

**A Study of Dowry-Induced Violence in Northern West  
Bengal**

A Dissertation Submitted

To  
**Sikkim University**



In Partial Fulfillment of the Requirement for  
**Degree of Master of Philosophy**

By

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**Declaration**

I, Diksha Chettri, hereby declare that the research work embodied in the dissertation titled “A Study of Dowry-Induced Violence in Northern West Bengal” submitted to the Sikkim University in partial fulfillment of the requirement for the award of the **Degree of Master of Philosophy**, is my original work. Any content or any part of this dissertation has not been submitted for any degree of this university or any other university.

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All the assistance and help received during the course of investigation has been duly acknowledged by her.

**We recommend this dissertation to be placed before the examiner for evaluation.**

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### List of Acronyms

IPC	Indian Penal Code
NCRB	National Crime Record Bureau
VAW	Violence against Women
WHO	World Health Organization
CV	Cultural Violence
CAW	Crime against Women
DV	Domestic Violence
NWB	Northern West Bengal
DD	Dowry Demand
SEC	Section
UT	Union Territory
ICRW	International Centre for Research on Women
MWCD	Ministry of Women and Child Development
DPA	Dowry Prohibition Act
FIR	First Information Report
AIDWA	All India Democratic Women's Association
DCP	Deputy Commissioner of Police
UNGA	United Nation General Assembly

# Chapter 1

## Introduction

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### 1.1 Introduction

In India women are often idealized as Goddesses such as mother God (*Devi*), initial energy (*Shakti*) and nature (*Prakriti*), a boon giver who can also massacre demons. On contrary to it lies the gloomy face of housemaid who is compelled to be dependent upon men for life expectancy, nutrients, health, pay and education. Behind the adorned description of women in India societies lies the tangled reality when woman like Sita in epic Ramayana sacrificed herself and modern feminists disguised as Shakti are the victims of gender, religious, caste and class inequality (Raman, 2009).

Violence against women (VAW) is not something new. Gender violence is prevailing in almost all the developing nations. To boot VAW is not considered as violence because of men centric societies. Even in India the issue subsist steadily generating problems and challenges for sustainable social growth. India where half of the flocks are women, they have always been abused and deprived of their right to life and personal liberty as laid out under the constitution of India (Kalaiyarasi, 2015).

When gender based violence is articulated one cannot disregard the ferocity towards women brought about by the practice of dowry (Saikia, 2017). The term dowry has been established from the primitive Hindu custom of Kanyadhan “*Kanya* means daughter and Dena means gifts” which is a vital ritual of Hindu marriage. Kanyadhan was considered incomplete without *Varadakshina* “*Vara* means groom and *Dakshina* means gifts” (Hasan, 2014: 400).

*Varadakshina* was a way of honoring the groom and was given out of love and affection. Terms such as *Stridhan*, *Yautuka* and *Dahej* delineate the same concept (Hasan, 2014). Presenting of gifts to the groom in form of *Varadakshina* in ancient

period has now been superseded by dowry payment (Saikia, 2018). The presentation of gifts to groom at times of marriage to satisfy elite class has now become the cancer of society (Hasan, 2014).

The Dowry Prohibition Act (DPA), 1961 defines dowry as means any property or valuable security given or agreed to be given either directly or indirectly:

- by one party to a marriage to the other party to the marriage; or
- by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person; at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or *mahr* in the case of persons to whom the Muslim Personal Law (*Shariat*) applies (Ministry of women and child development, MWCD).

When we have a glance at the practice of dowry in India today, the *Varadakshina* or dowry has lost its original form and has become highly commercialized. A huge sum of money or any form of wealth is to be paid by bride's family to the bridegroom and in laws at marriage which is fixed by bargaining between the two families. In case of failure to provide the demanded dowry the marriage might be cancelled or the bride faces physical torture and emotional harassment or she is forced to suicide and even we get to hear the cases of bride burn (Basu, 2005).

Dowry system has changed its face in time period but its worst countenance is seen in the present society when parents have to spend their whole life in debt to pay dowry at their daughter's marriage which has prompt into murders and suicide of daughters (Reshma and Ramegowda, 2013). So when we examine marriage from the lenses of dowry we can clearly see that the daughter is a burden to a family. Mother being



herself a female, is reluctant to give birth to a daughter. The moment girl child is born the image of enormous amount of money to be paid during her marriage comes in the parent's mind. Hence, dowry has become one of the reasons that we get to hear the cases of female infanticide every now and then (Chopra, Puri and Das, 1974).

Dowry system which originated in Hinduism has spread through the society crossing all the religions and economic limitations (Ateffakhr, 2017). For example, according to All India Democratic Women's Association (AIDWA) report a survey was conducted amongst 63 Muslims in Delhi to find out why dowry was gaining ground in their communities. Out of the total responded 30 were married women, 23 were young girls and 10 were men. Different people had different perception. Girls and their parents considered the prevalence of dowry as a rigid custom, some young girls considered dowry as their rights, some opined that it was only the way through which their daughter would get respect in their matrimonial home (AIDWA, 2003).

In order to assuage dowry related problems the Government of India, after independence passed the DPA in 20<sup>th</sup> May 1961 which was further amended in 1985 and 1986. This law was created to put a ban on giving and taking of dowry and it is applicable to entire India except Jammu and Kashmir (Chawla, 2006).

Further, Section (SEC) 498-A was introduced in Indian Penal Code (IPC) in the year 1860 to curb the means of cruelty towards married women, which often leads to dowry death. According to this SEC if a husband or any of his relative is found being cruel towards women in relation to dowry than the person found guilty is imprisoned for a term of three years along with a fine (Law Commission of India, 2012). SEC 304-B was instigated in IPC to deals with the cases on dowry death. According to Section 304-B of IPC if a death of woman is caused otherwise than normal condition

within seven years of her marriage and in addition if it is found that she was exposed to any kind of harassment before her death in connection to dowry than such deaths will be referred as dowry death. The person found guilty will be punished with imprisonment for a term which shall not be less than seven years and it can extend to life time (Law Commission of India, 2007).

In spite of all this anti dowry laws presented by Government from time to time still dowry induced violence has been a growing issue. 'According to an article in Time Magazine, deaths in India related to dowry demands have increased 15 fold since mid 1980s from 400 a year to 5800 a year by middle of the 1990s' (Naidu, 2011). There were 8455, 7634 and 7621 cases registered under the SEC 304-B in 2014, 2015 and 2016 respectively (Ministry of Home Affairs, 2016).

The state of West Bengal is also not free from such trauma. In the year 2014 West Bengal has recorded third highest dowry deaths. Where, 501 women lost their life as a victim of dowry system. The highest dowry death was reported in Uttar Pradesh with 2469 cases followed by Bihar with 1373 dowry death (Ministry of Home Affairs, 2016). Many newspapers have also highlighted dowry related offences in west Bengal from time to time. Hence, understanding the scenario has become very important today. VAW associated to dowry system must be looked upon and some solutions should be provided to put an end to dowry system along with violence affixed to it.

## **1.2 Review of Literature**

Among the available literature related to dowry system, some of the important books and articles have thematically reviewed below under four broad sections a) women in Indian society b) dowry practices in India c) anti-dowry laws in India c) theoretical framework.

### **1.2.1 Women in Indian Society**

The role and position of women in India is really mysterious. On one hand there are adored as Goddesses on another they are treated as a servant who has to depend upon men in every aspect of her life. Behind the beautiful description of women in India there lies a bitter truth where she is abused and unequally treated (Raman, 2019).

Women in India are often considered as a second class citizen. They are humiliated and abused in the form of rape, sexual abuse, child marriage and so on. During the ancient time women enjoyed a very high position in the society. With passage of time new traditions came in. As a result slowly and gradually the status of women started to deteriorate (Kalaiyarasi, 2015). The reason behind never ending VAW is the historic unequal power between the opposite sexes (Manjoo, 2014).

From ancient period men owe this world. Women are less fortunate that they have never seen the world of their own. Women has been suppressed, exploited and humiliated in men centric society. They are often seen as an item to satisfy men sexual desire. Women are born faithful to meet male's desire in contrast to it her desire, identity is totally crushed in male governed society (Sawant, 2016).

In Hindu tradition girls has to leave her home and settle down at her in laws home after marriage. Sons are given more chances to make a continuation in the line which has assisted to strengthen of male centric society. The culture and social norms has played a very influential role in molding the status of women in Indian society. Norms in India seems to remain constant particularly when the matter is about the status of women in a society where, social scientists has failed to bring the desired change. Since the end of Vedic period the position of women started to decline (Mophapatra, 2015).

From the time of conception female faces violence and inequality. VAW occurs in every country irrespective of caste, culture and religion (United Nations Fund for Population Activities, 2014). In every religion women are victimized. In Hinduism even a widowed woman is not spared. As per social norms widow are not allowed to attain any religious functions as it is believed that widow's presence can bring them affliction. In Islamic religion also women deprived of equally. They are not allowed to lead prayers, become a priest or *Kazi*. When Buddhism religion is considered the male monk is given more preference than a female nun (Mophapatra, 2015).

Women in modern days have accomplished a lot in comparison to the ancient times. They have fought their battles and have proved themselves but in case of India, women still have a long way to go (Punam and Sharma, 2017).

VAW is a blooming phenomenon. Although Government of India has come up with numerous laws to protect women still India witnesses VAW which has deprived women from their human rights (Fried, 2003).

United Nation General Assembly (UNGA) gives definition of violence against women on 20<sup>th</sup> December 1993 as “violence against women means any act of gender based violence that results in, or is likely to result in, physical, sexual or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life” (UNGA, 1993: 3).

The definition of VAW by UNGA encompasses but is not limited to “physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, norms-spousal violence

and violence related to exploitation; physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation at work, in education institution and elsewhere; trafficking in women and forced prostitution; and physical, sexual and psychological violence perpetrated or condoned by the state wherever it occurs” United Nation General Assembly (UNGA, 1993: 3).

Child marriage is when a person gets married before eighteen years old. Child marriage is one form of violence against female counterpart of the society and it is witnessed to be most common amongst girls. Child marriage has several effects on females such as death during pregnancy due to complications, sexual violence etc (Ahmed, 2015).

Sex selective abortion includes killing an unborn child. In many part of the world there is a strong predilection for male child as a result female child are not given an opportunity to come to the world. Such kind of preference has not only led to violence against female fetus but women are also pressurized by society to bear a male child. Sex selective abortion is the main reason that women in many countries are missing since last several decades (Abbamonte, 2019).

Female are the main victims of women trafficking where women are trafficked for sexual and commercial exploitation in every part of the world. The traffickers build faith among the female to ensure them jobs in new country but in reality they are raped and taken to brothels (Iyer and Radha, 2016).

Eve-teasing usually take place in public places. It includes activities such as passing out vulgar jocks, winking, pinching, showing adultery gesture or rubbing women in public (Ramasubramanian and Oliver, 2003).

Eve-teasing may bring joy and enjoyment to a man but it has fetched mental and physical violence against female. In few cases eve-teasing may lead to barbaric acts such as rape and murder (Akhtar, 2013).

Girls are not safe outside home because of incidents like rape. It has been reported that the victims of rape are usually girls below the age of sixteen and around the world one out of five women has been the victim of rape in their life time (Kalaiyarasi, 2015).

Acid attack is a global phenomenon but countries such as India, Bangladesh and Cambodia witness greater number of acid attacks. Cheap acids are thrown at the victim's face and body intentionally to put them in pain (Kalantry and Kestenbaum, 2011).

Although India is having a massive growth in social and economic sector but the future of unborn female child which seems to be miserable has but brought negative remarks on the whole scenario. In normal sex ratio women is supposed to be more than men but in India it is just the opposite which indicates that there is no gender equality (Larsen, 2011).

In India due to patriarchal system, gender base inequalities women are affected the most. They are oppressed, exploited and deprived in every sphere of life (Narayana and Lashimi, 2011).

According to United Nation Population Fund (UNFPA, 2004) in India twenty five million girls are missing out of which some are killed before they are born and some doesn't have enough opportunity to survive. If there was no gender disparity in India then there would be 512 million women in present population of one billion.



NCRB states that in every three minutes crime against women (CAW) is recorded. Minimum two women are assaulted every hour and in every six hour a newly married women is beaten, burned to death (Harbishettar and Math, 2014).

Women are dependent on men or family due to lack of education and economic backwardness amongst women. They are not aware of the existing laws or rather they ignore it. Government of India has put lots of effort to eradicate VAW still it has a long way to go in order to achieve the goal (Reshma and Ramegowda, 2013).

VAW is not a new concept it exist in every developing nations. The tragedy lies in the fact that VAW is never considered as violence due to men centric societies (Kalaiyarasi, 2015).

### **1.2.2 Dowry Practices in India**

The term dowry is derived from the ancient Hindu custom of *Kanyadhan*. It is a crucial ritual of Indian Hindu marriages. The custom of dowry was incomplete without *Varadakshina* where the groom was given some form of wealth which constituted his property. *Varadakshina* was given out of prestige and was common amongst the elite class (Hasan, 2014).

When VAW is considered we cannot isolate the negative consequences of dowry which has made women vulnerable to domestic violence. Giving gifts to groom by bride's father in marriages out of love and affection in ancient period has now been substituted by dowry. When husband and in laws are not satisfied by the dowry brought by the bride they mentally torture and physically abuse the bride (Saikia, 2017).

The groom and his family do not give an eye to the money which was spent on bride's education. One of the excuses made by the groom's family for demanding dowry is to fill in the debt which was spent in their son's education (Saikia, 2017).

Dowry victims suffers in silence even her parents does not approach courts as they drain all their money in dowry payment and they don't have enough money for legal procedures as a results many dowry related Cases remains un reported in India (Saikia, 2017).

The meaning and concept of dowry has drastically changed over time. Dowry has not only brought sorrow to the bride but has encompassed the whole family. It can be seen that parents of the bride spent their whole life in debt to pay dowry (Reshma and Ramegowda, 2013).

