

A Legal Study of Dowry Cases in India

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ABSTRACT

Since the last decade, there has been an increase in the misuse of dowry law's un-exempted provisions, leaving the other party with a significant financial loss. Due to a collision of hard rules of law and a lack of evidence, a long-delayed dowry case has been pending in district courts. Even after filing a complaint, a woman can still claim and file additional claims as a wife's rights, such as maintenance, which places a manageable financial burden on the man, regardless of his financial or social status. Women utilise Section 498A and the Dowry Act as weapons against their husbands by filing bogus complaints. Section 498A of the Indian Penal Code allows a husband, his parents, and relatives to be charged with cruelty to a woman in order to meet their illegal demands (dowry). In most cases, the husband, his parents, and relatives are arrested without a thorough investigation and imprisoned on non-bailable terms. The NCRB's "Crime in India" study classifies offences under numerous IPC headings. When comparing the conviction rates of all the categories, cases filed under Sec 498-A (Cruelty by Husband and Relatives) have one of the lowest rates. The conviction rate in Sec 498-A cases was in the bottom three in nine of the ten years. This research focuses on the effects of dowry law abuse on men, which has long been overlooked. In India, the trial courts are simply doing their job by setting hearing dates and the husband and his family members are paying the price for this delay, which is causing their lives to deteriorate without their fault. This study aims to count the loss of a man and his family on a monitoring and social level, focusing on cases that have been pending for a long time in the trial courts.

Keywords: penal code, law criticism, statistics, religious, social, dowry

I. INTRODUCTION

To combat this heinous behaviour, Indian legislators have enacted a variety of laws. In order to combat the widespread acts of violence against vulnerable women in India, legislators decided to take action in the 1980s. As a result, a Joint Committee of the two Houses of Parliament was formed to investigate the operation of the Dowry 1961 Prohibition Act was enacted to prohibit the sale of alcoholic beverages.. The demand for dowry has led to domestic violence, which led to the passage of the Protection of Women from Domestic Violence Act of 2005.

To regulate dowry harassment and dowry deaths, Sec 498 of the Indian penal Code was added in 1961, making pre- and post-dowry harassment in any form unlawful and non-bailable. IPC 498a is a piece of criminal legislation passed by parliament in 1983 that states that cruelty for the purpose of extorting dowry is punishable by three years in prison and a fine.

They even coined the term "dowry death," which refers to a death that occurs as a result of a marriage within seven years of harassment. Thousands of complaints of dowry harassment were filed as soon as the law was passed. Instead of providing security, it becomes a weapon for a married woman.

Causes of Dowry Death

In 55 dowry death cases, the cause of death was burns or hanging by rope. In two cases, poisoning was the cause of death. There have been numerous cases where death was caused by 90–100% burn damage with no direct evidence. The practise of dowry in India has been attributed to a number of factors. Economic and societal considerations are among them.

Economic Considerations

The system of dowry is influenced by a variety of economic variables. Inheritance systems and the bride's financial standing are two examples.

Some argue that economics and poor legal systems in the area of inheritance put women at a disadvantage, with inheritances going to sons solely. As a consequence, Husbands and in-laws are fully reliant on women. When they marry, they

keep the dowry. Daughters had no right to inherit their family's riches prior to 1956, including under the British Raj. The Hindu Succession Act of 1956 granted females and boys in Hindu, Sikh, and Jain family's equal legal status (India grants Sharia-derived personal status laws to its Muslim population). Regardless of the new inheritance laws, the concept of dowry remained a social practise through which When a daughter marries, her parents' property is passed on to her rather than through a long, court-supervised following the death of the parents' procedure the Hindu Succession Act is a law that governs the succession of Hindus (1956).

This prevented the disintegration of the family's wealth while also providing security to the bride. When a person dies, this arrangement can as a pre-mortem inheritance. If a woman receives a moveable gift from the family, she may lose access.

Social Determinants

Aside from marital rituals that may have an impact on dowry, social customs or rituals, and parental dowry expectations are essential considerations. While people's opinions toward dowry are changing, dowry continues to be prevalent, according to a 1995 study. In a study conducted by Rao in the 1980s, 75 percent of students believed dowry was not required in marriage, whereas 40 percent of their parents anticipated it.

