

ISSN 2582 - 211X

# LEX RESEARCH HUB JOURNAL

ON LAW & MULTIDISCIPLINARY ISSUES

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VOLUME I, ISSUE IV

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JULY, 2020

Website - [journal.lexresearchhub.com](http://journal.lexresearchhub.com)

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# **DOWRY IN INDIA - WITH SPECIAL REFERENCE TO ASSAM**

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## **ABSTRACT**

Dowry in Assam has become a serious problem at present. Until a few decades, Assam did not face this problem. But at present, some women in Assam are both physically and mentally harassed for the noncompliance of demands made by the groom's family. For a very long time, the Indian society has been practicing the concept of streedhana in which the bride's parents voluntarily gives the bride some gifts during the time of her marriage. This was done so that the bride did not have any problems in coping up with the amenities in her married life. No doubt women in Assam face lesser harassment of dowry demands in comparison to the other states of India. But, the influence of the other states in the Assamese society has given rise to the evil practice of dowry demands. However, the Dowry Prohibition Act has been passed in India in 1961 and subsequently section 304B and 498A of IPC which safeguards women in India from harassment from dowry. Stringent measures have been taken by the government and various NGOs and along with the help of police and administration, various measures have been taken to eradicate this evil from the society. This paper will try to focus on the evil of dowry system which has entered the roots of the Assamese society and the laws passed to stop this evil.

Keywords - Dowry, Harassment, Law, Streedhana, Culture

## **METHODOLOGY**

The present study is based on Descriptive Method and Secondary Data is used here. The writer has collected information from various sources like books, magazines, newspapers, internet etc.

## **OBJECTIVE OF THE STUDY**

1. To raise awareness on the evil practice of dowry.
2. To discuss the provisions already existing and to bring out more stringent measures through laws to punish the culprits practicing dowry.
3. To educate the people on the evils of dowry system.
4. To make people conscious that dowry system is a social evil.

5. To improve critical thinking of the people rationally.
6. To make the people of Assam aware of their ethnic culture which gave respect to women and did not accept dowry from the bride.
7. To focus and to bring to light the existing provisions in India to stop the practice of dowry.

## CHAPTER 1:

### INTRODUCTION

*“To awaken the people, it is the woman who must be awakened, once she is on the move, the family moves, the village moves, the nation moves.”*

- **J. Nehru**

Dowry refers to the transfer of movable or immovable property from the bride to the groom’s family during the time of marriage. For a very long time, the Indian society has been practicing the concept of ‘*streedhana*’ in which the bride’s parents voluntarily gives the bride some gifts during the time of her marriage. This was done so that the bride did not have any problems in coping up with the amenities in her newly married life. Moreover, ‘*streedhana*’ did not include any element of coercion and was mostly given out of love and affection. With the passage of time the concept of *streedhana* was confused and hence the evil practices of dowry started. The women are brutally treated and are subjected to physical and mental abuse for either providing less or no dowry.

Assam, a state of India with lots of vibrant culture and heritage, is unique in its own way because of the tradition it carries regarding the high position given to the woman in the state. This is due to the indigenous culture which the state of Assam carries, of not having the traditions of dowry. In ancient Assam the girls of the ethnic or tribal communities were gifted movable articles like woven clothes, sometimes domestic animals and jewellery in marriage but as time passed the indigenous people were influenced by the people of mainland India who started residing in Assam. According to the custom of Assamese marriage, even the dress for the bride and jewellery of the bride came from the groom’s family during the marriage. The parents of the bride were free to gift the daughter whatever their resources could provide. It was a cultural practice. Almost all the indigenous people from Assam have been ignorant of the evil of dowry for long, but of late after the cultural influence of the other states of India into

the northeastern states, the people from northeastern states have also started demanding dowry from the bride's family. Torture and murder have become a day to day affair in many households. Police records give a picture of how the society in Assam has also become a part of this evil.

