ill-treating his wife and beating her regularly. In this case the Haryana High court observed that according to the standards of all civilized world, these acts would constitute cruelty even though injury might not be serious so as to require the medical treatment (Sharma 2007:74). Mental Cruelty: In Avinash Prasad vs. Chandra Mohini, the Allahabad high court has held that, when the wife voluntarily deprives her husband cohabitation for a long period of time, it amounts to cruelty (Sharma 2007: 73-74). Mental cruelty can broadly be defined as “that conduct which inflicts upon the other party such mental pain and suffering as would make it not possible for that party to live with the other”. It's not always necessary that a code of conduct be deliberately undertaken for the purpose of causing mental pain and suffering, in order for it to constitute cruelty. Act of alleged cruelty, may be judged by the effect produced and not by the motive provoking them. However cruelty may consist of remarks, statements, language or words that render the life of the spouse burdensome even if no personal violence is inflicted or threatened.

Words uttered without justifiable cause and for the purpose of inflicting pain or words tending to wound the feelings to such a degree as to affect the spouse's health or cause grave and weighty mental suffering constitute cruelty. Permitting those under one's authority to conduct themselves towards one's spouse in a way that seriously impairs the health of the person constitutes cruelty (Kapoor 2002:70-71).

Sexual difficulties such as denial by the spouse to have sexual intercourse against the will of the wife may lead to cruelty against the wife. Acts of excessive sexual intercourse having ill effects on health mental or physical of the wife may amount to cruelty. It was held that mere consumption of alcohol by the husband may not ordinarily be a reasonable excuse for the society but when it's coupled with violence may be sufficient

justification for her refusal. Causing physical hurt to his wife, obstinate insistence that the wife must eat meat and drink wine cumulatively constitutes cruelty. Illiteracy or low educational level is not an independent ground for matrimonial relief though education has an important bearing on the total personality of women. Illiteracy coupled with an act affecting the health mental or physical of the spouse may amount to cruelty.

Shri. S.S. Chahar in his article “Matrimonial cruelty: Additive of new species” says that the nature of employment, job satisfaction and income as a correlate of employment are related to marital happiness in a family (Srivastav 2005:162). Unemployment results in stress in families and leads to violence between spouses. Unemployment per se is not cruelty under the Hindu marriage act 1955 denial or inability to provide proper food and clothing to the wife may however amount to cruelty (Srivastav 2005:162).

Cruelty is an abstract concept; there is no specific definition or explanation given by any jurist. Cruelty can be of different forms such as mental, physical, direct or indirect, intended or unintended. It also depends upon different factors and circumstances such as social-cultural background of the woman, mental and physical conditions, etc.

Few instances of cruelty as a social evil in modern era:

- Slow starvation -is cruelty: The wife was compelled to do all the domestic works single handed. She was ill-treated and subjected to physical assault when she protested. She was not getting sufficient food and it resulted in slow starvation, thereby giving an emaciated look, to meet an unlawful demand of money. When she committed suicide cruelty stood proved in a court of law.
- Repeated demands of dowry amounts to cruelty: If repeated demands of dowry are made and harassment is meted out to a woman, who may be physical or mental, it is an act of cruelty.
- False allegations in litigation amounts to cruelty: The wife was subjected to a series of malicious and vexatious litigations in which extremely hurtful and offensive accusations were leveled against the wife of a sense of vindictiveness and wherein she was humiliated and tortured through the execution of search warrants and seizure of her personal property. These very acts when repeated and carried on constitute cruelty of an intense degree.
- Repeated taunts calling her ugly and mal treatment is cruelty: The wife was ill-treated from the next day of marriage and she was repeatedly taunted and mal-treated and mentally tortured by calling her ugly etc. This amounts to cruelty, mental torture for any bride.
- Neglect by husband also amounts to cruelty: The act of the husband was only that of disregarding his duty to provide the wife and the child elementary means of sustenance while he himself was squandering his earnings on gambling and other vices and was starving his wife and infant child to death ([http://www.academia.edu/9531210/A\\_Doctrinal\\_Research\\_on\\_Section\\_498a\\_IPC\\_1860\\_-\\_A\\_critical\\_Analysis](http://www.academia.edu/9531210/A_Doctrinal_Research_on_Section_498a_IPC_1860_-_A_critical_Analysis)).