There is no evidence to witness when exactly dowry system came into existence, even the oldest record such as Hammurabi has manifested dowry as an already existing phenomenon. At its origin dowry system was only confined to only upper caste of the society but now it has been widely practiced by all the caste, social groups and communities. The main purpose of dowry payments in ancient India was to provide seed money to the newly married couples so that it could financially help them to set new household (Reshma and Ramegowda, 2013).

In spite of several anti-dowry laws presented by Government of India from time to time India still witnesses rampant dowry induced violence. Dowry death has increased 15 fold since mid 1980s from 400 a year to 5800 a year by middle of the 1990s (Naidu, 2011).

The practice of giving gifts with love and affection to groom by bride's father in ancient time has been replaced by mandatory marriage payments. Where, huge sum of wealth is extracted by groom and his family from in laws. In case if the demanded dowry is not fulfilled than bride is tortured, harassed and burned by in laws and husband (Basu, 2005).

It is kind of social norm that once a woman enters her husband's home she should leave it only when she dies as a result women who faces violence in relation to dowry cannot leave behind her husband and settle down at her original home. So such social obligation has hiked up dowry practices and violence associated with it (Basu, 2005).

The persistence of dowry system has made daughters burden to a family. The birth of daughter does not bring happiness to her own mother. Birth of daughter means some assets must be collect from the very beginning for marriage payment as a result to avoid such economic drain there are leading cases on female infanticide and feticide (Chopra, Puri and Das, 1974).

Dowry is not only confined to certain areas or one or two states but it has flourished all over India amongst all the social group, cast, religion and community. In ancient India giving out dowry was a matter of pride and it was optional but in contemporary India it has become a necessity in arranged marriages. Marriage payment is only not limited to marriage ceremonies but it continues for a longer period of time even after marriage (Ateffakhr, 2017).

Dowry death has contributed a significant amount in total CAW in India. There were 8455, 7634 and 7621 dowry death cases respectively in the year 2014, 2015, and 2016. Amongst the states of India the highest number of crime reported under the

SEC 304-B of IPC in the year 2014 is Uttar Pradesh followed by Bihar, West Bengal and so on (Ministry of Home Affairs, 2016).

According to all Indian democratic women's association (AIDWA, 2003) survey which was held in Delhi in 2005 amongst the Muslims to know why dowry has been popular in their community. 63 samples were taken where different people had different perspective towards dowry. Young girls considered it as their rights, some considered it as a rigid custom and some were of the opinion that it was only the way that their daughters would get respect in their matrimonial home.

There has already been legal restriction on giving and taking of dowry in India but still dowry practice is widely practiced and widely accepted in Indian societies (Jeyaseelan, Kumar, Jeyaseelan and Shankar, 2015).

In contemporary India the financial transaction at marriages can be divided into three parts which involves the assets given to bride, gifts exchange between the families and marriage payment. Dowry is the main reason that women in India are deprived from their human as well as economic rights. Most of the victims of dowry deaths and harassment escape the punishment because police often consider dowry related issues as a family business where laws should not poke in (Jaggi, 2001).

Dowry system is born in Hinduism where it is practiced as an old tradition but at present it has gained its roots in all communities (Ahlawata, 2018).

The concept of dowry has evolved from the ancient days but it is very difficult to find the exact date of when dowry system came into existence (Chatterjee, 2018).

In the hymns of Atharva-Veda and Rig-Veda some evidences and information of Vedic marriages can be found. In Arthha-Veda it is said that the royal bride takes

hundreds of cows with her as dowry. In Rig-Veda it has been manifested that beautiful bride with well attire, jewelers and a chest of treasures was placed in carriage as dowry (Nithya, 2013).

One of the factor due to which dowry system in British rule escalated was due to new rules imposed by the British people where girls were not allowed to hold any wealth. So whatever amount of wealth the couples received went directly into the hands of husband (Nithya, 2013).

*Khanayadhana, Varadakshin* and *Stridhan* which was practiced in ancient India some way or the other is related to presenting some form of wealth to the bride and his family whether it may be voluntary or mandatory in nature. During the medieval period new rules came in where women enjoyed no freedom. Child marriage or pre-puberty marriage came into existence as a result father started to lure boys with dowry so that he can get his daughter married at an early age (Nithya, 2013).

In each twenty five hour women faces crimes, out of which eleven is assaulted by husband and his relatives, three are raped and one is dowry death victim (Nithya, 2013).

In ancient India dowry was practiced only by the upper caste but now dowry has become a fashion amongst Christians, Muslims, animists and other tribal groups. *Stridhan*, which is a wealth or assets that is inherited by daughter from her mother, is one of the factors contributing to the origin of dowry system in India (Jagori, 2009).

During the medieval period child marriage gained popularity. During this period marriage between own sub cast was also not allowed as result dowry started to take a massive form. During the British rule peasants were supposed to pay heavy taxes.

The peasants tried to obtain money from wherever they could to save their lands as a result dowry system provided a ladder to extract money (Salim, 2017).

Once a daughter is married parents does not want to take her responsibility any more. Parents can their daughter die but they can't accept her being divorced. When brides are tortured by husband an in laws her parents does not take any necessary action because they fear that she might leave her husband's home permanently. So bride's parents are also to be held responsible for the prevalence of dowry system (Salim, 2017).

Girl's age of marriage is considered as an essential factor that determines the amount of dowry. The girl with more age has to pay more amount of dowry at her marriage or there is a great chance of her remaining unmarried and vice versa. Bride's parents starts to lure boys with dowry in order to get their daughter married at a right age (Salim, 2019).

The birth of a daughter fails to bring happiness in a family. Women being a female have a strong preference for boy child. Even if an educated women fails to give birth to male child than she is tortured and made to hang her face on shame (Salim, 2017).

Marriage is considered imperative in girl's life as a result the fear of keeping one's daughter unmarried has escalated the culture of dowry. Dowry which is brought by the son during his marriage is used for the same purpose for their daughter's marriage or it is used to pay the debt which was incurred in son's education in this way dowry system has become a vicious circle from which even the educated people are not been able to come out (Gosh, 2010).



Dowry has become an essential factor to ensuring happiness in women married life. Bride's parents often assume that if their daughter takes adequate dowry at her in laws home than she will be treated well. The women with poor family background whose parents cannot afford dowry faces violence from in laws and husband (Gosh, 2011).

The upper caste Hindu customs such as *Stridhan*, *Kanayadhana* and *Varadakshina* is believed to be the main reason for the origin of dowry system. Dowry has shifted its monetary value from gold to luxury items due to rapid globalization. Dowry has become an easiest way for men and his family to luxuries life (Srinivasan and Lee, 2004).

Women are often undervalued in men dominated society as a result she is considered unproductive. Parents often provide groom and his family dowry as a compensation to accept their unproductive daughter so that they can take care of her life time. It is often assumed the bride's family is at gain and groom family at loss when marriage takes place. As a result dowry is paid to fill in the loss (Dasgupta, 1991).

Dowry is often provided by bride's parents so that the asset provided to groom and his family can fill in the loss which was incurred in groom's education (Subhani and Afza, 2009).

Dowry which emerged out of love and affection has become a major problem for women at present days. Other old customs such as caste which is pressurizing the society is showing decline whereas in case of dowry system it is just the opposite. Money payment in marriage is considered an ideal factor for negotiating post marital dispute. Marriage these days has become a business deal where huge money is extracted from bride's family. Higher the status of bride higher is the dowry demand (Singh, 2016).

Female has become a burden on family as huge sum of money is to be paid at her marriages in the form of dowry due to inflation in marriage payment. In order to provide dowry at daughter's marriage parents have to take loans from different sources. In many cases it is very difficult for a family to sustain life. Dowry system has added economic burden on them as result cases of family suicide can be heard. Girls belonging to a poor economic background remain unmarried as her parents cannot afford marriage payment (Ali, Arnadottir and Kulane, 2013).

Dowry was only practiced amongst the upper caste of the society but at present it has engulfed all other communities and social groups in addition the monetary value of dowry has also shown inflation which has resulted into boy child preference in India leading to abnormal sex ratio (Bradley, Emman and Mangala, 2009).

In order to fulfill the demanded dowry there are cases of bride's father selling his kidneys. Previously women used to die as a sati prey now it has been replaced by dowry practices (Arunachalam and Naidu, 2010).

Dowry is the main reason that girls are ignored by her parents. She is given less opportunities to study as well as good health. Birth of a daughter means the family has to hold back or some resources for her marriage (Ghansham, 2002).

Marriage is an auspicious ceremony which binds families together. Payments in marriage in the form of dowry have fetch sorrow to women if the in laws are not satisfied with the dowry (Priyanka and Joyti, 2014). Capitalistic society is one of the reasons for inflation in the value of dowry (Undurti, 2016).

Dowry system has become a peculiar phenomenon of India although it is prohibited by laws. Dowry system has negatively affected the female section of the society. If a

bride fails to take adequate dowry than she faces physical abuses, mental harassment and even she is burned and forced to suicide (Singh, 2013).

Marriage payment does not only occur during or prior to marriage but it continues for a long period of time. Hence, husband and in laws use many pressurizing techniques to extract more money from bride's parents (Bloch and Rao, 2002).

Although Giving and taking of dowry was officially ban by the Government of India by enacting the DPA in 1961 still the trading has continued in India till date and this system has is responsible for several types of violence against women such as bride burning, emotional and physical torture of women (Kalaiyarasi, 2015).

### **1.2.3 Anti-Dowry Laws in India**

SEC 498-A was introduced in IPC to deal with cruelty towards women in relation to dowry. According to this SEC if groom, his family or any of his relative is found torturing or being cruel with the bride in relation to dowry demand (DD) that he/she shall be behind the bars for a tenure of at least three years along with a fine (Law Commission of India , 2012).

SEC 304-B was introduced in the IPC to deal with dowry death. According to this SEC if a women dies within seven years of her marriage and if the death is not under the normal condition and in addition if it is found that she was subjected to harassment and torture by groom and his family in relation to DD than the person found guilty will be imprisoned for a tenure of seven years and the time might be increased to life long (Law Commission of India, 1971).

In order to bring under control the evils of dowry for the 1<sup>st</sup> time Government of enacted an ant-dowry law in 1961 which is known as DPA and the main purpose of this act was to put a ban on taking and giving of dowry (Chawla, 2006).

Mother-in law, sister-in law, husband and other relatives has played a vital role in spoiling the beautiful beginning of the married life because of the growing lust for dowry. Almost every day a women is battered, humiliated, forced to suicide and the most severe form is burning of bride if her dowry is not considered sufficient (Gaur, 2009).

Dowry system is a result of social norms and mental construct of the people. Dowry related violence has become a growing issue. In modern society it is not only essential to put a ban on giving and taking of dowry but necessary actions must be taken to punish the culprit so that the system of dowry is removed forever from the world (Parmar, 2014).

In order to put a ban on the existing dowry system and to save women from dowry related violence Government of India has come up with several laws from time to time. DPA was enacted in 1961 which states the ban on giving and taking of dowry. Section 498-A was introduced in IPC which deals with cruelty towards women and according to this SEC if a husband, his family or any of his relative is found harassing women in relation to dowry demand shall be punishable. In order to secure post mortem of women who has died within seven years of her marriage SEC 174 Cr.PC was amended (Law Commission of India 2007).

DPA was further modified in 1984 which brought new SEC in the IPC i.e. 304-B which deals with dowry deaths. SEC 113-A and SEC 113-B was added to the Evidence Act in 1872 in regard to rising presumption to dowry suicide and death due

to cruelty towards women in relation to DD and the meaning of cruelty remains the same as defined in the SEC 498-A of IPC (Ratanlal and Dhirajlal, 2009).

Although dowry system is an old age practice this system which had women suffer had not been noticed by the Government of free India till 1950. In 1953 a non-official bill was passed in the Parliament of India but it did not receive much attention. Ultimately in DPA was passed (Musa, 2012).

The DPA prohibits taking and giving of dowry and it is applicable to whole of India except Jammu and Kashmir. The person who is found giving and taking dowry after the commencement of the act they will be behind the bars for a tenure which may extent to five years along with a fine of fifteen thousand rupees or if the value of dowry is more than the latter has to be paid as fine. Demanding dowry is a punishable crime according to DPA, 1961. If a person is found demanding dowry than the person will be behind the bars for six years which may be extended for a tenure of two years along with a fine of ten thousand rupees (MWCD).

If the person accused has a valid reason to present in the court than the imprisonment may be lessened to six months. DPA also puts a ban on any advertisement of offers as a consideration for marriage. If the person if found guilty than he/she shall be jailed for not less than six months which may extent to five years along with a fine of fifteen thousand rupees (MWCD).

Dowry should be beneficial to the bride or her heirs. If dowry was taken before marriage then it must be returned within three months from the date of marriage. If the dowry was received at or after marriage then it must be returned within three months of the receipt. If dowry is taken when women was a minor, then it must be returned within three months after she attains the age of eighteen. In failure to return

money within the time period as explained above than the person who has taken dowry shall be imprisoned for tenure of six months which may extent to two years or with fine of five thousand rupees to ten thousand rupees or both might be applicable (MWCD).

The Dowry Prohibition Act was amended for the first time in the year 1984 to give the definition of dowry an extensive view. With this amendment the major change was made in SEC 2 where the words consideration for marriage was replaced by in connection with marriage. After the changes made everything that was given in cash or kind, at or after marriage was considered as dowry. DPA was amended for the second time in the year 1986 the punishment for giving and taking of dowry was extended to five years along with fine. New two SECs was added i.e. SEC 8-A and SEC 8-B (Gupta, 2017).

The defender can easily escape the punishment by saying that the marriage payment was out of love and affection and it was demanded payment (Singh, 1985).

DPA states that it's not only the person who demands dowry shall be punished but the person who gives dowry will also be equally punishable. As a result the parents of bride who was forced to give dowry hesitate to approach the police station. SEC 4A of DPA puts a ban on any advertisement of any offers as a consideration for marriage (Mathew, 1989).