**CHAPTER 2:**

**SECTIONS IN IPC FOR DOWRY AND THE COMPARISON  
BETWEEN THEM**

**SECTION 304 B, INDIAN PENAL CODE, 1860**

Section 304 B was added to the Indian Penal Code, 1860 which defined the meaning of dowry in its true sense and made it a punishable offence with imprisonment for a minimum period of 7 years also extended to life imprisonment depending on the brutality inflicted on the woman.

SECTION 304B<sup>1</sup> of the Act states that-

***“304B – Dowry Death***

*1. Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than other 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 purpose of the sub-section, “dowry” shall have the same meaning as in Section 2 of Dowry Prohibition Act, 1961 (28 of 1961).*

*2. 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.”*

**INGREDIENTS**

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<sup>1</sup> Indian Penal Code, 1860

The Supreme Court, in the case of *Shanti vs. State of Haryana*<sup>2</sup>, elucidated the basic ingredients of this section, like the following -

1. The death of the woman should not be caused as under normal circumstances. It should have been caused by bodily injury or burns or under some abnormal circumstances.
2. The death must have occurred within seven years of marriage.
3. She must have been subjected to some sort of cruelty or harassment before her death and it should have been caused by the husband or the in-laws.
4. The cruelty or harassment must have occurred because of some needs or wants such as property or money, which can be classified as dowry.

In the case of *Ram Badan Sharma v. State of Bihar*<sup>3</sup>, it was seen that according to the evidence collected, the newly wedded wife was persistently humiliated and beaten up by her husband and in-laws. She was also administered poison mixed with prasad. It was held that the victim did not share any kind of grief with her parents. However, all the relevant facts pointed out that it was a case of dowry demand as it had also occurred within seven years of marriage.

Further, in the case of *Sarju Modi v. State of Bihar*<sup>4</sup>, it has been held by the Hon'ble Court that the death of the woman was caused by the strangulation and was caused within seven years of marriage. The eye witness saw demands of coloured TV being made by the husband and relatives. The post mortem reports proved that the woman's death was not simply caused by strangulation but there were several assaults on her.

### **SECTION 498, INDIAN PENAL CODE, 1860**

Finally, Section 498A of the Act was included in 1983 to protect women from cruelty and harassment. This section was enshrined to formulate the proper meaning of cruelty which might occur in cases of dowry so that no one can misuse the provisions of it.

### **SECTION 498A of the Act states that-**

***“498A - Husband or relative of husband of a woman subjecting her to cruelty -***

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<sup>2</sup> AIR 1991 SC 1226 : 1991 Cr LJ 1713

<sup>3</sup> Ram Badan Sharma v. State of Bihar, 2006 Cr LJ 4070: AIR 2006 SC 2855: (2006) 10 SCC 115

<sup>4</sup> Sarju Modi v. State of Bihar, 2003 Cr LJ 631 (Jhar.)

*Whoever, being the husband or the relative of the husband of a woman, subject such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.*

*Explanation- For the purpose of this section, 'cruelty' means-*

- (a) Any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or,*
- (b) 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.*

## **INGREDIENTS**

In order to prove the commission of cruelty or harassment under Section 498 A IPC, the alleged party has to prove certain aspect-

1. The woman should be married,
2. The woman should be subjected to cruelty or harassment after marriage,
3. The cruelty or harassment should have been inflicted by the woman's husband or relatives of the woman's husband.

According to Section 498 A IPC one of the major ingredients to file a complaint if a woman subjected to cruelty and harassment is that the man and the woman must be married couples. In a case filed in the Kerala High Court, the woman was in a live-in relationship in which the man used to beat her. However, no complaint could be filed within the ambit of Section 498 A IPC. ***The Kerala High Court after taking into consideration the judgments of the Supreme Court considered that the lady(victim) filing a complaint should be a married couple<sup>5</sup>.***

Cruelty can be of two types -

- (i) Physical cruelty, and
- (ii) Mental cruelty.