While India has progressed in terms of women's rights, women in India are still viewed as second-class citizens in their homes. The dowry system, and a woman's level of control over her marriage, are all influenced by her education, wealth, and health.

Religious Considerations

Dowry is not limited to one faith in India. It is widely practised by Hindus and members of other faiths. As an example, Indian Muslims refer to jahez dowry and rationalise it as jahez-e-fatimi. Jahez is divided into two groups by Islamists: The first contains some necessary items for the bride's wardrobe and for conjugal life. The other is made up of costly items, such as clothing and jewellery, and a monetary amount for the groom's family, after much deliberation, a decision is reached. The expense of the jahez frequently outweighs the baraat's price and wedding celebrations. The jahez is distinct from the funds contribution required by Sharia religious law, known as the Mahr, or dower.

II. THE INDIAN PENAL CODE, SECTION 498A

Section 498A was enacted in 1983 to safeguard married women from abuse perpetrated by their husbands or relatives. A three-year sentence and a fine has been imposed. The term "cruelty" has been interpreted broadly to include inflicting physical or mental injury on a woman's body or health, and harassing her or her relatives in order to persuade them to meet any unlawful demand for property or valuable security. Harassment for dowry falls under the purview of the section's final limb. One example of "cruelty" is setting up a situation that makes the woman want to kill herself.

Cruelty to a woman by her husband or a relative of her husband Whoever, as the husband or a relative of the husband of a woman, subjects such a woman to cruelty is punishable by imprisonment for up to three years and a fine. Explanation "Cruelty" is defined in this section to mean:

- a) If the woman does something intentionally that is likely to make her commit suicide or put her life, limb, and health in serious danger, it is against the law for her to do it. It doesn't matter if it is mental or physical.
- b) Harassment of a woman with the intent of coercing her or anyone related to her to meet any unlawful demand for property or valuable security, or because she or anyone related to her has failed to meet such demand.

In 1983, Section 498A of the IPC was added to women's security from dowry demand brutality and bullying. A crime under Section 498A of the Indian Penal Code can only be investigated by the courts if the police report the facts or if the victim or her family makes an official complaint to the police or to the court.

III. ANTI-DOWRY LAW CRITICISM-NCRB REPORT

There is rising concern that dowry laws are frequently misapplied, particularly section 498A of the IPC, which many in India believe is prone to abuse due to police arrests made mechanically. According to the National Crime Records Bureau, approximately 200,000 people were arrested in 2012 for dowry offences, including 47,951 women. However, just 15% of those charged were found guilty.

The government of India on April 19, 2015, an attempt was made to introduce a bill to amend Section 498A of the IPC, based on recommendations from the on criminal justice reforms, the Law Commission and the Justice Malimath

committee. The planned modification, according to press reports, will make the offence compoundable, which will make it easier for couples to work out their differences.

Men's rights activists have alleged that because the section is non-bailable, the police will arrest the husband and others identified in the complaint indiscriminately. We learned from our research that over 70% of the accused had paid anticipatory bail and that only about 24% of the accused were arrested for 498A allegations. The NCRB made a big mistake by grouping all accused people who get anticipatory bail into the same group as "arrested people."

IV. STATISTICS

During the years 2006 to 2016, for every case that led to a conviction, five other cases were acquitted, and one case was dropped, according to the National Crime Records Bureau. This meant that only one out of every seven cases was convicted.

From 2015 to 2020, we looked at 75 instances decided by the Supreme Court of India on Section 498A. We attempted to compute the exact position of acquittal and conviction. Between 2015 and 2020, around 150 cases were decided, 75 of which were useful for determining the acquittal rate, and the other 75 were linked to other matters such as bail appeals, sentencing reductions, stridhan, or other concerns.

Between 2015 and 2017, I interviewed 85 women in three Indian prisons. The goal of the research was to learn more about these women's lives before they went to prison and what led to their incarceration. Sixty-six of the women questioned were serving time under Section 498A.

Speaking with these jailed women, it became clear that the majority of them had little to no involvement in the dowry crimes for which they were serving life terms. To begin with, the NCRB report should be examined because it shows the number of cases of dowry harassment and dowry death that have been reported.