SEC 4 of DPA, 1961 manifest the punishment for dowry demand. According to which if a person if found demanding dowry than he/she will be imprisoned for six years which may extent to two years with a fine of ten thousand rupees (Ateffakhr, 2017).

The definition of dowry which includes the phrase “in connection to marriage” is not clear so in many instance it has been wrongly interpreted. Courts in the past have interpreted this clause in the favor of the defenders when they exclaimed that the wealth received before, in or after marriage was out of love and affection (Nangia, 1977).

Women have been facing problems and suppressions since ages especially when it comes to the relationship between husband and wives. Women have been victimized in her matrimonial home by her husband and in-laws. Sometimes the torture and harassment are so much extreme that she is compelled to suicide (Murali and Arya, 2018).

SEC 498-A was enacted on 25<sup>th</sup> December, 1983. This SEC was introduced under chapter XXA by Criminal Law second amendment which addressed the problem of cruelty towards women in relation to dowry demand (Prakash, 2009).

In our Indian society culture and norms has played a vital role in shaping our society as well as it has determined the practices and behavior of the people. Out of few practices which have pained the Indian women is the system of dowry. So in order to deal with such evil practices SEC 498-A was introduced in the IPC which safeguards women from any kind of cruelty in relation to dowry (Hashika and Kannappan, 2018).

Many suggestion was given about the offence in SEC 498-A to make compoundable with permission by the court. On In the 111<sup>th</sup> report of the department related Standing Committee on Home Affairs on the Criminal Law Amendment Bill, 2003 (report of 2005), the Committee recommended that it must be compoundable but should continue to be cognizable and non-bailable (Law Commission of India, 2012).

SEC 498-A has been misused and it is admitted by Parliament committee also but there are no reliable data on how frequently it is misused. It is found that it is more common against the urban educated women and the victims of such false cases are in-laws. It has become a very useful tool for women to blackmail her husband (Law Commission of India, 2012).

The main aim of misusing SEC 498-A is to put husband and his family in pain. The educated ladies know very well the offence under this SEC is non-cognizable and non-bailable which makes it more attractive to them (Hashika and Kannappan, 2018).

SEC 498-A has become an easy tool for women to get rid of her husband and in-laws. As women power has gained lots of importance at present a simple FIR can put the husband and in-laws behind bars. It has very difficult to identify false and genuine case (Arya, 2017).

Malimath Committee report addresses the misuse of SEC 498-A but it does not provide any data on how frequently it has been misused. So it was suggested that offence under SEC 498-A should be made compoundable (Arya, 2017).

Sec 498-A and 304-B of IPC may look similar but they are distinct from each other with different scopes. In SEC 304-B the crime or death must occur within seven years of marriage but in case of SEC 498-A crime may occur any time after marriage, there is no such time period. When cruelty towards women occurs in relation to dowry deaths it falls under SEC 498-A but if such cruelty leads to death of women such cases are registered under SEC 304-B of IPC. Imprisonment for dowry death is for seven years which may extent to life time along with a fine where as the punishment imposed when a person is found being cruel towards women in relation to DD may only extent to three years of imprisonment along with a fine (Prakash, 2009).



In SEC 498-A the term cruelty is well defined but in case of SEC 304-B of IPC the term cruelty has not been defined (Gaur, 2009).

Police, civil society and even the Supreme Court of India has raised an argument about the misuse of 498-A. The 2003 Malimath Committee report on reforms in the criminal justice also comes also addresses the misuse of SEC 498-A (Salim, 2017).

Before a case is registered under the SEC 498-A some measure instruction should be followed according to the Honorable Delhi High Court such as a proper investigation should be made before registering a FIR under the SEC 498-A, the FIR shall be lodged only on the approval of DCP/ Addl DCP and before registering any complain the issue must be tried to settle down if it seems impossible than the first initiative to be taken is to ensure the return of dowry which was paid before (Advocate and Legal Consultants, 2019).

Offence under SEC 498-A is non-bialable, non- compoundable and congnozable. Which means any person accused for being cruel towards women in relation to DD than the police can arrest the person without any arrest warrant; the case once filed cannot be compromised or taken back (Pandit, 2018).

Some evidences are needed to prove cruelty under SEC 498-A. The women victimized must be married or was married. She must be subjected to cruelty and such cruelty must be done by her husband, his family or any of his relative (Prakash, 2009).

The term dowry death or murder gained popularity during 1977-1998. For many years' deaths of married women was considered as kitchen accidents or as self suicide by police but the picture was totally different from the real interpretation. In reality it was murder of brides or forceful suicide by in-laws or her husband in relation to dowry demand (Murali and Arya, 2018).

Marriage in India has fetched joy and is very beneficial for the groom and his family in contrast it has led to harassment, torture and murder of brides within four walls of the matrimonial home. In response to this social stigma in nation Government of India introduced SEC 304-B in IPC in the year 1986 (Prakash, 2009).

The phrase “soon before her death” is very elastic in nature. The cruelty towards women in relation to DD may be few days before, a week before her death or there may be long gap between cruelty and death in this regard the court may say that the death is not the immediate cause of cruelty and the decision may be left over to the court (Prakash, 2009).

SEC 304-B was introduced IPC in the year 1860 and it started operating from 1986. There are four conditions in order to consider a death of women as dowry death firstly the women should die in an abnormal condition due to some injuries or burn, secondly the death must occur within seven years of her marriage, thirdly she must be subjected to some cruelty or harassment before her marriage and lastly the cruelty or harassment must be due to or in connection to dowry. The meaning of dowry shall be same as in DPA, 1961. The person accused for dowry death shall be imprisoned for a term of seven years and it may extent to lifetime (Law Commission of India, 2007).

The term cruelty in SEC 304-B shall have the same meaning as cruelty has been defined in SEC 498-A of IPC (Gaur, 2009).

The person causing dowry death can be arrested by the police without any warranty. Action leading to dowry death is offence as well as non-bailable offence (Mathew, 1989).

SEC 113-B is about presumption to dowry death. When the question is about whether a person has murdered a woman and it becomes clear that she has been subjected to

cruelty by the person accused in relation to dowry death than such death shall be considered as dowry death (Supreme Court of India, 2002).

SEC 113-B of the Evident Act was enacted in the year 1972 which involves describes presumption to dowry deaths (Battacharaya, 2007).

If a married woman commits suicide and it is found that it was a forceful suicide due to cruelty by her husband, in-laws or any relatives of her husband in relation to dowry within seven years of her marriage than the court might consider it as a dowry death (Mithun, 2018).

In case a woman dies due to injury or under abnormal condition within seven years of marriage than the Magistrate plays an important role in providing justice to the victim (Singh, Kumar and Singh, 2017).

When a death of women is considered as dowry death than the Magistrate must investigate the case. He/she can proceed with the investigation alone or he may add to the investigation done by the other police officers. He/ she must inform the parents of the victim of dowry death and allow them to be present during investigation (Mathew, 1989).

India is a country where one-third of its population lives in rural India where they are unaware of the laws or the laws does not exist. The dowry laws seems to be only meant foe the eight classes because the economically backward people cannot offer money to register complains and approach the courts (Gupta, 2017).

According SEC 304-B one of the criteria to be fulfilled to consider a murder of a women as dowry death is the death of a women must take within seven years of her marriage. It has been considered as a ample time to maintain a sustainable relationship

between bride and in-laws but in reality the cases are different till seven years women is kept alive to bring in more wealth then after she is killed (Mausa, 2012).

It is unclear whether factors such as cultural, social and religious norms were taken into consideration while making dowry prohibition laws. The laws are made in such a way that the defender can easily escape the punishment and yet claim dowry related violence to be deeply rooted in society (Kaushik, 2003).

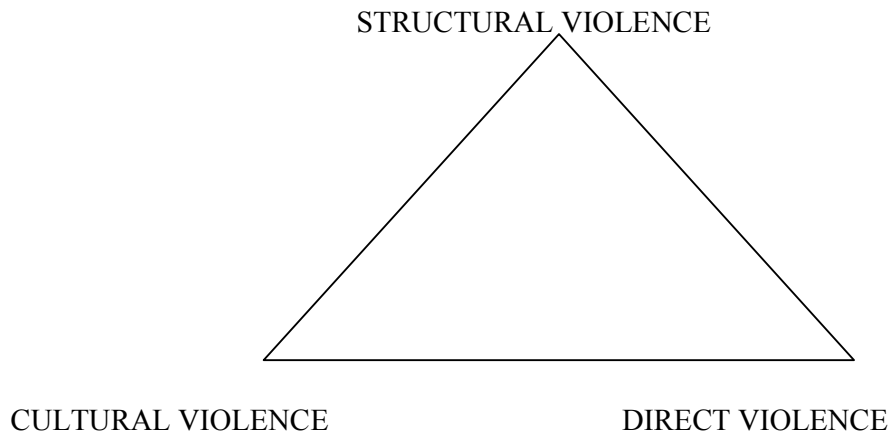
### **1.2.4 Theoretical Framework**

#### **1.2.4.1 Cultural Violence Theory**

The two most identical problem in political science is firstly the use of power and secondly the legalisation of the use of power. In the same fashion violence studies is about two problems i.e. the use of violence and legalisation of violence. Johan Galtung designed cultural violence (CV) theory to manifest “how exploitation is legitimized and why people fails to see what is standing on their way. Culture (or rather certain aspects of culture) teaches or dulls us into seeing repression and exploitation as normal, or, rather, not see it at all” (Demmers, 2012: 60). CV is defined as those aspects of culture, the symbolic sphere of our existence-exemplified by religion and ideology, language and art, empirical science and formal science (logic, mathematics) - that can be used to justify or legitimize direct or structural violence (Galtung, 1990: 1921).

Johan Galtung has listed three ways of classifying the phenomenon of violence i.e. the direct violence, the structural violence and the CV. Galtung presents a violence triangle model to where three types of violence are represented by the three corners of the violence triangle (Afzaal, 2012).

**Figure 1.1: Violence Triangle**



Source: (Afzaal, 2012). <https://ahmedafzaal.com/2012/02/20/the-violence-triangle/>  
Accessed on 03/06/2019

Direct violence is where the behavior of a person threatens life itself or reduces some one's capacity to meet basic needs or it can be interpreted as physical violence. Structural violence is the systematic way in which some group of people are obstructed from equal access to opportunities, goods and services to fulfill their basic requirements. CV is in which the existing social and cultural norms makes the direct and structural violence acceptable, natural or right (Galtung, 1990).

**Analysis:** Many scholars has depicted that dowry has emerged and flourished from the ancient Hindu custom of *Kanyadhan* or *Varadakshina* which today has taken a giant and commercialized form as well has reached all the sections of the society. This tradition some way or the other has fetched conflict and disharmony between the families of the couple and has also resulted into violence against the newly married women. Although people are civilized and aware about the evils of the dowry system still it has been widely accepted and practiced because of our cultural instinct as explained above by cultural violence theory of Johan Galtung.

So when we look at the practice of dowry system along with the violence associated with it through the lenses of the violence triangle we can see that direct violence occurs when the bride's family fails to provide the demanded dowry. Bride is killed, harassed and battered by husband and her in-laws when the dowry is considered insufficient. Structural violence plays a vital role in providing a platform for dowry system for instance in most of the cases we can see that the girls are usually less exposed to the educational system and they are usually kept in the state of economic dependence. It is believed that if bride takes a huge sum of wealth along with her then it acts as a shield against ill-treatment by her in-laws. Similarly hypergamy has boosted the dowry practices. So, these factors have suppressed women in our patriarchal society thus giving dowry system and its related violence a permanent place in our society.

#### **1.2.4.2 Frustration and Aggression Theory**

Frustration and aggression hypothesis was devised by John Dollard, Leonard Doob, Neal Miller, O.H Mowrer and Robert Sears of Yale University. The major assumption of this theory is "aggression is always a consequence of frustration" which implies that "the occurrence of aggressive behavior always presupposes the existence of frustration" and "the existence of frustration always leads to some form of aggression" (Breuer and Elson, 2018: 1-2).

Frustration in this context is interpreted as an obstruction to attain someone's goals as well as a reaction to such block. Therefore being frustrated means that one's desire to achieve certain goal is being blocked by another party and that one's reaction to this thwarting is one of annoyance (Berkowitz, 1989).

**Analysis:** The reason for the violent behavior of in-laws towards bride in receiving lesser amount of dowry than demanded from the bride's family can be explained with the help of frustration and aggression theory. When marriage is fixed the groom's family have lots of expectations or indeed demands lots of wealth from bride's parents as explained in the model "dower system in the Indian patriarchal society." The groom and his parents dreams of uplifting their social status with the dowry brought by the new bride or they keep those wealth to use for the same purpose in their daughter's marriage and in some cases it is used to pay the debts. With lots of bargaining between the two families the dowry is fixed. When the bride's family fails to provide the demanded or extended dowry than all their dreams get shattered as a result it leads to aggression and violence against the newly married bride.

### **1.3 Rationale and Scope**

The study covers the issue of violence against females such as harassment, emotional torches, murder and burning of bride in relation to the unfulfilled dowry demand. The traditional practice of giving and receiving dowry in marriage ceremonies has been in trend since the ages. These evil practices have a remarkable negative impact on the female counterpart of the society. Women, who does not bring sufficient amount of dowry along with her in marriage is victimized by the bridegroom and in-laws and in most of the cases we get to hear domestic violence against the bride ranging from physical to emotional harassment as well as bride burning.

Although lots of efforts are made by the government to eradicate the practices of dowry yet, dowry system holds an important status in marriage ceremonies in India and Northern West Bengal (NWB) is not any exemption to this wicked practice. So, this proposed study will help us to identify priorities and consolidate issue in order to provide the inputs to the policy makers and also the local people to be aware of the

still existing dowry practices and to analyze how women in our society are subjected to violence in relation to dowry.

#### **1.4 Objectives of the Study**

- To understand the relationship between violence against women and dowry system.
- To examine all the anti-dowry laws.
- To examine the trend of violence against women in relation to dowry system in NWB, India.