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<sup>5</sup> Unnikrishnan vs. State of Kerala ; (2017) SCC Online

Both of them are considered as heinous offences. However, the court will look into the facts and circumstances on a case to case basis to determine the sensitivity of the case. While determining cruelty, the court in *State of West Bengal Vs. Orelal Jaiswal*<sup>6</sup> stated that while determining whether cruelty is of physical or mental nature, it should be looked into that the victim should not be one who is oversensitive.

It was observed in *Gananath Pattnaik Vs. State of Orissa*<sup>7</sup> The term cruelty is a very relative term. What might be cruelty to one might not be cruelty to another? On the other hand, it also depends on social and economic circumstances. A demand made by the husband of a victim might be a lot for one but might not be a lot for another.

In order to make sure that the police do not simply arrest anyone under Section 498 A IPC and the magistrate is not careless while providing detention, certain provisions had been enunciated in *Arnesh Kumar vs. State of Bihar*<sup>8</sup>-

- a) Police officers can't automatically arrest people under section 498 A IPC. They have to satisfy certain requirements which are made under Section 41 CrPC.
- b) The police officer should fill the checklist of arrest as has been mentioned in Section 41 of CrPC and should have valid reasons and materials for the arrest.
- c) The magistrate can provide orders of detention only after recording the materials provided by the police and looking into the cause and circumstances of the case.
- d) In order for the failure of the police officer to comply with the aforesaid directions, he will have to accept punishment for contempt of court.
- e) If the judicial magistrate fails to comply with the orders, he will be liable to departmental actions by the appropriate High Court.

### **COMPARISON BETWEEN SECTION 304B AND SECTION 498A IPC-**

For a very long period of time, the concepts mentioned in Section 304B and Section 498A were confused. However, after the High Court's view, K. JAYACHANDRA REDDY J *observed*<sup>9</sup> ***that both the concepts couldn't be considered similar.*** Both the provisions deal with two

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<sup>6</sup> (1994) 1 SCC 73

<sup>7</sup> (2002) 2 SCC 619

<sup>8</sup> (2014) 8 SCC 273

<sup>9</sup> AIR 1991 SC 1226 at p. 1230: 1991 Cr LJ1713. Noorjahan v. State, (2008)11 SCC 55: AIR 2008 SC 2131, cruelty is a common essential to both the sections and has to be proved. But otherwise these provisions have created distinct offences.

separate offences. While it can be concluded that cruelty is essential in both the offences and it also has to be proved. Section 498A gives the meaning of cruelty. However, Section 304B talks of ‘dowry death’, and this Section does not specifically talk about the offence of cruelty. Section 304B talks of dowry death which has occurred within 7 years of marriage as a result of cruelty and harassment. However, Section 498A talks of ‘cruelty and harassment’ as offences and doesn’t enumerate any such kind of duration within which the offence must occur. It can also be considered that after the charges of Section 304B are made out, Section 498A can also be established. If a complaint is filed under Section 304B IPC, no *separate offence needs to be proved*.<sup>10</sup>

In the case of *Vadde Rama Rao v. State of Andhra Pradesh*<sup>11</sup>, the husband went to his in-law’s house in order to ask for the unpaid balance of dowry and to ask for more dowry. Later, it was known that his wife had slipped away from a bus stop, and later her body was found drowning and she eventually died. The court reached the conclusion that this was not a case of dowry death as the husband was not present at the time of her death and was in his in-law’s place. Moreover, there was no reasonable nexus between both the circumstances.

In *Arvind Singh v. State of Bihar*<sup>12</sup>, it was found that the allegations were made because the wife had died subsequent to the marriage because kerosene was poured on her and a lighted matchstick was dropped over it. The case pointed out that dowry was demanded subsequent to all such events as a matter of interpolation. The accused was hence not held liable.