Table 1- Shows the number of cases filed in each year

S. No.	Year	Under section 498A	304B 304B
1	2015	113548	7646
2	2016	110434	7628
3.	2017	107458	7838
4.	2018	104165	7277
5.	2019	126575	7162
6.	2020	112292	7045

So, while there are many instances lodged under section 498A, which also covers dowry deaths under section 304B, only about 150 cases have been appealed to the Supreme Court. The number of cases registered each year varies by only 2–3 percent. Similar ratio can be found in the dowry death data.

In the Cases Studied, Ratio of Convictions to Acquittals

Only 32 of the 75 defendants were found guilty, while 43 were found not guilty. It translates to a conviction rate of 42.66 percent and an acquittal rate of 57.33 percent. 13 decisions pertaining to quashing criminal proceedings under section 482 of the Criminal Procedure Code and remanding the case to the High Court for a new trial and retrial of the offence.

Only 18 cases out of 75 are related to dowry harassment or cruelty, which is prosecuted under Section 498A. There were 57 occurrences of dowry deaths. This is where the section about presumption is crucial.

Analysis of Case Duration/Period from Trial to Appellate Court Decision

I attempted to calculate the amount of time spent in court fighting for justice. The period was calculated using a 5-year time frame. As a result of the dowry demand accusation, a man's and his family's lives are turned upside down. It takes away his social repute and a dark mark on his picture, regardless of how he was previously. Even the husband and his family are hurt by fake dowry harassment lawsuits that can't be paid. This is because they hurt them socially, mentally, and financially.

There are cases that have been pending before the Supreme Court for more than 30 years, and the defendants have been acquitted. We can't imagine the pain he's gone through. Who will be held accountable? The party, the court, the judicial system, or the procedure the reasons for the delay must be investigated. For no fault of their own, a man and his family pay a high price. There is no way to get back what he has lost.

The majority of instances occur within one of the long periods of 20–25 years. It is difficult to assess the cost of a 25-year legal battle involving emotional, physical, and financial harassment. There isn't anything we can do about it.

V. CONCLUSION

The following is the conclusion reached after analyzing the cases and statistics acquired

Dowry Case Registration Number

Over a lakh cases are filed each year, but only a few are found guilty; 98 percent of cases are dismissed or are not judged qualified for appeal. It means that instead of using the legal provision as a cover, the woman has a free legal provision for harassing the male and his family.

Low Confidence

We've already established that the conviction rate in dowry trials is low. Only 32 of the 75 defendants were found guilty, while 43 were found not guilty. It translates to a conviction rate of 42.66 percent and an acquittal rate of 57.33 percent.

Anti-dowry Legal Interpretation of the Provision of Assumption Clause

The presumption of dowry death is explained under sections 498A and 304B of the Indian Penal Code, and section 113B of the Indian Evidence Act 1872, which states that if a woman dies within seven years of marriage, not under normal circumstances, and the cruelty of dowry harassment is proven, the death is presumed to be dowry death. It suggests that the law is being abused solely based on the testimony of the victims. With the phrase "women's empowerment," there has been a rise in people misusing laws meant for women.

Extortion and Fraud Marriages

According to reports, some marriages were staged in order to extract money from the party by exploiting Section 498A's harsh anti-dowry regulations. After registering the complaint under section 498A, it is the simplest approach to make money through settlement.

A Woman's Nature, Character, or Previous Relationships

One of the reasons for the misuse of the section is that modernization misleads women into believing that they have the right to do anything they want. Indian society's ingrained principles become unclear. With the advancement of society, women's nature and character change. They get angrier and more demanding. Even in other situations, it has been discovered that the woman wished to keep her previous relationships and get married owing to parental pressure. She realises her wrongdoing after marriage and wants to get free from the marital cage, so she utilises the anti-dowry laws as a shield.

There are Fewer Cases of no Death Dowry

Only 18 cases of harassment and cruelty under section 498A have been appealed to the Supreme Court. The rest were reserved for dowry deaths. It demonstrates that no analogous evidence was uncovered on the appellant's side. To satisfy a woman's ego or desire, false claims were fabricated.

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