

A Study On Dowry System A Social Evil

Divya Rathore

School of Legal Studies and Governance, Career Point University, Kota

Abstract

This paper is about vicarious liability on dowry. The dowry system is the evil that has murdered and disabled countless vulnerable women, forcing some to commit suicide. Dowry is the oldest social malady or sickness on the Indian subcontinent. This research paper presents an overview on dowry. It has become a terrible social disorder that is profoundly established in people's blood. Many individuals regard dowry as a symbol of social standing and self-recognition. To end this heinous social practice, the government has made a law to refrain people from taking dowry under the Act of 1961. Whatever money or property given by the bride side they should accept but it never followed. Many places we come to know that because of not doing so on the groom's side the girls are harmed in such a way that sometimes even it leads to death. Many measures should be taken to correct this. The paper gives a short and detailed summary of vicious liability. the entire research is based on secondary data which includes newspaper, blogs, article, research papers, online websites and various documents from various sources. The introduction part presents an outline about vicarious liability, the interpretation part gives a gist of the condition and finally the laws are given to elucidate the same and hence follows the condition. The paper concludes with a discussion of the implications of vicarious liability and the need for more effective enforcement of the law. The paper provides useful and relevant information on the subject and is recommended for further research. This paper can be used to educate people on the dangers of dowry and the need to eradicate it in India.

Keywords: *Dowry, Dowry deaths, India, Marriage, Women*

I Introduction

Marriage is considered to be a contract between two parties, and it involves certain obligations that both parties must fulfill. In some countries, such as India, marriage is seen as a sacred union and is celebrated with great pomp and show. In these countries, marriage is a union between two families, not just two individuals. The two families become connected through marriage, and this is seen as a sign of respect and a way to strengthen their relationship.

Marriage is not just a legal contract, but a social institution that has been in existence since ancient times. It is an important part of culture and society and is an integral part of many religions. Marriage has always been seen as a way to bring two people together, and it is seen as a way to promote peace and stability in a society. Marriage is seen as a way to create a family

unit and to bring new life into the world. Marriage is also seen as a way to show commitment and loyalty to one another. It is a way to show that two people are willing to make sacrifices for each other and to stay true to their promises. Marriage is a way to build trust and solidify relationships, and it is a way to create a bond that will last a lifetime.

It is seen as an economic burden on family of bride and also has many social implications. Dowry is considered as a taboo in many countries and is illegal in some countries, yet it is still an ongoing practice. The main reason why dowry is continued is due to the patriarchal structure of the society, where women are considered inferior to men. This has led to the belief that women have to be compensated for the expenses incurred by the family in raising her. This has created a sense of entitlement among the groom's family and has given rise to the practice of dowry. Dowry has also become a way of showing status and wealth within the family.

Apart from the social and economic implications, dowry has also been linked to violence against women. Studies have found that women who are victims of dowry-related violence are more likely to experience physical and psychological abuse.

This has led to an increase in the number of women who are victims of domestic violence and other forms of violence. In order to combat the problem of dowry, governments should implement laws that are designed to protect women from dowry-related violence. These laws should also provide legal avenues for women to seek redressal against any form of abuse.

To stop this violence, society should come together and create awareness about the demerits of dowry and the harm it can cause in a marriage. Government should also take strict action against those people who are demanding or taking dowry from the bride's family. They should also provide financial assistance and legal aid to those women who are facing harassment due to dowry. Social organizations should also work towards spreading awareness about the evils of dowry. It is also important to create an environment where people are free to talk about their experiences with dowry and its effects. This will help in reducing the prevalence of this system and create a more equitable society. The government should also introduce laws that make it illegal to demand or receive dowry. This will ensure that the practice is eliminated and people are encouraged to marry without any form of financial consideration. It is essential to end this system of dowry and create a society where marriage is based on mutual respect and understanding.

It is the responsibility of the government to take strict steps to ensure that these crimes are stopped. Laws should be formulated to make it a non-bailable offense. The punishments should be severe and the perpetrators should be brought to justice without any delay. Stringent laws should be passed to stop the practice of dowry system in our society.

The role of the society is also very important in this regard. People should come forward and make sure that no one is allowed to take undue advantage of this system. The society should also spread awareness and make sure that those who are taking advantage of this system are brought to justice. The media can also play a major role in this. It can be used to spread awareness about the evils of the dowry system and the consequences of taking advantage of it. The media can also be used to highlight the cases of those who have been victims of dowry related crimes. Finally, the government, society, and media must all come together to stop the dowry system in our society. It is an evil practice that needs to be eradicated from our society for the betterment of our future generations.