#### **1.5 Research Questions**

- What is the relationship between dowry practices and violence against married women?
- Is the anti-dowry laws properly implemented in India?
- What is the impact of dowry practices in NWB, India?

#### **1.6 Hypothesis**

- Failure to provide demanded dowry has resulted into violence against bride.

#### **1.7 Research Methodology**

This research is descriptive and analytical in nature. The study uses both quantitative and qualitative data. Qualitative information from the relevant literature is used to understand various forms of dowry related violence and to formulate the hypothesis and the quantitative obtained from the police station is analyzed to understand the trend of VAW in relation to dowry system in NWB.



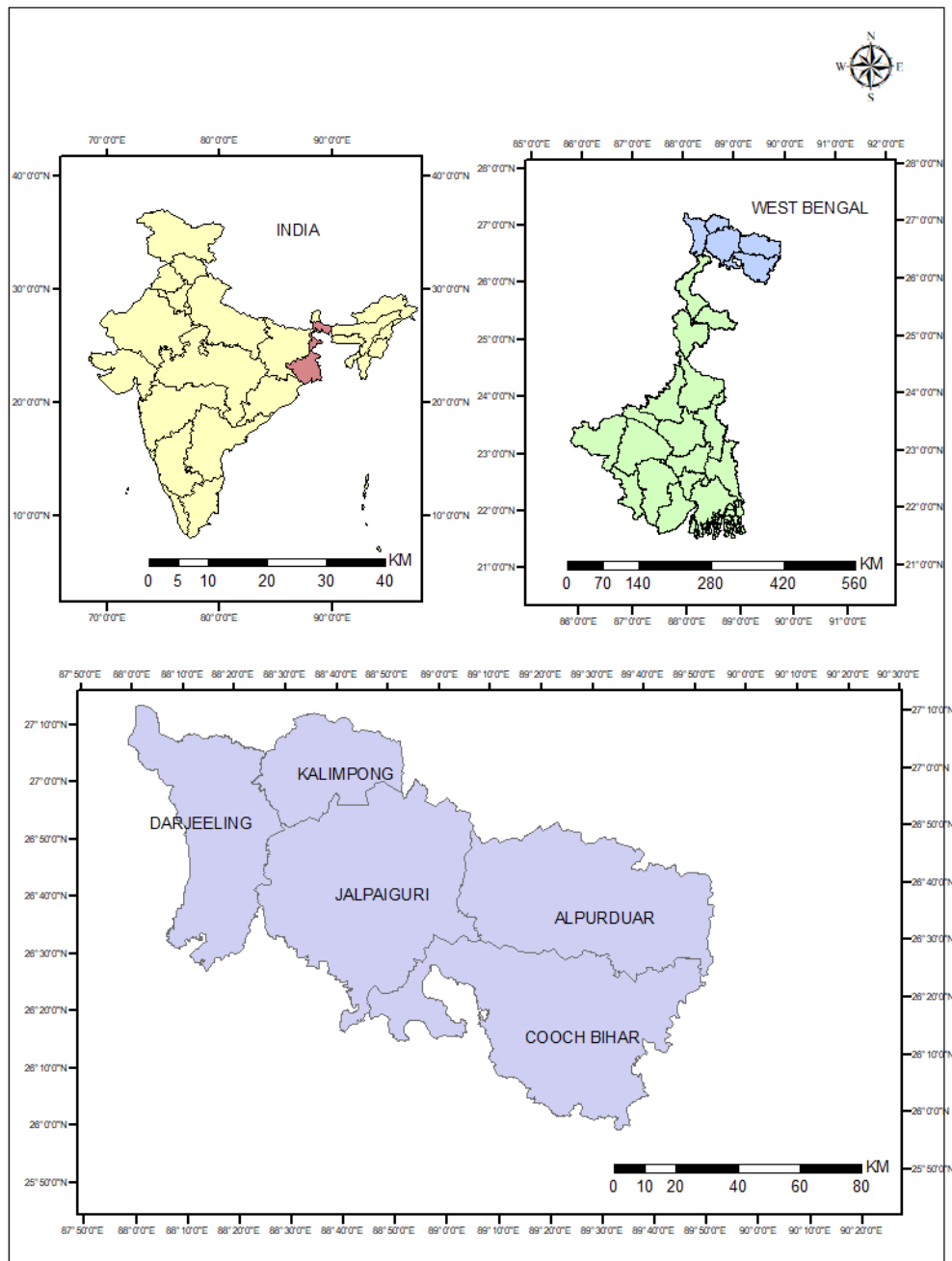
## **Study Area**

North Bengal includes North West part of Bangladesh and northern part of West Bengal, India. The Bangladesh part comprises of two divisions i.e. Rajshai division and Rangpur division which is averagely located at western part of Jamuna River and north of Padma including Barind track. The West Bengal part includes the Jalpaiguri division (Alipurduar, Cooch Behar, Darjeeling, Jalpaiguri and Kalimpong) and the Malda division (North Denajpur, South Denajpur and Malda together). West Bengal is divided into two parts the Northern and the Southern by the river Ganga.

North Bengal consists of 18.35 percent of total state area. It shares international border with three countries namely Nepal, Bhutan and Bangladesh and state border with Assam, Sikkim and Bihar. It is popularly known as gateway to the north-east and often serves as a corridor to China and other South East Asian countries i.e. Thailand and Myanmar. According to Census 2011, the total population of North Bengal was 17.2 million with a density of 803 people per square kilometer.

The study is based on the Northern districts of West Bengal. The main focus of the study is on the five districts of West Bengal i.e. Darjeeling district, Kalimpong district, Jalpaiguri district, Alipurduar district and Cooch Behar district. According to the data compiled from the Census 2011 the total area covered by the five districts is 15,949 square kilometer with a population of about 8,538,775.

**Figure 1.2 Location of the Study Area**



Source: Prepared by Researcher. January, 2020

**Data collection-** This study uses primary as well as secondary data. The secondary sources incorporate the use of available literature, government reports, studies conducted by national and international agencies and other research documents. The

primary data includes data obtained from ten police stations of the five districts of NWB. In order to analysis violence associated with dowry system in the study area data has been collected from two police stations of each five districts as well as interactions has been made with police officers and few people who came to lodge complains regarding violence associated with dowry at the police station where I was there for data collection.

The following are the names and location of the police stations visited for data collection. The data collected from the police station is analyzed to know the trends of VAW in relation to dowry demand in NWB

**Table 1.1 Location of Police Stations Visited for Data Collection**

<b>Districts</b>	<b>Name of Police Station</b>	<b>Address</b>
Darjeeling	Darjeeling women Police Station	Chauk Bazaar, Darjeeling, West Bengal Pin- 734101
	Jorebungalow Police Station	Katapahar, hill cart road, Ghoom, Darjeeling, West Bengal Pin- 734102
Kalimpong	Kalimpong Police Station	Dr. ongden Rd, Kalimpong Khasmahal, Kalimpong, West Bengal Pin- 734316
	Gorubathan Police Station	Gorubathan Khasmahal, West Bengal Pin- 735231
Jalpaiguri	Jalpaiguri Kotwali Police Station	Thana Rd, Jalpaiguri, West Bengal Pin- 735101
	Mal Police Station	NH31, Mal Bazar, West Bengal Pin- 735221
Cooch Behar	Kotwali Police Station	Morapora, Cooch Behar, West Bengal Pin- 736101
	Mathabhanga Police Station	Koch Bihar, Emigration road, Mathabhanga, West Bengal Pin- 736146
Alipurduar	Alipurduar Women Police Station	Beltala Road, Alipurduar, West Bengal Pin- 736121
	Falakata Police Station	Falakata, West Bengal Pin- 735211

The following acts were taken into consideration for collecting data from police records.

**Table 1.2 Acts taken into Consideration for study**

Sl. No.	ACTS
01	DPI
02	DPI/498-A
03	498-A
04	304-B
05	304-B/498-A

### **1.8 Limitations**

- As dowry cases being very sensitive in nature the study use data which is reported in the police station to avoid false information and biasness.
- Data has been collected from only two police stations of each district due to limited time period.
- Data is collected from only urban area's police stations the rural section of the study area is untouched as during my visit to police station in Methli which lies in rural area the cases registered in this police was very minute and the police men was of the opinion that people with such problem directly go to the bigger police stations nearby.

### **1.9 Chapterisation**

#### **Chapter 1: Introduction**

The first chapter introduces the topic of the present study with a detail background. In order to provide a clear vision of the study a theoretical frame work is presented which also guides the entire dissertation. Relevant literature reviews has been listed out which will give adequate and dynamic knowledge about the subject being studied. The main objectives and scope behind the present study has been laid out. Hypothesis

to be tested and research questions has been put up in this chapter. The chapter also offers a view of the study area as well as the methodology used.

### **Chapter 2: Violence against Women and Dowry System**

This chapter deals in details with how women in Indian society are deprived of their rights, suppressed and exploited. The chapter also tries to analyze various forms of violence women have to face in her day to day life. The main focus of this chapter is to manifest how the traditional practice of dowry system has brought disharmony amongst the people as well as has resulted into violence against newly married women. Beside, the chapter also tries to identify various reasons for the prevalence of dowry system. Figures on dowry related violence collected from various secondary sources has also been presented to reflect the severeness of dowry induced violence in India.

### **Chapter 3: Anti-Dowry Laws in India.**

The chapter provides a detail account of all the anti-dowry laws in India. As India still witness violence associated with the dowry system even after the enactment of several anti-dowry laws a detail study has been made to depict loopholes in the existing laws.

### **Chapter 4: Practice of Dowry System in Northern West Bengal.**

All the data collected from the ten police station of the study area has been analyzed and interpreted in this chapter to know to what extent women has been victimized by dowry system prevailing in the area. Qualitative information collected from some people, police stations and some relevant literatures has also been analyzed.

### **Chapter 5: Conclusion**

This chapter summarizes the whole study and also lists the key policy recommendation and other redressal measures to mitigate dowry induced violence.

## Chapter 2

### Violence against Women and Dowry System

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#### 2.1 Introduction

In patriarchal social construct women has to be dependent on men in every phase of her life. Women's sole purpose is to serve her brother, father and husband for the entirety of existence. In modern day society women are and controlled, dominate and undervalued. This lifelong cycle is the consequence of historically unequal power relations between women and men. Caste system, cultural customs and gender inequality is the foremost reasons that violence in India has persisted. One of the evidence of extreme abuse in India is seen through dowry practices (Seeger, 2013).

Dowry practices goes way back in Indian culture. In origin dowry customs was an act of love where some money was given to the daughter by her parents. It was seen as a substitute for inheritance, offering some security to the wife and was a gift from her family. This system became highly commercialized in the British era when heavy land tax was imposed and the only easiest way of gaining wealth was demanding dowry in marriages (Salim, 2017).

We have been hearing about many incidents on VAW in India through news channels, newspapers and social media or we may have seen or witnessed it in our day to day life. When we talk about VAW the conflict or violence brought by the institutionalization of dowry system cannot be ignored. NCRB which provides an annual report of crimes occurred in India provides an adequate figure on dowry related crimes which should awaken people as well as the government.

## **2.2 Women in India**

Women in India have been a major section where focus must be laid on. In India women are considered as a second class citizen. Although women is adore and idolized as *Durga, Parvati, Kali* in contrast to it she is abused by the same society in the form of female infanticide, sexual harassment, sati, rape, dowry and so on (Kalaiyarasi, 2015). Since the end of Vedic Period the status of women has been debasing to such an extent that even the birth of girl child is considered as malison to the family. During the Buddha Period even Lord Buddha interpreted women as the fount of all evils (Mophapatra, 2015).

The role played by a woman in a society or within a family is highly monitored by our cultural, social as well as religious norms and values. Norms in our country does not change in the same phase as urbanization, population growth and globalization but it seems to be constant particularly when the matter is about the social status of women where social and education policies has failed to bring the desired change. Women have to live within the same social norms and traditions which were made a long time before by men and for men them self (Mohapatra, 2015).

Since the dawn of civilization this world belongs to men. Lamentably women and men are not treated equally. Even being educated, she has been facing injustice, suppression and exploitation as well as looked down in Indian patriarchy society. She is treated as a commodity by men counterpart where she is used, exploited and disposed mainly in men centric social system. Liberty is striped from her or rather she rejects liberty. Historically men have all the powers and since the early days of patriarchate they have been keeping women in the state of dependence. Women are treated as an object to satisfy man's sexual desire and she is often looked down as a reproducing machine (Sawant, 2016).

It is awful that women are born faithful and obedient to fulfill dream and desire of her male counterpart in contrast to it her dreams, desire, identity and ideas are suppressed in patriarchal setup. Her identity is recognized in terms of relationship to others like someone's daughter, wife or mother. Although we talk about feminine and masculine world still women has never seen a world of her own. She is indeed habituated to rotate around men's world (Sawant, 2016).

In Hindu tradition after marriage bride has to leave her original home and settle at her husband's home and much preference is given to son to for maintaining continuity in the line which has boosted the male dominated society. A Hindu widow is considered as an ill-omen in a society. She is not allowed to attend any meritorious function as it is believed that her presence in that function can bring misfortune to them. Male in Indian society does not wear and indicator that he is married but in case of women she performs different fasting for betterment of her husband and children. Her attire also changes after marriage and more particularly after death of her husband (Mohapatra, 2015).

In Islamic religion women does not get any opportunity to lead prayers neither become a priest nor a *Kazi*. In Buddhism also a male monk is more preferred than a female nun (Mohapatra, 2015). In modern India the status and role played by women has become a mystery. On one side women has reached the apex of success while on the other she has been oppressed by her own family. As compared to ancient time women has accomplished a lot but still they have a lot to go. Women now have come out from their comfort zone and have proved themselves but in case of India they still have more to achieve. When census of India 2001 looked upon the number of female per thousand of male is far below the world average. Women have to face several



problems in their daily life and various women have assumed it as their destiny (Punam and Sharma, 2017).