In the case of *Kishore Kumar V. State*<sup>13</sup>, it was held that the wife died under mysterious circumstances. Before the death of the wife, she was continuously being subjected to cruelty and harassment by her husband and her in-laws. Subsequently, she died out of poisoning but this was negative by the C.F.S.L Reports. The accused was considered as committing a crime under Section 304B and Section 498A IPC but the accused challenged

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<sup>10</sup> Padmaben Shambalbhai Patel v. State of Gujarat, (1991) 1 SCC 744; (1991) 1 GLH 125.

<sup>11</sup> Vadde Rama Rao v. State of A.P., 1990 Cr LJ 1666 (AP). The court, however, pointed out that if it is proved that the plot to engineer the death of a married woman was hatched by in-laws, their actual participation would not be necessary to convict them. State of Karnataka v. Dr. R.A. Ramaswamy, 1996 Cr LJ 2628 (Kant); Rakesh Kumar v. State of Haryana, (2009) 11 SCC 81; 2009 Cr LJ 1895; Kantilal v. State of Rajasthan, (2009) 12 SCC 498; AIR 2009 SC 2703; (2009) 2 APLJ 95.

<sup>12</sup> Arvind Singh v. State of Bihar, AIR 2001 SC 2124; 2001 Cr LJ 2556. G. Venkatchandra Reddy v. State of A.P., 2001 Cr LJ 2630

<sup>13</sup> Kishore Kumar vs. State

the allegations. Finally, the conclusion was reached that the accused was liable for committing the heinous crime ‘Dowry Death’.

### **CHAPTER 3:**

## **DOWRY PROHIBITION ACT, 1961**

The Dowry Prohibition Act, is an act initiated by the parliament on 1<sup>st</sup> May 1961, consisting of 10 sections. It was initiated to prevent the giving or taking of dowry. However, the act was highly ineffective to curb the evil effects of dowry. Out of the 10 sections of the Act, Section 3 needs special mention. It talks of the penalty for taking or giving dowry. The section also talks of the punishments for giving or taking dowry which might extend to imprisonment which shall not be less than 5 years and fine not less than Rs. 15,000 or the amount of dowry whichever is more. This section also considers the fact that the presents gifted to the bride during the time of marriage without the groom or the groom’s family pressurizing the bride or the bride’s family will not be included within the ambit of dowry demands. Section 5 of the act says that agreements made in connection with giving or taking of dowry will be void. Dowry is included within the ambit of cognizable offence. Moreover, it is also a bailable and non-compoundable offence. The burden of proof that the accused has not made any kind of dowry demands lies on the accused himself. Section 8B of the Dowry Prohibition Act talks of the appointment of a dowry prohibition officer. It states that the state government should appoint as many as such officers as it thinks fit for a given area. There are certain duties mentioned for the dowry prohibition officers which are as follows-

1. To make sure that the provisions of the Act are followed.
2. To prevent the taking or giving or the abetting to take or give dowry.
3. To collect evidence against the person who is registered as the accused for giving, taking or abetting to give or take dowry.
4. To perform such additional functions as has been mentioned by the state government or any of the rules made under the Dowry Prohibition Act.

The act also confers a huge amount of powers on the state as well as the central government to make new rules in this regard by mentioning it in the officer’s gazette

In the case of *Bhoora Singh vs. State of U. P*<sup>14</sup>, it was held that the victim who was the newlywed wife was ill-treated and was continuously harassed, beaten up and a severe form of cruelty was inflicted on her. The deceased before being set on fire by her in-laws wrote a letter to her father that all this was done to her for not satisfying the dowry demands.

In the case of *Gurbachan Singh vs. Satpal Singh*<sup>15</sup>, the woman had committed suicide within one year of her marriage. It later on contended that the victim was carrying a child in her womb which was considered as illegitimate. Because of this, she was subjected to a lot of taunts from her in-laws and had to face a severe form of mental cruelty. In this case, it was considered that though the form of cruelty was not inflicted on her because of dowry, however since all this had happened after her marriage, it will yet be considered as a case of dowry demand.