II Literature review:

Drez and Sen (1995) opined that the persistence of extraordinary high levels of gender inequality and female deprivation are among India's most serious social failures.

B. Devi Prasad and E. Vijayalakshmi (1996) remarked that usually the prime motive behind the cruelty of young married women in her matrimonial home is the desire to extract maximum dowry.

Vani Prabhakar (2012) remarked that gender-based violence affects almost every society across the globe, and represents a significant impediment to development. She critically points out that in spite of all the talk and activities regarding the protection of women's human and legal rights, women are grossly denied their rights throughout the world and especially in South –East Asia.

Trivers (2000) concluded that there are many institutions in society but the most necessary institution is family because of its long-established tradition. A family institution comes into existence with marriage. Marriage is related with society to which a person belongs to that particular culture.

III RESEARCH METHODOLOGY

Research Question:

The researcher intends to do an exploratory investigation on the following research topic after evaluating the gaps in the existing literature review. The research question are as follows:

1. What is the collision of dowry on the society?
2. What are the root causes of dowry system?

Research Terminology:

The main objective of this research is to provide basic knowledge of dowry system to the society. 1. To know the current and existing system of dowry.

2. To study the causes of dowry.
3. To give the correct education about dowry to the society.
4. To bring to an end on greediness.

Chapterization:

Primary research, on the other hand, is a research process that involves collecting data from the source. Secondary research, in comparison to primary research, involves searching for existing data, statistics, and information that has already been collected and published by someone else. The sources used to gather secondary data in this study were mainly books and websites. Furthermore, the sources were identified based upon the relevancy to the topics of vicarious liability. The books used in this study were mainly related to the topic of Indian law, and the websites used were related to the topic of Indian legal and judicial system. The data collected from the sources was then analyzed and interpreted in order to answer the research questions and draw meaningful conclusions. This was done by firstly organizing the data into categories and then comparing the results from the sources. In addition, the data was also examined in order to identify any patterns, trends, or relationships that might be present. Finally, the data was used to draw conclusions and present the findings in a meaningful way. In some parts of India, the custom of dowry is still strong, which has caused great social and economic problems. Dowry is considered to be an integral part of marriage in many areas and is expected by the groom's family. In some cases, the bride's family is expected to pay a huge amount of money, which can often lead to financial strain, disputes and even violence. In addition, the practice of dowry has been associated with many other social evils like female infanticide, domestic violence, and abuse. The government of India has taken several steps to eradicate the practice of dowry, including passing the Dowry Prohibition Act in 1961. The Act prohibits the asking or giving of

dowry as consideration for a marriage. However, the practice is still prevalent in many parts of India, and the government is working to create awareness about its social and economic implications.

Despite the law, the practice of dowry has continued in parts of India and has been a source of conflict between families. To address this issue, the Indian government has implemented several measures such as stricter enforcement of the law, raising awareness about the illegality of the dowry system, and providing more economic opportunities for women. Additionally, many non-governmental organizations are working to end the dowry system by promoting gender equality and creating alternate sources of financial support for women. To bring a real change in the attitude of the people towards dowry, the government should take a number of steps. Firstly, awareness campaigns should be conducted at regular intervals to educate people about the ill-effects of dowry and the provisions of the Dowry Prohibition Act, 1961. Secondly, there should be strict punishment for those who indulge in dowry demands and provide. Thirdly, a special cell should be set up to deal with cases related to dowry and provide legal assistance to the victims. Lastly, a strict monitoring system should be established to ensure that the legislation is being implemented properly and the guilty is being punished.

In conclusion, it can be said that the Dowry Prohibition Act, 1961 is an important step in the right direction but it needs to be accompanied by a comprehensive set of measures to bring about a real change in the attitude of people towards dowry. In addition to amending the Act, to better protect women from exploitation, the government has also implemented various initiatives. The Centre for Women's Development, which was established in 1961, has been providing legal aid services to women and their family members to help them resolve dowry-related disputes. The government has also established a 'Dowry Harassment Hotline' for women to report cases of harassment. Additionally, the government has taken several steps to ensure that women are protected from dowry-related crimes. These include the introduction of fast-track courts to expedite the disposal of cases, the setting up of special cells to investigate dowry-related cases, and the creation of a toll-free helpline to provide legal and counselling services to victims. It is hoped that with the amendment of the Dowry Prohibition Act, 1961, and the implementation of various initiatives, India will be able to effectively address the issue of dowry-related violence and exploitation of women. The court further remarked that the aim of the legislature was to protect and safeguard the married woman from the cruelty of her husband or his relatives in

connection with the demand of dowry. It is the duty of the court to protect the rights of an individual and to give effect to the legislative mandate. The Supreme Court further stated that the increasing menace of dowry death is a matter of deep concern and the Courts must take a serious view of such offences and show appropriate sympathy for the victims and their families. The court also noted that the dowry system is a major cause of female infanticide, feticide and other forms of violence against women and should be eradicated immediately.