Thus IPC -498A is-

- Cognizable –the accused can be arrested and jailed without warrant or investigation
- Non compoundable-the complaint cannot be withdrawn by the petitioner.
- Non Bail able- the accused must appear in the court to request bail (Sharma 2007:74).

Section 406 Criminal Breach of Trust: In order to understand, the concept of criminal breach of trust, in reference to offences relating to dowry, it's necessary to understand Stridhan. "Any property given to a woman before, during and after her marriage, in connection with her marriage is considered as her Stridhan. Who so ever, whether the bride groom, his parents or his relatives or any other person, has received the dowry must hold it in trust for his bride. He must transfer it to her within the stipulated period of three months. If the woman dies, within a period of seven years of marriage, then the property would go to her children and if there are no children, then to her parents. If he does not do so, he will be guilty of dowry offences under section- 406.

Cruelty no abetment to suicide: In cases of abetment to suicide ([www.thehindu.com/.../cruelty-no-abetment-to-suicide/article](http://www.thehindu.com/.../cruelty-no-abetment-to-suicide/article)), there must be proof of direct or indirect acts of incitement. The mere fact that a man was cruel to his deceased wife is not enough to warrant conviction the Supreme Court has held. "Merely on the allegation of harassment, conviction in terms of section 306 IPC (if a person commits suicide whoever abets in it shall be punished with imprisonment of either description for a term which may extend to 10 years and is also liable to fine) is not sustainable," said a bench consisting of justices Arijit Pasayat and D.K Jain of Supreme court".

Section 107 defines general abetment, "A person abets in the doing of a thing when he instigates any person to do that thing or engages with one or more persons in a conspiracy for the doing of that thing." These things are essential to complete the abetment as a crime. In the instant case, Kishori Lal vs. State of M.P on 19 June, 2007, Raj Kumari committed suicide in her matrimonial home on August 31 1982 following harassment by her husband Kishori Lal, according to the prosecution. The trial court sentenced him to 5 years imprisonment. His appeal to reduce sentence was dismissed by the Madhya Pradesh high court. Allowing his appeal against this Judgment, the bench accepted Kishori Lal's contention that there was no evidence to show that he was in any manner responsible for the suicide by Raj Kumari. Further the allegation of torture made by her mother related to an incident which occurred 4-5 years prior to the suicide. There is ample evidence on record that the deceased was disturbed because she could not give birth to a child. The deceased was upset at this, according to the statements by 3 prosecution witnesses. If the background facts are analyzed, it's crystal clear that the prosecution has failed to establish its case; the bench said and set aside the impugned judgment ([www.thehindu.com/.../cruelty-no-abetment-to-suicide/article](http://www.thehindu.com/.../cruelty-no-abetment-to-suicide/article)).

The Supreme Court of India has ruled that the grooms and future in-laws will face the charge of demanding dowry if a proposed marriage fails to be solemnized because the girl's parents were

unable to pay (<http://www.dnaindia.com/india/zreport-dowry-law-applies-before-marriage>). Adding teeth to the anti-dowry legislation the apex court said "It's not necessary that the law applies only when the marriage has taken place but that it becomes active the moment the two parties start a dialog for marriage.

"The definition of the expression, "dowry" in section-2 of the dowry prohibition act cannot be confined merely to demand of money, property or valuable security made at or after the performance of marriage" a bench of justices Arijit Pasayat and Ashok Kumar Ganguly said. The bench said, "demand of money property or valuable security made to bride or her parents or other relatives by the bride groom or his parents or other relative or vice versa would fall within the mischief of "dowry" under the act even if the demand is not properly referable to any legally recognized claim and is relatable only to the consideration of marriage." The ruling which widens the scope of dowry prohibition law came in an appeal filed by a "husband", saying, that he couldn't be charged with cruelty for demanding dowry as he had never married the woman who made the charge. The Supreme Court rejected husbands' plea that the "Victim woman" should establish that she was his legally married wife. It wondered if, "a person who enters into a marital arrangement should be allowed to take shelter behind a smokescreen."

