



DOWRY: FROM BLESSING TO CURSE

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ABSTRACT

The custom of dowry has been followed in India for a long time, where the parents of the bride from there will give valuable goods to their daughter. But as time passed the greed also grew which resulted in the family of the groom starting to extort the family of the bride. The time came when the groom and his family used to demand any amount they desired along with valuable goods. If the bride's parents fail to provide the following demand, then the groom's family used to call off the wedding or after the wedding, they used to torture the bride so that her parents would give dowry demanded. The torture which the bride used to face was later termed domestic violence. Sometimes this included mental and physical torture. Sometimes the torture took the life of the bride. In addition to it, the bride was even set on fire. The groom's family when not getting the dowry used to beat the bride and upon her death, they used to burn her to portray that she had committed suicide and that the groom or his family had nothing to do with it. This worked in the favour of the groom and his family as the fire was used to destroy all the proof that the victim(bride) was subjected to domestic violence by the groom and his family. Many cases started to show up so to protect the bride's family from getting extorted the government enacted "the Dowry Prohibition Act, 1961". To protect the bride from being the victim of domestic violence the legislation brought the "Protection of Women from Domestic Violence Act, 2005". Even after making laws and regulations, the number kept on rising due to various reasons, one of them being greed. Due to greed the groom and his family used to demand dowry from the family of the bride. As the bride's family wants their daughter to go into a nice good family, they provide the demand made by the groom and his family. The other reason is Illiteracy.

Keywords: Dowry, Stree dhan, Bride, Dowry Death, Domestic violence.

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Introduction

Dowry is any type of present provided by the family of the bride to the family of the groom in the type of money or goods, whether may include jewelry or merchandise or home things needed by the couple to begin their life together. Dowry is frequently mentioned in stories and memories; however, it did not always have harmful implications of being a social problem. The goal of this activity was to enable newlyweds to begin their lives in bliss. The wedding dowry structure, which involves the world family of the bride offering money as well as valuable goods to the bridegroom or bridegroom's parents during the precise moment of the wedding, has been around for centuries within India along with various Asian civilizations. Dowry was popular in the European Union, Eastern Asia, Southeast Asia, and even parts of the Americas. Although the practice has mostly vanished in the Western-influenced world, it is still practiced in Southeast Asia. A particular component of the dowry arrangement overall, and particularly in India, is its relationship with inequality in socioeconomic status. The dowry contributes to the continuance of such divisions utilizing generations, as per Section 2 of The Dowry Prohibition Act, 1961¹. It explains dowry and other related phrases making sure the Act prohibitions are understood clearly. It explains what is included or can be called a dowry additionally it also states that Mahr which is a part of Muslim weddings is not considered a dowry. In the olden days when the custom of giving and taking of dowry started, it started with a good motive with a positive heart and mindset that the dowry given will help the newlyweds to start their new life easily and without much difficulty. The dowry is also given as a blessing to the couple by their elders. The bride's parents, and family used to give dowry so that their daughter would not face difficulty in her new house, that is her husband's house. It was given as *stridhan*, however as time passed the greed in people also grew and the concept of stridhan somewhat changed into dowry. Now it is also called the 'bride price'. It was sort of compulsory for the bride's parents and family to give a dowry to the groom and his family; without a dowry, the wedding would not take place. In bridging the stridhan was given to the bride by her family by their will but now it was compulsory for them to give dowry or shall I say that the bride's family was pressured to give money, valuable goods like jewelry to the groom and his family. Which was nothing but dowry. If the bride's family was not able to provide with the dowry the wedding did not take place. The groom's family even backed off from the mandap which is also one of the causes of dowry death. This happens when the bride's family accepts the demand of the groom and is not able to provide the said demand to them so when the wedding comes

¹ Section 2 of the Dowry Prohibition Act, 1961.

and the groom's side has not received the dowry, then the groom on his parent's wish back from the wedding even when the marriage is taking place in mandap which leads to brides and her embarrassment so to avoid or hide from this embarrassment the bride used to end her life. In some cases, the new bride is also tortured to death, this happens when the bride's family accepts the demand and fails to meet the requirements and the wedding still takes place then the new bride is used or still faces domestic violence from the groom and his family. The family of the groom tortures the bride so that the bride's family gives the remaining dowry. Sometimes the torture is to that level that it takes the life of the bride, or sometimes the bride only ends her life. In greed of dowry, there were many cases where the groom and his family killed the bride and even burned her alive. Almost all assault on a married woman originates from this threat. In most circumstances, the issue of dowry will emerge after marriage. If the wife is unable to supply everything that her husband and in-laws call for, her life is threatened in the husband's house, and becomes sorrowful. She will be mistreated, and in some situations, she may lose her life. The issue that Indian society still faces is violence against women caused by dowry; domestic abuse against women in India has originated from the desire for dowry. Dowry can be asked in any family may it be wealthy, middle-class, impoverished, schooled, or illiterate.