Finally, section 9 tries to make the punishment more stringent by providing for the imprisonment for a minimum period of six months. This can be extended up to five years and fine up to Rs 15,000 or the amount of the value of the dowry, whichever is more. The stringent provisions of the Dowry Prohibition Act have made it a criminal offence and it is now punishable by law. Therefore, it is necessary to take all measures to discourage and stop this malpractice of taking and demanding dowry. Therefore, it is a clear violation of the law to take possession of the articles and ornaments belonging to a bride immediately after marriage. The Supreme Court has held that any such act will amount to criminal breach of trust punishable under Section 405 of the Indian Penal Code. The punishment for this offence includes imprisonment of up to two years and a fine of up to ten thousand rupees. The committee also highlighted the fact that there was a lack of awareness of the Act among the general public as well as a lack of commitment from the police, judiciary and public prosecutors to tackle the menace of dowry-related violence. The committee recommended the setting up of specialized anti-dowry cells in police stations, greater involvement of the judiciary in anti-dowry campaigns, and greater awareness among the public about the provisions of the Act. The committee also recommended amendments to the Act to make the punishments for offences committed under the Act more stringent, including longer prison terms, heavier fines, and the seizure of assets obtained through dowry. The committee's recommendations have been implemented to some extent, such as the setting up of anti-dowry cells in police stations, the introduction of harsher punishments for offences under the Act, and greater awareness among the public about the Act. However, the enforcement of the Act remains a challenge and more needs to be done to ensure that perpetrators of dowry-related violence are brought to justice.

Dinesh Seth vs state of N.C.T. of Delhi on 18 august, 2008

backdrop of growing menace of dowry related cases in which the women were subjected to cruelty and harassment and were ... deal with cases involving dowry deaths occurring within seven years of marriage. Sub-section (1) of Section 304B IPC lays

Supreme Court of India

Nidhan Biswas And Ors. vs State of Tripura on 31 March, 2006

materials are collected to make it a prima facie case of any offence, a regular investigation was to follow even ... therefore, insistence on such direct evidence in dowry related cases would lead to miscarriage of justice.

Guwahati High Court

Sangita Devi And Anr vs The State of Jharkhand And Anr on 4 July, 2014

before arresting accused persons allegedly involved in dowry related cases, the police should collect materials implicating the accused however ... crimes related to dowry cases.

Jharkhand High court

Smt.Sunita Goyal & Ors vs State of Punjab & Anr on 21 February, 2012

intentionally arrayed her husband Mahavir Goyal in a dowry related case in the array of the accused. According ... lodged the false criminal case against them (intentionally excluding her husband in dowry related matter) veraciously and maliciously in order

Punjab-Haryana High Court

IVConclusion:

Firstly, the basic education should be given to daughters about their safety. parents should educate their daughters and son's. Parents should encourage their daughter to build their own career and do not fully dependent on their husband. there should be no discrimination between girl and a boy. They should be treated equally on every basis. Girls should have the knowledge of good and bad stuff for their own safety. There should be dowry awareness program for educated and uneducated people. Basic classes and lectures should be given from school to college. there should be severe punishment for such crimes. Women should know their basic rights. They should know what's wrong and what's right for their benefits. They should not tolerate such type of crucial behavior from anyone. women should be connected to a type of WhatsApp group related to NGOs like self-employed women's Association, Azad foundation, Khushi foundation by which they will be aware of their rights and can take exact reaction on the time of cruelty. The time span of punishment for such crime should be increased to 10 years and

punishment should be given on the number of crimes they have committed. If a woman is not alive because of them then they should be imprisoned for rest of their life or should be hanged to death.

The government should launch campaigns and programmes to create awareness about the consequences of dowry death and the ill effects it has on the social fabric of the nation. It should also provide counselling services to the victims of dowry death and their families. The government should also provide financial assistance to the victims and their families. The government should also strengthen the legal system in order to ensure that the perpetrators are brought to justice. The government should also take proactive steps to ensure that the laws regarding dowry deaths are strictly enforced. In addition, the government should also take steps to ensure that the women are provided with adequate employment opportunities and are given equal opportunities and rights.

Furthermore, the government should also provide financial assistance and other support to the victims and their families. The government should also launch awareness campaigns and provide legal aid to the victims. The government should also create a more conducive environment for women so that they can come forward and speak out against the injustice done to them. Finally, the government should take stringent measures against perpetrators of dowry death and ensure that justice is served.

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