#### CHAPTER 4:

### EVIL EFFECTS OF DOWRY AND ITS MISUSE

#### EVIL EFFECTS OF DOWRY

- Dowry causes an economic burden to the bride's family.
- Dowry is a crime against women which lowers the status of women in society.
- Dowry is immorality against women because it enhances the importance of the male child at home.
- Dowry causes emotional abuse and stress in the bride's family.
- Dowry causes harassment, injury, and murders.
- Dowry causes a psychological crisis in the family.
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#### MISUSING THE PROVISIONS MADE FOR THE PROTECTION OF WOMEN

For quite some time, it has been seen that the picture of dowry has turned its tables. From the time when women were seen as silent bearers of dowry to the time when women simply file a case of dowry because of her husband not being able to provide her with some of her needs.

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<sup>14</sup> Bhoora Singh vs. State of U.P

<sup>15</sup> Gurbachan Singh vs. Satpal Singh

The Supreme Court has seen that over the years, some women have been misusing the provisions of dowry such as section 498 of the IPC. Simply, filing a case by the woman against her husband might send her husband and the entire family to jail. Moreover, the burden of proof is on the accused. The most disturbing fact is that on one hand, we can see the urban women filing cases of dowry as a means of being free from the marriage, and on the other hand we see the rural women suffering from the evil practices of dowry. The rural women don't even realize that the brutality that they face is an extreme case and hence it needs to be complained. The rural women need to be sensitized on this issue and actions should be taken against this cause. It can be said that the cases of dowry are increasing so rapidly that it can be estimated that at least one case of dowry occurs every four hours. While the native Assamese people have been taking pride in the fact that dowry is a practice which is not prevalent in Assam yet it is otherwise. It can be seen that the cultural influence of other states has also made its impact felt in Assam. Over the years it can be seen that there is much news of dowry published in the local newspapers of Assam. Alas! The Assamese society still doesn't view it as a major threat. With the newspapers being flooded with various news on natural calamities and party politics, the issue of dowry never gets highlighted.

#### **CHAPTER 5:**

### **ASSAM AND ITS DOWRY PRACTICE**

Gone are those days when the Assamese people used to take pride that an evil practice like dowry would never prevail in Assam. A report by "*The Sentinel*", a recognized newspaper in the state of Assam, has recognized the increasing cases of dowry deaths that have been occurring over the years. But the main question remains if the dowry demands are made by the indigenous Assamese people. According to a study of the above-mentioned newspaper, *Berpeta* district records 47 cases of dowry deaths in 2017-18. Likewise, Guwahati city records 14 cases of dowry deaths in the years 2017-18. Other districts in Assam which have a very high rate of dowry are South *Salmarā, Cachar, Lakhimpur, Kamrup and Sonitpur*. While in most of the instances, the woman dies under 'suspicious circumstances', after the proper intervention of the police it is known that these cases are none other than dowry deaths. Some of the research scholars are of the view that the practice of dowry became prevalent in Assam because of the influence of television and mass media. Moreover, the Assamese society has also lost its roots and has forgotten the cultural and ethnic Assamese traditions. Certain ceremonies in the

Assamese marriages like the ‘*Doyon*’ and the ‘**Gathiyon**’ have already vanished and has made way for the North Indian practices like the ‘*Mehndi*’ and ‘*Sangeet*’. Even during the marriages now- a -days the groom is mostly seen wearing the North Indian attire rather than the dhoti kurta and the traditional ‘*Cheleng Chador*’ in which the Assamese people took great pride once upon a time.

**Some instances of dowry atrocities in Assam:**

- An Assamese woman from the **Goalpara** district in Assam was set on fire by her husband and her in-laws. Immediately after the incident, the woman was taken to Gauhati Medical College and Hospital. The victim’s parents reported that their daughter was brutally treated and tortured by her husband and in-laws. The accused were Shahjahan Ali and Jamal Ali.
- In another case a woman named Bintima Hazarika was burnt alive by her in-laws in **Mangaldai** in Assam as her parents couldn’t meet the dowry demands. Bintima’s parents alleged that she was constantly being tortured for not being able to meet the dowry demands. The police had arrested the father- in- law and the brother- in- law of the victim.
- Another case of dowry took place in **Barpeta** where Pankaj Talukdar, the husband of Jonali Talukdar had poured kerosene on her and had allegedly put her on fire for not being able to meet the dowry demands.