Laws and cases related to dowry death

The Supreme Court stated in **Prem Kumar v. State of Rajasthan**² It isn't always necessary to have a dowry arrangement since section 3 forbids the request, approval, or payments; the term dowry can be described as an offering desired or paid for as a requirement for the wedding. Dowry receiving and offering are penalized by confinement lasting up to six months, a monetary penalty of around fifteen thousand rupees or the value of the dowry amount, whatever is greater, as well as confinement for up to five years. Nevertheless, under Section 3 of the Act, both the person who provides and the person who receives it are prosecuted and penalized. Dowry demand is likewise a criminal offense under Section 4 of this law. The Supreme Court ruled in **S. Gopal Reddy v. State of Andhra Pradesh**³ that the request, even if made before the wedding, is a violation under Section 4 of the Dowry Prohibition Act. The court mentioned in this case that the simple request of dowry is sufficient for taking the crime home to a charge and that any request of assets or cash obtained from the bride or her family members by the bridegroom or his family or the opposite would come in under the difficulties of dowry under

² Prem Kumar v. State of Rajasthan, AIR 2009 SCC 1242.

³ S. Gopal Reddy v. State Andhra Pradesh, 1996 4 SCC 596.

section 4 of the Act on Domestic Violence. The Supreme Court made a significant point in stating the wedding, in this case, would include a future wedding that would be more exceptional in that non-fulfillment of the request for dowry leads to the undesirable outcome of the wedding not taking place at all. In **Pavana Kumar v. State of Haryana**⁴ when frequent demands for Television and motorcycles have been submitted to the bride or her family post-wedding, it is considered to be associated with the wedding and a case of dowry demand under section 304-B. In the case of **Satvir Singh v. State of Punjab and Anr**⁵, the Supreme Court declared that, in situations of dowry death, the conditions of harassment and brutality to the sufferer must be observed immediately before her death. The phrase 'soon before death' is used in section 304-B of the IPC which is associated with the concept of proximity test. There is no specific time frame stated, and this term is not specified. The assessment of the time frame immediately before is to be made by the Courts based on the actual circumstances of the case.

Causes for an increase in Dowry practice:

- **Illiteracy:** Considering the national rate of literacy at 74.04%, it is acceptable to think of it as the principal root of various societal ills. Due to their lack of awareness regarding rules as well as regulations, individuals are subjected to several horrors as a result of dowry trading customs. They are provided with very few options or have to satisfy the requirements of the groom's family members, the fact that if not met, results in abuse towards the women.
- **Greed:** Once wedding discussions begin, a large segment of the public believes it is an occasion for plunder against the family of the bride. Several explanations are given, including the dowry being requested to cover the groom's education and financial costs. The idea that the daughter is also an asset for the whole family, rather than a liability, is generally overlooked. The greed aspect might be utilized as the major motivation for such extreme tactics. Dowry is sought due to expectations of material rewards from the family of the bride, if the requests are not fulfilled then the wedding falls off, or the woman gets abused, resulting in domestic violence.
- **Not having the Desire to Obey Laws:** Our government has prepared a lot of laws to combat the system of dowries. Yet, despite years of creation, such laws remain negligible, and thus this social ill continues to exist in the world today. The fundamental cause for the inability to succeed appears to be an absence of widespread engagement. Individuals ignore such rules and

⁴ Pavana Kumar v. State of Haryana, AIR 1998 SC 2628.

⁵ Satvir Singh and Ors v. State of Punjab and Anr, 2001 8 SCC 633.

take advantage of the system of dowry to get financial advantages beneath the guise of a wedding commitment. As a result, requests are put forward and the family of the bride struggles through the cost of the future husband and his relatives due to not having an awareness of anti-dowry laws.

These were some of the reasons leading to the increase in Dowry.

Analysis

Time plays an important role in giving and taking of Dowry, over some time the term dowry has evolved first it was something given by the bride's parents on their own without being asked or pressurized to their daughter and would-be son-in-law so that their daughter would not face much difficulty and can start her new life with her husband as a newly wedded. The first dowry was when the bride's parents used to give valuable jewels and money to their daughter as a stridhan so that their daughter would not be altogether dependent on her husband and in time times of difficulty could use it and save herself and her husband this was the purpose behind bride's parents giving valuable items to her daughter. However, as time passed over decades the greed in people also evolved. Now people used to ask for money and valuable objects such as jewels from the bride's parents if they want their daughter to be wedded to the groom, this is termed as dowry. Then over some time, the bride's parents were forced to give dowry and if they failed to provide the demanded items then the wedding was called off, or if it still took place then the bride was a victim of domestic violence by the groom and his family. The domestic violence was so heinous and evil that it even took the life of the bride. In addition, in parts of India bride was also burned alive or killed and then burned so that it should portray that she attempted suicide and there was no part of her husband (groom) and his family. The cases of such acts have been mentioned above. So, to protect the bride and her family from the extortion of dowry by the groom and his family many laws and legislations were made. But still, the cases related to dowry can be seen even today. This is due to the lack of spread of anti-dowry laws. The government should spread the awareness that taking and giving dowry is a punishable offense and should strengthen the laws and their punishment which already exist.

Conclusion

Women are seen as an essential component of the community, and murdering or sacrificing them in exchange for dowry is considered an awful act as a whole. Everything that has been said, to eradicate such horrible acts, the authorities must implement more strict regulations and policies, the most important of which is to maintain women equal with men to ensure that they

don't rely upon them, as well as to use women quota as a means of women development. To eliminate this risk, we must raise public knowledge about dowry. It's not baffling that within a country where marriage is considered sacred, women are torched in the grasp of one's individuals over a couple of rupees. The dowry laws made against receiving or offering dowry should be made stronger and strict.