"Such legalistic niceties would destroy the purpose of the anti-dowry law provisions and would encourage harassment of a woman over money, the bench said". The supreme court said that it would be appropriate to construe the expression 'husband' to cover a person who enters into a marital relationship and under "such proclaimed or feigned status" subjects the women to cruelty under section 304 B or 498-A (<http://www.dnaindia.com/india/report-dowry-law-applies-before-marriage->). "Whatever the legitimacy of the marriage itself".

## VI. LIMITATIONS OF SECTION- 498A

The highhanded behavior of the laws and the breakup of the marriage have another side. Lodging of cases with the crime against women cell may not be genuine. Matrimonial discords unconnected with dowry demands or dowry related harassment are often given the colour of dowry by the wives to get even with their husbands. A critical study of the section 498A reveals that a provision which was originally designed to protect the bride from being harassed and physically tortured by the husbands or relatives unfortunately has been abused to harass the husband and his family. The Supreme Court in one of its rulings said that -

But by misuse of the provision (IPC, 1860 498A - Dowry and Cruelty Law) a new legal terrorism can be unleashed. The provision is intended to be used as a shield and not an assassin's weapon. Section 498A IPC, 1860 sometimes said to be gender-based law because recent study reveals that the provision provides protection only to women in the fight against husband and his relatives. A number of cases have been filed in the police station which forms the basis for the official statistics of dowry harassment, which otherwise implicates that only the women are entitled to file harassment cases with an unlimited scope of fabricating stories and lies without even undergoing any penalty

to pay compensation or any kind of damages ([http://www.academia.edu/9531210/A\\_Doctrinal\\_Research\\_on\\_Section\\_498a\\_IPC\\_1860\\_-\\_A\\_critical\\_Analysis](http://www.academia.edu/9531210/A_Doctrinal_Research_on_Section_498a_IPC_1860_-_A_critical_Analysis)). The limitation of the law that emerged here are of 2 kinds -- Legal and Socio-cultural.

**Legal -** Due to certain inherent deficiencies of the section such as the absence of guide lines for protection of the victim, the law failed in providing protection to woman. Due to the absence of supportive law cruelty of less gravity other than danger to life could not get proved. The gap between complaint and a genuine case was unbridgeable. As the law deals with issues within the four walls getting proof was the most difficult part.

**Socio-cultural -** The inequality between men and women in Indian society is deep rooted and just one piece of law is insufficient to eliminate or change social evils. Cruelty or harassment between the relationship of husband and wife was in a way an accepted norm and this law has attempted to shaken this. However there is a long way to go before a right to violence free life is ensured to Indian women. Ignorance about the law in general and the legal procedures as well as misconceptions about it are yet other cause that affected the efficacy of the section. The study revealed that the society in general including the legal machinery especially the police force believe that dowry is a necessary component for filing a case under section 498A. This compelled them to mention demands of dowry in the FIR even though that was not the fact in each case. During the court proceeding and the cross-questioning by the magistrate the demand of dowry could not be proved in many cases. This resulted in making the case more weak leading to acquittal of the accused. So although the accused had committed cruelty and harassment towards the victim it could not be proved due to the style and pattern of writing FIRS. The biases, prejudices and attitude of the implementing machinery particularly the police department as well as lawyers have affected adversely. The police department considered this a family matter and an extra burden to their already busy schedule. Hence filing a case under this section received least priority and was also treated as a routine matter. This was reflected in the stereotyped writing of FIR. The weak presentation in FIR ultimately impacted the verdict in favor of the accused party (Shirwadkar 2006:142).