According to the National Crime Report Bureau, the number of dowry deaths in Assam is higher than any other deaths occurring in the rest of the North-Eastern States.

**CHAPTER 6:**

**PENALTIES OR PUNISHMENTS FOR PRACTICING DOWRY UNDER  
IPC & DOWRY PROHIBITION ACT, 1961**

**PUNISHMENT UNDER SEC 304B IPC & 498A IPC**

Over a period of time, various provisions have been made in order to curb the heinous offence of dowry. For this purpose, various laws are enumerated such as Section 304B IPC and Section 498A IPC. Other such acts such as The Dowry Prohibition Act was also enacted.

Section 304B talks of dowry death and the fact that anyone committing dowry death shall be punished with imprisonment for a term not less than 7 years but may also extend to life imprisonment depending on the severity of the crime committed.

Section 498A of IPC talks of the meaning of cruelty and harassment and the punishment of a person committing such a crime. Any person who commits cruelty or harassment being the husband or the relatives of the husband of the woman shall be punished with imprisonment which may extend to 3 years and shall also be liable to fine.

### **PUNISHMENT UNDER THE DOWRY PROHIBITION ACT, 1961**

The Dowry Prohibition Act was enacted as a special act of the parliament and subsequently underwent several amendments. Section 3 of the act talks of the penalty for giving or taking or abetting to give or take dowry shall be punished with imprisonment for at least 5 years and fine not less than Rs. 15,000 or the amount of dowry whichever is more. However, the court can also reduce the term of imprisonment for special and adequate reasons.

Section 4 of the act talks of the penalty for demanding dowry. Any person who demands dowry either directly or indirectly from the parents or the guardians of the bride or her relatives any kind of property or money whether movable or immovable shall be punished with imprisonment for a term not less than 6 months and may extend to 2 years and fine which may extend to Rs. 10,000. However, the court can reduce the term of imprisonment for special and adequate reasons.

In the case of *Shamsaheb v. State of Karnataka*<sup>16</sup> it was seen that the victim's father-in-law and mother-in-law were convicted for committing the offence of dowry death. They were given imprisonment for a term of 9 years on the basis of the severity of the offence. The father-in-law and the mother-in-law were 62 years and 52 years when the term of punishment was declared. It was considered by the competent courts that the term of imprisonment is reduced to 7 years taking into regard the age of the accused.

In the case of *Arun Garg v. State of Punjab*, it was held by the Supreme Court that the matter of imposing fines by the High court cannot be permitted. The High Court can wave off the fine in case of matters arising out of dowry demands. Instead, the High Court imposed a fine of

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<sup>16</sup> Shamsaheb v. State of Karnataka, 2003 Cr LJ 526 (Kant).

Rs.2 lakhs. The *Supreme Court considered this as illegal and that such powers were not vested on the High Court.*<sup>17</sup>

#### **CHAPTER 7:**

### **MEASURES TO CURB THE DREADFUL PRACTICE OF DOWRY**

- It is high time we educate our daughters and encourage them in having their own career, become independent and responsible so that their parents do not need to give dowry as they will become the bread earners in their in-laws family and will have a sense of dignity in their future.
- The grooms also need to be educated regarding the evil effects of dowry and they should step up and say ‘no’ to dowry and make the society a peaceful place to live in.
- The parents and bride to be also should not make relations with families where there is a chance of dowry demand from the to be groom’s end and make clear discussions before marriage to avoid further issues.
- Social awareness activities and campaigns should be organized by the government and NGOs against dowry demands.
- The syllabus in textbooks should have chapters on the evils of the dowry system and the harm it causes to society.
- Victims of dowry and the family should take the help of the law to find justice.
- The laws which are enacted to stop dowry practice should be properly implemented.
- There should be specific committees specially consisting of women to look after dowry matters in panchayats and municipalities.