### **2.3 Violence against Women**

VAW is a global phenomenon it has left no country, caste and religion untouched. From the time of conception, female faces inequality and discrimination (UNFPA, 2014). The root cause for VAW is the historically unequal power between men and women (Manjoo, 2014). In spite of all the efforts made by many organization and government to eradicate VAW there are still loop holes which have led to human rights violation worldwide. VAW in public as well as private life has kept many women back to exercise their human rights and freely participate in the development of their community (Fried, 2003).

UNGA on 20<sup>th</sup> December, 1993 defines VAW in its resolution 48/104 as “any act of gender-based violence that results in, or is likely to result in physical, sexual, or psychological harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or private life.” (UNGA, 1993: 3).

VAW encompasses but is not limited to the following:

- physical, sexual and psychological violence occurring in the family, including battering, sexual abuse of female children in household, dowry related violence, marital rape, female genital mutilation and other traditional practices harmful to women, norms-spousal violence and violence related to exploitation;
- physical, sexual and psychological violence occurring within the general community, including rape, sexual abuse, sexual harassment and intimidation

at work, in education institution and elsewhere; trafficking in women and forced prostitution;

- Physical, sexual and psychological violence perpetrated or condoned by the state wherever it occurs (UNGA, 1993: 2).

**Table 2.1: Violence against Women in their Life Cycle**

BEFORE BIRTH	selective abortions, consequences of violence in pregnancy
EARLY CHILDHOOD	female infanticide, selective negligence in care, physical, sexual and psychological violence
LATE CHILDHOOD	forced marriage of girls, mutilation of female genitalia, physical, sexual (incest) and psychological violence, child prostitution, pornography
ADOLESCENCE AND ADULTHOOD	incest, 'courtship' violence (date rape, acid attacks), sex due to economic necessity, violence by partner (until death), 'dowry death', rape, feticide, rape and forced pregnancy in war, sexual harassment at work, forced prostitution, pornography
OLD AGE	murder or forced suicide of widows, physical, sexual and psychological violence

Source: World Health Organization, (1977). Retrieved from <https://www.who.int/gender/violence/v4.pdf>  
 Accessed on 10/08/2019

The above table is presented by World Health Organization in July, 1997. It can be seen that female faces problem or violence against her even before she enters the world and she is not free from such traumas until her death. As women have to face violence against her in every phase of her life it is called violence against women in their life cycle. Before a female child ever sees the world she faces violence against her in the form of sex-selective abortion. In early childhood a girl can be exposed to violence such as female infanticide, sex selective negligence in care, physical violence and mental violence.

In late childhood the most common violence against female occurs in the form of early forceful marriage, female genital mutilation, physical abuse, child prostitution and pornography. In adolescences and adulthood the female counterpart of the society

is subjected to violence such as rape, acid attack and dowry related violence, sexual harassment at workplace, forceful prostitution and pornography. After marriage women are subjected to violence most commonly by her husband and in-laws at her matrimonial home. In old age also women are not free from violence, they undergo physical, mental and sexual violence which may compel her to suicide.

### **2.3.1 Types of Violence against Women**

There are several types and form of violence against women out of which some are listed below:

- Dowry-induced violence- although DPA was enacted in 1961 to put a ban on giving and taking of dowry the system is widely practice. In certain cases when bride's parents fails to provide the demanded dowry bride is tortured, burned or forced to commit suicide by her husband, husband's family or his relatives (Kalaiyarasi, 2015).
- Child marriage- child marriage can be referred as marriage which takes place before any person attain the age of eighteen. Child marriage is applicable to both sex but it seems to be more common amongst girls. In developing nation one third of girls get married before they attain the age of eighteen and one out of nine marry before the age of fifteen. The main consequence of child marriage is death of girls during their pregnancy due to complications. Some parents believed that child marriage will protect their daughter from sexual violence but it is just the irony, the girls who marry before the age of eighteen have a greater risk of being subjected to violence (Ahmed, 2015).

- Sex selective abortion- sex selective abortion is elimination of a child while still in womb on the basis of sex. In some countries there is a strong preference for a male child as a result female child are aborted simply because they are not male. Sex selective abortion is a violation of fundamental rights where female child are aborted and a women is pressurized by the society to bear a male child. Sex selective abortion is the main reason behind several women gone missing in many part of the world which includes China, India, Vietnam, east Asia, parts of Balkans and the Caucasus region of Eurasia (Abbamonte, 2019).
- Trafficking- women has become the main victims of human trafficking. Females are kidnapped, sold, and subjected to slavers in almost every country for sexual and commercial exploitation. The main reason behind women trafficking is to feed the whoring trade. Traffickers often lure women by guaranteeing them job in new country but in reality women are often raped by the recruiters and then after they are sent to brothels for sexual business (Iyer and Radha, 2016).
- Eve-teasing- eve-teasing refers to the sexual harassment of female in public domain it may take place in parks, transport, cinema halls or streets. This might be done by a man or a gang which includes verbal assaults such as adultery jocks, winking, whistling and showing abusive gesture or it may include physical harassment such as pinching and rubbing against women (Ramasubramanian and Oliver, 2003). In some cases eve-teasing is followed by rape and murder. It may be some form of nasty enjoyment for men but it is a mental as well as physical violence upon women (Akhtar, 2013).

- Rape- today women are insecure outside home which has been an obstacle in women's path. Cases of rape are reported to increase. One out of five women has been found being rape in their lifetime around the world. Many cases of rape remains unreported because of lack of kindly treatment from legal system (Kalaiyarasi, 2015).
- Acid attack- acid attacks occurs through the world but it is most prevalent in countries such as India, Bangladesh and Cambodia. Acid attack involves throwing or pouring acid on victims face or body. Acid attack leads to severe physical injury and mental suffering to the victims. In India and Bangladesh women are the victims of acid attack as the society is controlled by men which place women in subordinate position. In Cambodia women are victimized by acid attacks due to their socio-economic insecurities (Kalantry and Kestenbaum, 2011).

### **2.3.2 In Indian Context**

In India the patriarchal social setup, gender based disparity and hierarchy in family has led to backwardness of women, exploitation, oppression and deprivation in every sphere of life (Narayana and Lakshmi, 2011). In India, female starts facing violence against them even before their birth. There is an alarming increase in social and economical development in India in past sixty years but there is one thing which has put a bloodstain in the whole scenario i.e. the future of the unborn female child which has become increasingly miserable. The sex-ratio which shows numbers of female per thousand men in specific time gives a clear indicator of equality between men and female. The number of female is slightly greater than men in normal sex ratio but in cases of India the situation is just the contrary. It has been found that millions of girls are missing specially the girls belonging to youngest age group (Larsen, 2011).

In India if there was no gender disparity than there would be 512 million women in the present population of one billion. However in it is estimated that there are only 489 million women and twenty five million are missing. So when the question arises about the missing twenty five million women than it can be said that some were never given chance to come to the world and others did not get enough opportunity to survive (UNFPA, 2004).

CAW has been continuously increasing in India since 2011 to 2014. In 2011 cases of reported CAW was 2,28,650, in 2012 it was 2,44,270, in 2013 it further increased to 3,09,546 and in 2014 it was 3,37,922. In 2015 cases of CAW showed a little decline of 3.1% in comparison to previous year i.e. 2014 and the cases reported was 3,27,394 (NCRB, 2016). NCRB manifests that in every three minutes crime against women is recorded. At least two women are assaulted every hour and in every six hour a married woman is beaten to death, burned or compelled to suicide (Harbishettar and Math, 2014).

VAW has gained attention worldwide. Lack of education, participation, economic dependence, etc are the main reason that women has to be dependent upon men and other institutions such as family, neighborhood and society. Women are not aware or rather they are ignorant about their rights and even if they are not, justice is not easily accessible. Although the Government as well as other organizations has come up with variety of laws and counseling centre to tackle this problem yet, India has a long way to go in achieving this goal (Reshma and Ramegowda, 2013).

**Table 2.2 Cases Reported on Crime against Women During 2015**

<b>Sl. No.</b>	<b>States</b>	<b>Number of registered cases</b>
1	Jammu & Kashmir	3363
2	Himachal Pradesh	1289
3	Punjab	5291
4	Haryana	9446
5	Uttarakhand	1453
6	Uttar Pradesh	35527
7	Rajasthan	28165
8	Gujarat	7762
9	Madhya Pradesh	24135
10	Maharashtra	31126
11	Telangana	15135
12	Karnataka	12705
13	Andhra Pradesh	15931
14	Kerala	9708
15	Tamil Nadu	5847
16	Chhattisgarh	5720
17	Odisha	17144
18	Jharkhand	6581
19	West Bengal	33218
20	Bihar	13891
21	Sikkim	53
22	Meghalaya	334
23	Tripura	1267
24	Assam	23258
25	Mizoram	158
26	Manipur	266
27	Nagaland	90
28	Arunachal Pradesh	384
29	Goa	365
	<b>Union Territory</b>	<b>Number of registered cases</b>
1	Daman and Diu	28
2	Dadra and Nagar Haveli	25
3	Lakshadweep	9
4	Puducherry	80
5	Andaman & Nicobar Island	136
6	Chandigarh	463
7	Delhi UT	17104

Source: NCRB, (2016: 82). *Crimes in India 2015 Compendium*. Ministry of Home Affairs.

Table 2.2 displays cases of CAW which was registered during 2015 in India. In 2015 there was all together 3,27,394 cases on CAW. The states which have cases of CAW up to 1,000 are Goa, Sikkim, Arunachal Pradesh, Meghalaya, Nagaland, Manipur and Mizoram. The states with cases of CAW from 1,001 to 5000 are Jammu & Kashmir, Himachal Pradesh, Tripura and Uttarakhand. Sates with cases reported from 5001 to 10000 are Punjab, Haryana, Gujarat, Kerala, Tamil Nadu, Chhattisgarh and Jarkhand. From 10001 to 20,000 cases reported on CAW are Karnataka, Andhra Pradesh, Telangana, Odisha and Bihar. The states of Rajasthan, Madhya Pradesh and Assam have cases reported on CAW ranging from 20001 to 30000. The states to report highest CAW which is above 30000 are Maharashtra, Uttar Pradesh and West Bengal. The state of Uttar Pradesh (35527) has the highest number of cases reported on CAW in the year 2015 followed by West Bengal (33218), Maharashtra (31126) and so on.

When Union Territory is considered Delhi UT (177104) has the highest number of cases reported on CAW followed by Chandigarh (463), Andaman and Nicobar (136), Punducherry (80), Daman and Diu (28), Dadra and Nagar Haveli (25) and Lakshadweep (9).

**Table 2.3 Cases Reported on Violence against Women in India during 2011-2015 and Percentage Variation in 2015 over 2014**

Sl. No	Type of Crime	Years					Percentage variation in 2015 over 2014
		2011	2012	2013	2014	2015	
1	Rape	24206	24923	33707	36735	34651	-5.7
2	Attempted Rape	0	0	0	4232	4434	4.8
3	Kidnapping and abduction of women	35565	38262	51881	57311	59277	3.4
4	Dowry deaths	8618	8233	8083	8455	7634	-9.7
5	Assault on women with	42968	45351	70739	82235	82422	0.2



	intent to outrage her modesty						
6	Insult to the modesty of women	8570	9173	12589	9735	8685	-10.8
7	Domestic violence	99135	106527	118866	122877	113403	-7.7
8	Importation of women from foreign country	80	50	31	13	06	-53.8
9	Abetment of suicide of women	0	0	0	3734	4060	8.7
A	Total IPC crime against women	219142	232528	295896	325327	314575	-3.3
10	Sati Prevention Act	0	0	0	0	0	0
11	Incident Representation of women Act	453	141	362	47	40	-14.9
12	The Dowry Prohibition Act						
13	Protection of Women from Domestic Violent Act	0	0	0	426	461	8.2
14	Immoral Traffic (Prevention) Act	2436	2563	2579	2070	2424	17.1
B	Total SLL crime against women	9,508	11742	13650	12593	12819	1.8
Total (A+B)		2,28,650	2,44,270	3,09,546	3,37,922	3,27,394	-3.1

Source: NCRB, (2016: 83). *Crimes in India 2015 Compendium*. Ministry of Home Affairs.

Table 2.3 shows various types cases on CAW reported between the years 2011 to 2015 as well as percentage variation in 2015 over 2014. The total number of cases on CAW reported between the years 2011 to 2015 is 1,447,782. From the year 2011 to

2014 cases on CAW has increased whereas in 2015 the case reported has decreased than the preceding year.

Cases on CAW in 2015 have declined by 3.1 percent over the year 2014 whereas it has increased by 43.2 percent over the year 2011. CAW in IPC accounts for 96.1 percent and the remaining 3.9 percent are SLL crime against women.

## **2.4 Dowry System in India**

When we think about VAW in India discussion on dowry system and dowry death cannot be isolated (Saikia, 2017). The practice of dowry has added fuel to existing CAW. The concept and definition of dowry has changed from its origin to present day. Dowry no longer remains a voluntary gift from the bride's family to the groom and in-laws but it has become a mandatory system in Indian arranged marriages where groom family extort huge amount of money and other valuable items from bride's family (Jaggi, 2001). Dowry system is still flourishing in India although it is prohibited by law (Jeyaseelan, Kumar, Jeyaseelan and Shankar, 2015).

In modern phenomenon, the total monetary transaction in marriages can be broken down into three parts. Firstly, the money paid to the bride (according to Indian law it should be in her name and control). Secondly, there is reciprocal gifts exchange between the families of bride and groom, which symbolizes union between the two families. Finally there is marriage payment which is very imperative in arranged marriages, without it the marriage contract will be nullified (Jaggi, 2001).

### **2.4.1 Evolution of Dowry Practices**

Dowry is one of the oldest customs of Hindus. It was introduced by Hinduism and by now it has influenced all other communities (Ahlawat, 2014). It is very difficult to find exactly when dowry system exactly came into existence but no doubt the concept

of dowry is deeply connected to the ancient past (Chatterjee, 2018). Even the code of Hammurabi, which is one of the oldest records, has interpreted dowry as an already existing phenomenon (Reshma and Ramegowda, 2013).