## VII. MISUSE OF SECTION 498A

IPC section 498A was originally designed to protect married women from being harassed or subjected to cruelty by husbands and their relatives. This law was mainly aimed at curbing dowry harassment. Unfortunately this law has been misused to harass men and their families rather than protect genuine female victims of harassment (<http://www.legalserviceindia.com/article/1336-Section-498-IPC.html>).

In the wake of modernization, education, financial security and new-found freedom, the radical feminist lobby can however use 498A as a weapon. Many unfortunate husbands and in-laws have become victims of their vengeful daughters-in-law. Most cases where section 498A of IPC is invoked turn out to be fabricated as they are mere blackmail attempts by the wife or her close relatives, when faced with a strained marriage. In most

cases of section 498A of IPC, the complaint is followed by demands for huge sums of money to settle the case out of court. Over the last two decades or more of criminal law reform, a common argument made against laws relating to violence against women in India has been that women should not misuse these laws. The police, civil society, politicians and even judges of the High Courts and Supreme Court of India have offered these arguments of the "misuse" of laws strongly. The 2003 Malimath Committee report on reforms in the criminal justice system also notes, significantly, that there is a "general complaint" that section 498A of the IPC is subject to gross misuse; it uses this as justification to suggest an amendment to the provision, but provides no data to support the contentions or to indicate how frequently the section purports to be misused. It is important therefore that such "arguments" are properly responded to, and that there is a clearer and properly documented picture of the impact of criminal provisions that were enacted to protect women ([www.ncbi.nlm.nih.gov/pubmed/22403123](http://www.ncbi.nlm.nih.gov/pubmed/22403123)).

**Conclusion:**

It may be concluded that dowry a social evil exists in the society. Society continues to perpetuate the difference between a girl and a boy for the purpose of marriage, and it is this distinction, which makes the dowry system, thrive. It is very sad, that in our society, a female is considered a burden to a family or a liability for her parents. She is considered as a weaker section in our society. If we locate the origin of dowry we find that during the ancient period the dowry system was unknown. Vedic period was the golden period of women. Since marriage was considered essential for girls. During marriage the ritual of kanyadaan was an essential aspect, 'dakshina' in the form of gold coin and cash was given to the groom. All this was done out of love and affection. After the Vedic period 'Smriti's' and 'Manu Smriti's' pictured women in subordinate position to men. Her educational rights were denied and then she was considered as a burden. Later with the growing pressures of the Islamite's upon India, position of women had further deteriorated. They were to live in purdah. Her entire rights were snatched. She only retained her right of stridhan. Later the British had invaded India, they imposed taxes. As a result the position of women had further deteriorated. Great reformers like Gandhi, Raja Ram Mohan Roy etc. fought for women freedom. It was only after 19<sup>th</sup> century that women freedom and unity movement took momentum. After a lot of struggle in 1961, legislators passed the dowry prohibition act. In order to make it more effective and deterrent it was amended twice in 1984 and 1986 (Sharma 2007:164-165).

The effects of dowry system are many and varied but in almost all cases it is the girl's side which has to face the repercussions while the boy's side walks away from the issue unharmed, with their heads held high. When demands for dowry are not met, the bride is subject to torture, and often even killed. Most of the dowry deaths occur when the young women, unable to bear the harassment and torture, commit suicide. Most of these suicides are by hanging oneself, poisoning or by fire. Sometimes the woman is killed by setting her on fire which is known as 'bride burning' and is disguised as accident to avoid criminal charges and punishment. Today dowry is not the innocent practice that it started out as but has turned into a social menace that cannot be reverted back to its original form; hence it must be eradicated from our society.

(<http://www.youthkiawaaz.com/2010/12/dowry-system-in-india-then-and-now/>). Thus it is one of the most difficult and serious challenges to the present day society. Such a complex problem requires an integrated social endeavour to successfully overcome it. It has to be fought on various fronts, legal, social, educational, cultural and political. So many legal laws, penal laws etc. are available to check this phenomenon. So many anti-dowry processions and demonstrations are organised by voluntary groups. But this evil practice continues unabated (Chitrasen 2006:190).

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