The offence mentioned under Section 498A IPC is a cognizable offence (an offence in which the police can arrest the accused person without a warrant). Moreover, it is also a non-bailable offence. There are certain people who can file a complaint for dowry, the victim is one of them. The people related through blood, adoption, or marriage can also file a complaint for dowry on behalf of the victim. Amongst other people, the civil servants belonging to the category

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<sup>17</sup> Arun Garg v. State of Punjab, (2004) 8 SCC 251

mentioned by the government of the state can also file a complaint regarding dowry on behalf of the victim.

The Supreme Court after a lot of deliberation on this matter came to the conclusion that even a second wife can file a complaint under Section 498 A IPC because of cruelty or harassment being faced by her. This conclusion was reached after a major ruling of the case *A Subash Babu Vs. State of Andhra Pradesh*<sup>18</sup>.

As mentioned in Section 469 CRPC a complaint for cruelty under section 498 A IPC can be filed within a period of 3 years of the alleged incident. However, the period to file a complaint can be extended under reasonable circumstances of the alleged party.

It was observed by the Court in *State of Andhra Pradesh Vs. M. Madhusudhan Rao*<sup>19</sup>, that every harassment will not amount to cruelty within the meaning of Section 498 A IPC. Simple harassment will not amount to cruelty. For there to be the presence of cruelty, there should be an element of coercion by the husband or the relatives of the husband in lieu of some demand for property, cash, etc. which would then amount to cruelty punishable under Section 498 A IPC.

#### CHAPTER 8:

### OBSERVATIONS

An evil practice like dowry has destroyed the lives of many innocent women and is the cause of sadness and misery in their lives. *The Dowry Prohibition Act, 1961* was initiated as a major step. However, it can be said that the act has done very less to improve the lives of the women suffering from dowry. It has just helped people recognize that a problem like ‘DOWRY’ exists in society. Even after the initiation of the act, there is no reduction in the cases of dowry. In India, from 1,912 cases in 1987 to 4,935 cases in 1994, we can see that the cases of dowry are still on a rise. The observations made in the case of dowry practice in Assam are as follows-

- Women in Assam belonging to the middle class suffer from a higher rate of brutality because of dowry than the lower or the upper class.

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<sup>18</sup> (2011) 7 SCC 616

<sup>19</sup> (2008) 15 SCC SCC 582

- It can be taken into consideration that the level of education of the woman has nothing to do with the dowry demands. It means that a girl who is well educated can also be asked to pay high rates of dowry.
- It can be seen that there are higher cases of dowry deaths in those instances when the woman is illiterate or is unemployed though it should have nothing to do with the marriage.
- Some of the reasons for the evil practice of dowry being prevalent are the husband's inflated ego, husband's inferiority complex, husband's alcoholism, jealousy or husband's mental disorders.
- In most of the instances, the victims are emotionally as well as physically mature.

#### CHAPTER 9:

### CONCLUSION

Though we are living in the 21<sup>st</sup> century and boast ourselves to be developed, yet certain evils in the society proves that we have a far way to go to prove ourselves to be human beings having humanitarian values. Certain evils in a society like a marriage which cannot be imagined without dowry has become a tradition in the society of Assam. Assam, a state in India with a rich vibrant culture, which treats women with dignity, has even not escaped from this social evil. The tentacles of this evil have spread so much that it has not even spared this peaceful state in India, where dowry had been considered to be an offence to the dignity of women and her family in the society according to societal customs. It is high time the Assamese stop imitating people of the other states of India and revive their own culture and traditions to make the society a dowry free one.

*“Any young man who makes dowry a condition to marriage, discredits his education and his country and dishonors womanhood.”*

**- Mahatma Gandhi**

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