Dowry system was present even before the British rule but not in the same format as it exist today. Very little information is available on pre Vedic marriages and marriage payments. Some information can be derived from the hymns of Rig-Veda and Atharva-Veda. In the hymns of Rig-Veda it is said that bride with beautiful attire, jewelers and a chest of treasure which constituted her dowry was placed in the equipage. The Atharva-Veda mentions dowry as royal brides taking one hundred cows in their marriage (Nithya, 2013).

The three ancient upper caste practices such as *Kanyadhana*, *Varadakshina* and *Stridhana* reinforce the dowry system. *Kanyadhana* means the gifts which is provided to the virgin bride, *Varadakshina* are the gifts that is given to the groom by the bride's father (Srinivasan and Lee, 2004). *Stridhan* is the part of wealth that is passed from a mother to her daughter (Jagori, 2009). The above mentioned gifts some way or the other contribution as an asset to the groom and his family no matter it was voluntary or mandatory (Nithya, 2013).

During the medieval period, the system of pre-puberty marriage system came into existence as a result the girl's father started to lure boys with dowry so that he can get his daughter married within a limited time period (Nithya, 2013). The quantity of dowry also started to escalate as marriage between one's own sub castes was forbidden (Salim, 2017).

In British rule dowry system reached its climax. Heavy taxes were imposed on the peasants and they were compelled to find out cash from wherever they could in failure

they could lose their land. As a result dowry became the easiest way to acquire wealth as well as to uplift their status in society (Salim, 2017). British imposed new rule in India where women were not supposed to hold any property which added fuel to fire. All the wealth that couples received during marriage went into the hands of husband as result dowry system in India during the British rule took a monstrous form (Nithya, 2013).

In origin, the main purpose of dowry was to provide the newly married couple monetary help to establish new household, to help the groom feed his family and to give wife financial support so that she can look after her children if her husband dies (Reshma and Ramegowda, 2013). Dowry was practiced as a matter of pride in ancient times and was voluntary in nature now dowry has become a mandatory custom in Indian arranged marriages. It includes drawing out huge sum of money from bride's family by bride's groom and in-laws (Ateffakhr, 2017).

At present dowry practice is not only confined to one or two states of northern India but it has been widely diffused in southern as well as eastern India. It has gained its roots in all section, caste, class, societies and communities (Reshma and Ramegowda, 2013). Dowry practice is not only constricted among the upper Hindu cast but it has been widely accepted amongst Christians, Muslims, animists and other tribal group (Jagori, 2009).

In addition, dowry demand does not only occur prior or at times of marriages but it may continue for years afterwards. After the passing of Dowry Prohibition Act in 1961 and its amendments in 1984 the practice of dowry has been kept secret between two families (Ateffakhr, 2017).

### **2.4.2 Causes of Dowry**

Marriage is considered as a mandatory factor in girl's life which has pressurized girl's family to find a suitable groom. As a result dowry has become a good way to settle the matter. In other words the fear of keeping one's daughter unmarried has led to the continuation of dowry. The greed for dowry has increased because the money or assets brought by the new bride are used by mother-in laws to fix marriage of their daughters or to pay the debt which was taken earlier for the same purpose. In this way the vicious circle continues and even the modern educated family finds it difficult to come out of this trap. The patriarchal society under values women work which has boosted dowry system and this fact can be justified where it is seen that the prevalence of dowry is less when women is highly employed (Ghosh, 2010).

Role played by bride's parents cannot be ignored which has influenced dowry system. When a woman is married she is given a formal advice by her parents that she should not leave her husband's home. When bride is the victimized for not bringing adequate dowry even her parents does not take any action as there is chances that the she will leave her husband. Parents no longer want to take responsibility of their daughter once she is married. Parents of the bride are ready to see their daughter die than to get divorced and return back to their home and stay there permanently. Cases are only filed against in-laws and groom after her death. The most annoying part is that the parents are all set to marry their next daughter by paying the required amount of dowry to get their daughters married to a man of their choice (Salim, 2017).

Bride's family thinks that dowry will enhance the status of their daughter when she takes adequate dowry with her during marriage and she will be treated well by her husband for her financial contribution. Family with poor economic background cannot provide demanded dowry as a result the poor bride faces violence by her in-

laws home. As a result dowry has become an easiest way to ensure happiness in bride's life. In this way the parents of bride are some way or the other responsible for keeping dowry practices alive (Gosh, 2011).

Rapid growing consumerism in India can be held as one of the causes of dowry. Rapid globalization has resulted into one's greed for luxury items. Earlier dowry was mainly demanded as gold, later it changed into cash and now it has moved to luxury. Young men and his family have come to see that dowry can provide them a ladder to luxurious life (Srinivasan and Lee, 2004).

The social obligation compels a bride to adjust and accept that once she enters her husband home she will only leave it permanently when dies. Economic dependence of a women, the expenditure on her marriage and the social stigma attach to a women with a broken marriage reinforce her parents and her own desire that she stays at her in laws' home. Women fear that she will lose her children if she leaves her husband. So, all these factors has contributed to suppression of women's voice. They keeps on enduring violence against them and this is the leading factor which has subjected a women to become victims of dowry as well as has contributed to ever ending dowry practices (Basu, 2005).

#### **2.4.3 Dowry as Compensation**

Dowry as compensation is another perception towards marriage payment. In patriarchal society women are undervalued and they are often considered unproductive section of the society. As a matter of fact dowry is paid as compensation to the groom and his family by bride's family in order to accept the unproductive women and to support her thought her life. It is often considered that bride's family is

at gain and the groom's family loses from the marriage so, compensation in any form of wealth has to be provided in order to fill that loss (Dasgupta, 1991).

Even amongst the educated section of the society, dowry plays a vital role in arranged marriage negotiations. In today's social context its parent's duty to get their daughter married. Unless a woman gets married, she is never considered settled even if she is highly educated or has a well paid job. It's not only about getting married but getting married at the right age has become a major issue. The right age to get married has varied from community to community and from time to time. In urban middle class family the right age of a girl being married is when she becomes 19 years old. At the age of 26 she is in the verge of losing value in marriage market. Hence, there is a great chance of her remaining unmarried as a result groom and his family may have to be compensated with greater dowry in order to get daughter married at right age (Salim, 2017).

In some cases dowry is paid as compensation to the groom's parents for the amount they had to expend in the educating of their son (Subhani and Afza, 2009). The groom family does not realize that even the bride's parents have made a huge expenditure in educating their daughter. The groom family even believes that after marriage bride will be an eternal economic burden for them, so they demand dowry. All these are the consequences of male dominated society where men's monopoly in governing the house has kept women in the state of dependence (Saikia, 2017).

#### **2.4.4 The Evil of Dowry System**

The practice of dowry is a deep-rooted cultural phenomenon which has become the largest obstruction to "confront India on her road to economic and social justice." Our nation has failed to bring social justice because of the pre existing gender

inequality and female deprivation through cultural practices such as dowry (Jaggi, 2001).

Dowry system which came into existence in ancient Indian tradition has become a major problem for female in today's technological era. Other social evils such as cast system is diminishing in contrast to it dowry system is taking a giant form. Dowry has become an essential precondition in arranged marriages. If there is a disagreement in dowry payment than the marriage proposal might get canceled. Dowry system has become one of the prominent factors leading to post marital dispute. If the promised dowry is not fulfilled, than the bride is sent back to her parent's home to get the unpaid dowry. As a result the bride parents are bound to fulfill the demanded dowry to ensure better treatment of their daughters in martial home. Dowry system has not only affected the bride but has encompassed directly or indirectly the whole family (Singh, 2016).

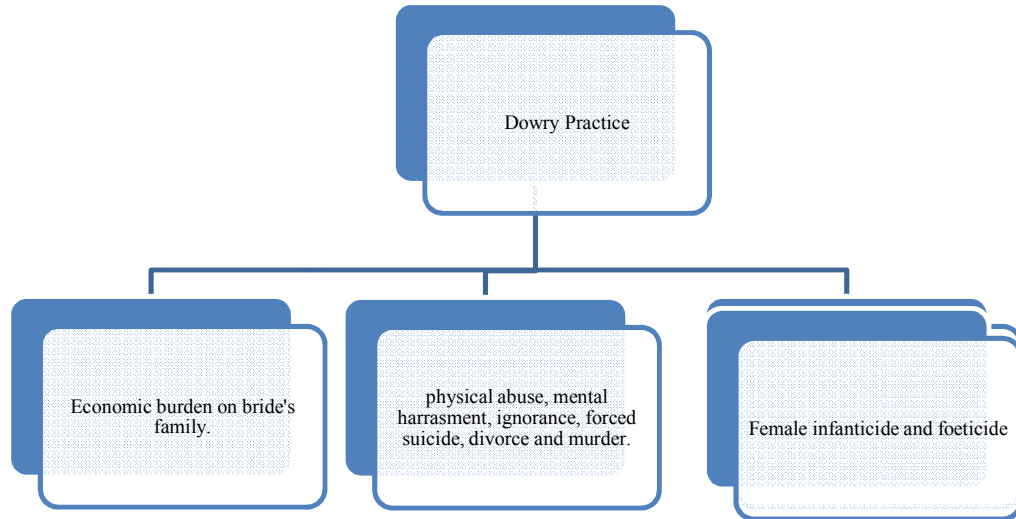
The Government of India has come up with DPA in 1961 to eliminate or mitigate dowry system in our nation but the Act seems to fail in checking its growth. Due to dowry system, marriage which is considered to be a sacred ceremony has become a business deal. The most terrible part of dowry is higher the status of the groom's family higher is the dowry demand. The onset of married life with such a business deal can never be jubilant. All the humanity of a person such as love, compassion, equality, etc is suppressed under the lust for dowry (Singh, 2016).

According to various studies majority of police and other security officers considers dowry as a family issue where laws and police should not snoop into the matter. Therefore, punishment in response to violation of any laws relating to dowry is zero



and the old custom of dowry still continues to flourish with more intensity (Jaggi, 2001).

**Figure 2.1 Consequences of Dowry System**



Source: Author's Self Compilation

The above diagram shows the negative consequences of dowry system. Having a deep understanding by going through various literatures the above diagram is framed. In payment based marriages the amount of dowry to be provided by bride's family is fixed by bargaining system within the two families. In failure to provide the demanded dowry the new bride is tortured, forced to suicide or murdered. Dowry has not only pained the bride but has proved to be burden on bride's family. Female infanticide and feticide is also some way or the other related to the dowry practices. All these negative effects of dowry are dealt in detail in the following sub headings.

#### **2.4.4.1 Dowry as an Economic Burden Resulting into Female Infanticide and Feticide**

There has been inflation in the marriage payment in India and other countries. Girl's has become a burden on family as huge sum of financial investment has to be made before, at and after marriage, in the form of dowry (Ali, Arnadottir and Kulane,

2013). Dowry which was only confined to the upper cast has now touched every section of the society. Moreover the size of dowry has taken a giant from when compared to ancient practice resulting into the preference of boy child to daughter. As a result we can see an abnormal sex ratio in India due to sex selective abortion and female infanticide (Bradley, Emman and Mangala, 2009).

Woman herself being a female has a desire of giving birth to a son. It can be seen the birth of a female child is unwelcomed in family and her birth fails to bring happiness even to her own parents and in contrast to it the birth of son is exuberantly celebrated with lots of blessings bestowed on the couple by their family, friends and relatives. If the first child is son they want the second also to be son and so on. Even if an educated women, fails to give birth to a son than she is humiliated by her family members. Many women committing suicide due to ill treatment and harassment by their in-laws and husband for being unable to give birth to a son (Salim, 2017).

In order to fulfill the demanded dowry the parents of bride are obliged to take loans from various sources (Ali, Arnadottir and Kulane, 2013). There are reports of father selling kidneys to fulfill the dowry payments or collective suicides of family with many daughters (Arunachalam and Naidu, 2001). In many cases it is very difficult for parents to sustain themselves in the limited budget, so an extra addition of dowry payments has drained down their home's economy. Girls belonging to poor family sometimes remain unmarried because their parents do not have ability to pay dowry (Ali, Arnadottir and Kulane, 2013).

Dowry system has mould women as a commodity, which is very expensive and less powerful in the economic exchange between the two families. The birth of daughter means the family has to hold back economic resources which are later supplied as

dowry to the women's husband and his family. For example, Girls are kept uneducated as the money invested in her education does not provide any returns. As girls are under-valued by her mother, baby girls are breastfeed for a short period of time which suppresses her right to adequate health and nutrients (Ghansham, 2002).

#### **2.4.4.2 Violence against Women in Relation to Dowry**

Marriage in India is a sacred ceremony which not only brings the two individuals together but binds the two families. Payment of dowry has become a mandatory culture in arranged marriages in India and this system has brought greatest sorrow to the newly married brides when in laws are not pleased with the dowry payment. Still in 21<sup>st</sup> century India witness VAW due to dowry system which is the consequence of male dominated society (Priyanka and Joyti, 2014).

The practice of dowry from gifts to extraction of cash and violence is reaching its climax because of increasingly capitalistic society (Undurti, 2016). This practice has mostly affected females in our country. If dowry brought by a bride is not considered adequate she faces violence from her husband and in laws which includes physical and mental tortures and as well as murder and forced suicide. Beside husband, his kin also joins together in torturing the new bride and dowry has become a good excuse for them to humiliate, insult and batter up women (Singh, 2013). Many young brides in India previously had lost their life due to sati practices now in modern India dowry death has replaced the sati prey (Arunachalam and Naidu, 2011).

Dowry is paid not only prior or at times of marriage but it may continue for a long time after marriage. So in order to extort more money from bride's parents various pressurizing techniques are used against married women by husband and in-laws (Bloch and Rao 2002). Although government of India has come up with Dowry

Prohibition Act, the give and take of dowry is still in practice accompanied by violence and deaths and which has become a peculiar phenomenon in our country (Singh, 2013).

It has been found that in every hour there are twenty five women facing crimes, out of which eleven are victimized by husband and his relatives, three are raped and one is the dowry death (Nithya, 2013). Women suffer in silence as they are habituated from their childhood. Even the parent's of suffering women does not approach the court because they have emptied all their money in fulfilling the dowry demand and they are financially too poor to legally peruse the matter of their daughter's death. In this manner the dowry related violence are not reported in India and has continued till date (Saikia, 2017).

**Table 2.4 Total Number of Reported Dowry Deaths in India (2010-2016)**

Sl. No.	Year	No. of dowry deaths	Percentage share
1	2010	8391	14.71201
2	2011	8618	15.11002
3	2012	8233	14.43996
4	2013	8083	14.17199
5	2014	8455	14.82423
6	2015	7634	13.38476
7	2016	7621	13.36197
<b>Total</b>		<b>57,035</b>	

Source: <https://www.statista.com/statistics/632553/reported-dowry-death-cases-india/> Accessed on 23/1/2020

The above table manifests total number of dowry death which was reported from 2010 to 2016. The total number of dowry death in India from 2010 to 2016 was 57035. The highest number of dowry death was recorded in the year 2011 (8618) which has accounted to 17.44 percent to the total number of dowry deaths within seven years. The lowest number of dowry death reported is seen in the year 2016 (7621) which has accounted for 13.36 percent.

When we analyse the trend of reported dowry in India from the year 2010 to 2016 it be seen that there is only minute variation in number of dowry deaths in each consecutive years. However, it can be said that the number of dowry deaths has slightly decreased in India and the percentage difference in dowry death between from 2016 over 2010 is 1.35 percent.

**Table 2.5 State Wise Dowry Death and Cruelty towards Women in Relation to Dowry**

Sl. No.	State/ Union territory	304-B of IPC		498-A of IPC	
		Incidents	Victims	Incidents	Victims
1	Andhra Pradesh	193	194	6461	6466
2	Arunachal Pradesh	1	1	50	51
3	Assam	157	157	9321	9321
4	Bihar	987	987	3794	3794
5	Chhattisgarh	84	84	622	623
6	Goa	2	2	23	23
7	Gujarat	12	12	3732	3738
8	Haryana	260	260	3313	3314
9	Himachal Pradesh	3	3	214	214
10	Jammu & Kashmir	6	6	342	342
11	Jharkhand	278	278	1002	1002
12	Karnataka	234	234	2556	2557
13	Kerala	25	25	3455	3462
14	Madhya Pradesh	629	629	6264	6264
15	Maharashtra	248	248	7215	7215
16	Manipur	0	0	29	31
17	Meghalaya	0	0	26	26
18	Mizoram	0	0	19	19
19	Nagaland	1	1	3	3
20	Odisha	397	397	2781	2781
21	Punjab	80	80	1568	1568
22	Rajasthan	462	462	13811	13814
23	Sikkim	0	0	2	2
24	Tamil Nadu	58	59	1256	1256
25	Telangana	254	254	7202	7206
26	Tripura	19	19	430	430
27	Uttar Pradesh	2473	2478	11156	11166
28	Uttarakhand	57	57	392	392
29	West Bengal	535	535	19302	19305
<b>Total states</b>		<b>7455</b>	<b>7462</b>	<b>106341</b>	<b>106395</b>
30	A & N Islands	0	0	7	7
31	Chandigarh	4	4	122	122
32	D&N Haveli	0	0	6	6

33	Daman & Diu	0	0	8	8
34	Delhi UT	162	162	3877	3879
35	Lakshadweep	0	0	2	2
36	Puducherry	0	0	15	15
<b>Total UT (s)</b>		<b>166</b>	<b>166</b>	<b>4037</b>	<b>4039</b>
<b>Total (All India)</b>		<b>7621</b>	<b>7628</b>	<b>110378</b>	<b>110434</b>

Source: NCRB. (2017). Crimes in India 2016 statistics. Ministry of Home affairs.

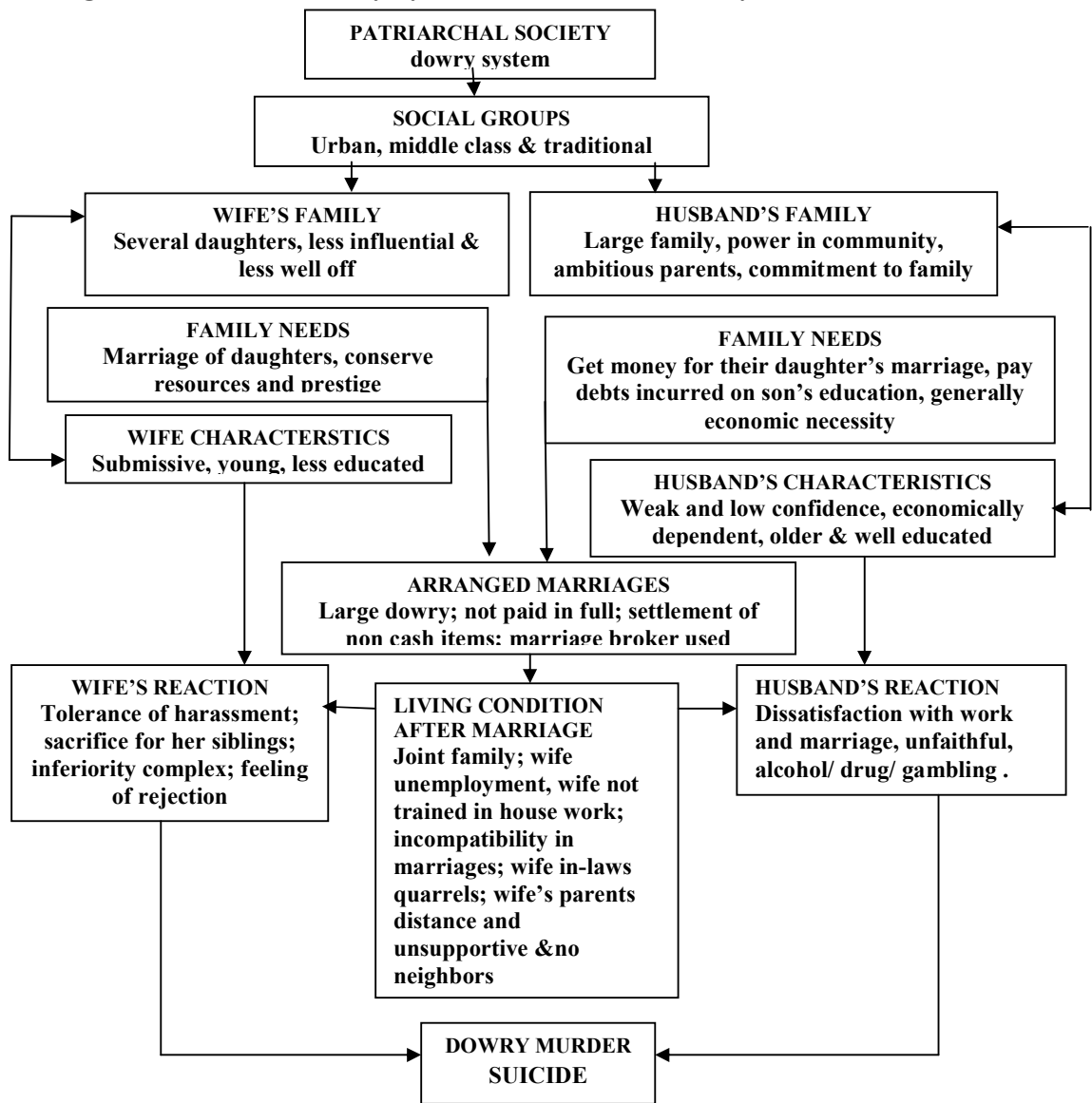
The above table shows the number of incidents and victims of dowry death (304-B) and cruelty towards women (498-A) in twenty nine states and seven union territories (UT) of India in 2016. When the last four columns are considered it can be seen that the total number of victims and incidents on cruelty towards women is more than dowry deaths in India during the year 2016. The total numbers of incidences of cruelty towards women by her husband and relatives is 110378 and the number of victims is 110434 where as the total incidents on dowry death is 7621 and the victims are 7628.

Among the state of India the total dowry death incidence is 7455 and victims are 7462. The state with highest incidents and victims of dowry death is Uttar Pradesh which is 2473 and 2478 respectively followed by Bihar which has 987 numbers of dowry death incidents and the victims are 987 and so on. The state having lowest number of dowry death is Nagaland where the incidence and victims are 2. States like Manipur, Mizoram, Meghalaya and Sikkim don't have any cases o dowry death. Amongst the UTs of India the total number of incidence and victims of dowry death is 166. The highest in this regard is reported in Delhi UT which has 162 victims and the lowest is recorded in Chandigarh where both incidence and victims of dowry death is 4. The remaining UTs do not have any dowry death incidence and victims.

The total number of incidents and victims under the SEC 498-A is 106341 and 106345 respectively. The state to have highest numbers of incidents as well as victims

in the mentioned SEC is West Bengal which has 19302 incidents and the victims is 19305 followed by Rajasthan which has 13811 numbers of incidents and 13814 victims. The lowest is seen in Sikkim where both the incidence and victims are 2. When UTs is considered the highest is found in Delhi UTs with 3877 incidents and 3879 victims. Lakshadweep has the lowest number of cases recorded under the SEC 498-A of IPC with 2 victims and 2 incidents. The remaining UTs does not have any cases reported under the SEC 498-A.

**Figure 2.2 Model of Dowry System in Patriarchal Society**



Source: Reshma and Ramegowda, 2013

The above figure is presented in an article “Dowry – The Cancer of Society” by Reshma and Ramegowda (2013) shows how dowry system operates in patriarchal set up which ultimately leads to dowry death or suicide.

Hypergamy exists in Indian societies as a result every parent wants their daughter to get married to a family of higher status in this regard it can be seen in the figure that wife’s family is not so well off as husband’s family. Wife’s family is pressurized to find suitable grooms for their daughter so they collect or save resources for their daughters in order to use it as marriage payment. The husband’s family on the other hand is wealthier, large and ambitious who wants to extract wealth from in-laws so that they can use it for the same purpose later or pay debt which had been taken a long time before for their son’s education.

After analyzing all the needs of both the families marriage is fixed keeping dowry as an essential criteria. The amount of dowry is determined by bargaining system between the families which is followed by marriage ceremonies. After marriage the wife has to live with her husband at his home. In many cases we can see that the dowry fixed are not fulfilled or partly paid which leads to unhealthy relationship amongst family. The husband becomes dissatisfied with marriage as well as his families which lead to torture and harassment of the newly wedded bride. In this situation bride feels rejected, she remains suppressed in that family and she faces harassment, torture, murder or even forced suicide.



## **2.5 Conclusion**

Dowry has become one of the major reasons for domestic violence against women in India. The presentation of gifts to the bridegroom in Hindu marriages in ancient India has now changed its form and has become highly commercialized. In addition it is widely practiced amongst other communities, caste and social groups. Initially at its origin marriage payment was considered a meritorious act but now it is widely accepted as a cancer of the society.

Due to commercialization of dowry payment huge sum of money or luxurious items is demanded by groom and his family. When this demand is not fulfilled the new brides is tortured or burned. Government of India has come up with several anti-dowry laws to mitigate such evils in India which shall be dealt in details in the preceding chapter.

## **Chapter 3**

### **Anti-Dowry Laws in India**

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#### **3.1 Introduction**

Marriage is a beautiful beginning of new life for the couples, but mother-in-law, sister-in-law, husband and other relatives has biased the institution of marriage for the lust of dowry. More or less each day women are not only harassed, humiliated, battered, forced to leave husband or suicide but thousands of married women are burnt to death because her parents failed to pay the dowry as demanded by in-laws or the groom. So, the custom of dowry practices in India has become a genuine issue to be addressed as it has touched almost each and every section of the society (Gaur, 2009).

Dowry related deaths and abuse has become a recurring problem in Indian society since ages. The root cause of this social problem lies in the social norms and mental construct of the peoples. The major challenge in the modern era is not only to mitigate the social hazard but also to punish the culprit in a systematic way so that the dowry system and its related violence can be eliminated forever from our societies (Parmar, 2014).

In this regard Government of India has come up with several legislations to protect women of our nation and also to punish the culprit. The first step taken in this direction was enactment of the Dowry Prohibition Act in 1961 to ban the giving and taking of dowry. Section 498A was added in the IPC by the Criminal Law (Second Amendment) in chapter XX-A in the year 1983 which introducing a new offence called cruelty. It provides punishment to husband and his relatives if they are found to harassing or being cruel towards a woman in connection to dowry. To secure post

mortem in case of suicide or death married women within seven years of her marriage SEC 174 Cr.PC (Criminal Procedure Code) was amended (Law Commission of India, 2007).

In 1984 there was a change made in the Dowry Prohibition (Amendment) Act, which created a new offence called dowry death by adding SEC 304-B in IPC. SEC 113-A and 113-B was added in the Evidence Act in 1872 in regard to raising presumption to suicide and death of women respectively in connection to dowry due to cruelty as defined in Section 498-A of IPC (Ratanlal and Dhirajlal, 2009).

## **3.2 The Dowry Prohibition Act 1961**

### **3.2.1 Creation of Dowry Prohibition Act**

Although dowry had been prevailing since long time back the government of free India had not paid attention to this problematic practice till the mid-1950. In 1950 and 1958 respectively the two state governments enacted dowry prohibition acts. Although in 1953, a non-official bill was introduced in the Parliament, the government did not consider that a separate legislation for prohibition of dowry was a matter of urgency. Finally in 1959, the government started the procedure to convert the dowry prohibition bill into legislation. In May 1961 The DPA was enacted despite some discord between the upper house and the lower house of the Parliament. The act was further amended in 1984 and 1986 to rectify the weakness and loopholes and also to strengthen the Act (Musa, 2012).

The main purpose of the act was to restrict the practice of dowry in India stating that the giving and taking of dowry is a punishable offence. The act is applicable throughout India except the State of Jammu and Kashmir. The act describes dowry as any items

given or agreed to be given directly or indirectly at, before or anytime after marriage in connection to dowry (MWCD).

### **3.2.2 Amendment of Dowry Prohibition Act in 1984**

DPA was amended for the first time in 1984 to give it a broad view. Dowry as defined by The Dowry Prohibition Act as “anything that is given as consideration for the marriage. The change brought by this amendment was on SEC 2 where the words “as consideration for the marriage of the said parties” were replaced by “in connection with the marriage of the said parties.” With the change brought in the definition of dowry everything that was given in cash or kind before, at or after marriage was encompassed as dowry. This change made a clear vision of the definition of dowry. Prior to the amendment it was very difficult to determine what constituted the consideration for the marriage (Gupta, 2017: 58).

Now the definition of dowry changed to “any property given or agreed to be given by the parents (or any others) of a party to the marriage or before marriage or at any time after the marriage in connection with marriage.” The phrase “in connection with the marriage” has not been clear enough and it fails to answer the question whether gifts received under coercion or demand after the completion of the marriage but during the course of marriage, are included in the definition of dowry? The courts in the past in this matter have taken the side of the defendants where they explained that any gifts received at times of marriage was out of love and affection rather than demand in connection to dowry (Nangia, 1977). As a result the defendants can easily escape the punishment by saying that the gifts were voluntary given in connection to marriage (Singh, 1985).

### **3.2.3 Amendment of the Dowry Prohibition Act in 1986**

DPA was amendment for the second time in 1986 where further change was made in the definition of dowry to include all the payments made before, at or after marriage. The punishment for giving and taking of dowry was extended to 5 years of imprisonment with fine of 15,000 or the value of dowry, whichever is more. New SECs was added in 1986 Act i.e. SEC. 8-A and SEC. 8-B. Sec. 8-A includes the burden to prove that one has not committed any offence. To strengthen the law the government made it compulsory to present the list of gifts exchanged in the marriage. Failing to provide the list not only the bride or the groom but also their parents is jailed for a term of 3 years (Gupta, 2017).

### **3.2.4 Penalty for Giving and Taking of Dowry**

Punishment for giving and taking of dowry under DPA, 1961 as follows:

- If a person after the commencement of the act gives or takes dowry than the person found guilty shall be jailed which shall be not be less than five years and is liable to pay fine of fifteen thousand rupees or the amount of value of dowry whichever is more.
- Nothing in sub-section (1) shall apply to or in relation to- Gifts that are given to the bride by her parents and such presents are voluntary in nature and have been entered in the maintenance list (MWCD).

Not only taking of dowry but even giving of dowry is a crime according to The DPA and is punishable. The Supreme Court emphasized that the role played by the givers and not only the takers of dowry has contribute to the existence of dowry system. It is said that if the father of the bride refuse to pay dowry, if the girls does not marry to the person who demands dowry and if the person who demands dowry is social

excluded than the practice of dowry can be ended or at least minimized in our societies. This gives a clarification that not only the people involved in giving of dowry is equally held responsible for the prevalence of dowry system in our society (Ateffakhr, 2017).

The Amendment Act in 1986 further imposed a strong punishment for giving and taking of dowry and extended the tenure to be jailed to not less than five years and a fine not less than fifteen thousand rupees, or the amount of the value of dowry, whichever is more. As the punishment includes to both the givers and the takers as a result the parents of the bride hesitate to approach the police station (Mathew, 1989).

### **3.2.5 Penalty for Demanding Dowry**

Sec. 4 of Dowry Prohibition Act deals with the penalty for demanding dowry (Ateffakhr, 2017). According to DPA if a person is found directly or indirectly demanding dowry from bride's parents, brothers or relatives than he shall be punished with imprisonment not less than six months or it may extend to two years along with monetary payment of ten thousand rupees and in case if the defender has special or valid reason to present in the judgment than the imprisonment can be minimized to less than six months (MWCD).

### **3.2.6 Ban on Advertisement**

Section 4A of DPA bans the publicity of any offers as a consideration for marriage (Mathew, 1989). According to DPA if any person is found advertising his property or any form of wealth in newspapers, journals or any other social media as a consideration for marriage for his son or daughter than he shall be put behind the bars for not less than six months and it can be extended to five years along with a fine which may extend to fifteen thousand rupees. In case the defender in the court comes

up with a special reason to be recorded in the judgment than the punishment is liable to be less than six months (MWCD).

### **3.2.7 Transfer of Dowry**

Dowry should benefit the bride or her heirs. The dowry received by any person should be transferred to the women on whose behalf it was received. If the dowry was received before marriage or at time of marriage than the receiver of the dowry should transfer it to the women within three months of receipt or incase if the dowry was received when the women was of minor age than the dowry must be transferred to her as soon as she becomes eighteen. In failure to transfer dowry to the bride than under the aforesaid time period than the receiver of the dowry will imprisoned for six months to two years or charged with a fine not less than five thousand to fifteen thousand or both the punishment can be implemented. If a woman dies within seven years, then the dowry should be transferred to her children or in absence, to her parents (MWCD).

## **3.3 Section 304-B of Indian Penal Code**

### **3.3.1 Creation of Section 304-B**

The term 'dowry deaths' or 'dowry murder' gained popularity during 1977-1998. The investigation revealed that the incident of dowry death of married women was manifested as accidents or suicide by the police for many years but the reality was totally different. It actually was a murder or forceful suicide of the bride due to physical and mental torture by her husband and in-laws in relation to dowry. So instead of calling it as wife murder the term 'dowry death' came to be in use (Murali and Arya, 2018).

In Indian marriage has become boon as well as a curse. The ceremonies of marriage is like a fond dream and a matter of joy for groom and his family on the other hand it fetches the most cruel and brutal crime against women within the four wall of the matrimonial home. This has become a pathetic reality of the marriages in India. So, in this regard the Government of India had to make dowry related deaths as a crime (Prakash, 2009). To mitigate such problem in the nation SEC 304-B was introduced in the IPC in the year 1860 and it started functioning from November, 1986 (Law Commission, 2007).

### **3.3.2 Dowry Deaths and Punishment According to Section 304-B**

According to the SEC 304-B of the IPC there are four criteria to identify a death of women as dowry death which are as follows-

- If a women dies due to burns, injuries or under an abnormal condition.
- The death of a woman occurs within a period of seven years of her marriage.
- She has been subjected to any kind of harassment or cruelty by her husband, in-laws or relatives of the husband soon before her death
- Such kind of cruelty has connection to dowry demand (Law Commission of India, 2007).

The phrase ‘soon before her death’ which is laid down in the definition of dowry death according to the SEC 304B of IPC is an elastic expression. The time gap between the death of the bride and the cruelty and harassment by her husband and relatives may be just before her marriage or it may be few days or few weeks back before the incident took place. If there is a huge gap between the occurrence of death of the lady and the harassment done to her than the court may say that the harassment



is not the immediate cause for the death and the judgment is left over to the court (Prakash, 2009).

The meaning of cruelty in SEC 304-B of IPC will remain the same as defined under the SEC 498-A of IPC (Gaur, 2009). This section defines as well as highlights punishments for dowry deaths. The first subsection gives the definition of the word dowry. The term dowry shall have the same meaning as given in section 2 of the Dowry Prohibition Act, 1961. The second subsection states that whoever is involved in this offence is imprisoned for a term of seven years which may extend to imprisonment for life (Law Commission of India, 2007). The person found guilty leading to dowry death can be arrested by police without any warranty which is stated in the amendment to SEC 174 of the Criminal Procedure Code. Actions causing dowry death is a cognizable offence as well as non-bailable offence in India. The bail of the accused person is left in the hand of Magistrate (Mathew, 1989).

### **3.3.3 Presumption as to Dowry Death and Suicide**

Dowry prohibition (Amendment) act of 1986 has amended the Indian Evidence Act in 1972 to include section 113-B which deals with the presumption as to dowry deaths (Battacharaya, 2007). When the inquiry is whether the death of the woman is caused by her husband, his relatives and in-laws and if it shows that the woman had died within seven years of her marriage due to cruelty and harassment by her in-laws, husband or husband's relatives soon before her death in connection to dowry then the court's discussion may end by presuming that such persons have caused the dowry deaths and the dowry death shall bear the same meaning as described in SEC 304-B of IPC (Supreme Court of India, 2002).

SEC 113-A of the Indian Evident Act introduced by the Dowry Prohibition (Amendment) Act, 1983 deals with the presumption to suicide by woman. If an investigation is made to find out whether the suicide of the lady has been a forced suicide by her in-laws or by her spouse and if it is found that the woman has committed suicide within seven years of her marriage due to cruelty in her matrimonial home then the court might assume that the suicide was a compelled murder by the lady's partner, in-laws or husband's relatives (Mithun, 2018).

### **3.3.4 Magisterial Enquiry on Dowry Death**

In case if a woman dies within seven years of her marriage in an abnormal condition then the investigation officers or the Magistrate plays a vital role in bringing out the best in justice (Singh, Kumar and Singh, 2017). Section 176 of Criminal Procedure Code demands an inquiry by the Magistrate when a woman dies in suspicious condition before seven years of her marriage. The Magistrate may alone proceed with the inquiry or he may add to the investigation done by the other police officers. He must document all the information which he finds it necessary and also inspect the dead body to find out the causation of the death. He must update the parents or any close relatives about the death inquiry and also allow them to be present at times of inquiry or investigation (Mathew, 1989).

## **3.4 Section 498-A of Indian Penal Code**

### **3.4.1 Creation of Section 498-A**

In India rites and customs has played a significant role in molding up the society. One of such traditional practice is the dowry system which originated out of love and affection. In contemporary India it has taken an evil form making women as its prey. So to deal with such social stigma of the society SEC 498A was introduced in the

Penal, to protect women from cruelty towards women by her husband or his relatives (Hashika and Kannappan, 2018).

Since ages women has been facing injustice especially when it comes to the relationship between husband and wife. Woman in relation with her husband or in family is subjected to so much of pressure that she is compelled to suicide (Murali and R, 2018). In this regard a new SEC 498A was introduced in the IPC under chapter XXA in the year 1983 by the Criminal Law (Second amendment) Act with a new offence, which was cruelty towards married women by her husband and his family. It came into force on 25<sup>th</sup> December, 1983 (Prakash, 2009).

#### **3.4.2 Punishment according to Section 498-A**

According to SEC 498-A of IPC states that if husband or relative of husband of a woman subjecting her to cruelty—Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punishable 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-

- 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 woman; or
- 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 or is on account of failure by her or any person related to her to meet such demand ( Law Commission of India, 2012:2)

The offence under SEC 498-A is cognizable i.e. police can arrest the accused without any arrest warrant, non-bailable and non-compoundable which means there is no chance of reconciliation between the accused and complainant after the case is filed (Pandit, 2018). There are opinions that SEC 498-A must be made compoundable with the permission of the court. The state of Andhra Pradesh has already made it compoundable. The Supreme Court in the case of Ramgopal Vs the state of MP noticed that this section must be made compoundable. The Commissioner had given a vast explanation in 237<sup>th</sup> report titled “Compounding of IPC offences” about the offence under 498-A should be made compoundable. On 154<sup>th</sup> report also the Law Commission suggested the same. Justice Malimath Committee on Criminal Justice Reform also recommended the same. Those observations and suggestions were taken by the Parliamentary committee on 237<sup>th</sup> report. In the 111<sup>th</sup> report of the department related Standing Committee on Home Affairs on the Criminal Law Amendment Bill, 2003 (report of 2005), the Committee recommended that the offence under SEC 498-A should be made compoundable but should continue to be cognizable and non-bailable (Law Commission of India, 2012: 17-18).

### **3.4.3 Evidence to Prove Cruelty**

SEC 498-A of IPC highlights that in order to prove offence the SEC following criteria must be fulfilled

- The woman subjected to cruelty or harassment must be married or was married
- The woman has been subjected to cruelty as mentioned in clause (a) and (b) of the SEC 498A of IPC
- The offence or cruelty has been done by her husband or husband's relatives (Prakash, 2009).

#### **3.4.4 Misuse of Section 498-A**

There have been judicial several cases of misuse of SEC 498-A the Parliamentary committee has also admitted the fact but there is no reliable data that supports how frequently it has been misused. It has been found it is most common amongst the urban educated women in addition such complains are mostly against in-laws rather than husband. This law has opened a door to blackmail and harass the husband and his family or his relatives. Once a FIR (first information report) is filed it becomes very easy for police officer to arrest the person upon whom FIR is filed without making a proper investigation. It is pointed out that such kind of misuse is not because of SEC 498-A but CrPC has played an important role as it makes the offence non-compoundable and non-bailable (Law Commission of India, 2012).

The main aim of such allegation is to eliminate her husband or to harass husband's family. The well educated ladies of the modern world knows very well that the offence is non-conizable and non-bailable which makes the SEC more shiny to a woman (Hashika and Kannappan, 2018). Misuse of SEC 498-A has made very easy for a woman eliminate her husband and in-laws from her life. As women power has been strengthen in today's society a simple FIR can dispose the case against husband and in-laws without proper investigation according to the false record provided to the police. It has become very difficult for the court to provide identify the false and the genuine case harassment towards her by husband and his relatives (Arya, 2017).

The police, civil society and even the Supreme Court of India has raised an argument about the misuse of 498-A. The 2003 Malimath Committee report on reforms in the criminal justice also comes up with the issue that the Section 498-A has been highly misused. It has therefore become necessary to investigate properly in this matter

before responding or punishing the victim just based on the complained lodged on the police station (Salim, 2017).

Malhimath committee was constituted in the year in the year 2000 by the Home Minister with strategists of to rectify the judgment of the Criminal Justice System. Malimath Committee report on 2003, notes that Section 498A is being highly misused but provides no data to show how frequently the section is being misused. So taking this view the report suggests making SEC 498-A compoundable (Arya, 2017).

The Law Commission in 154<sup>th</sup> report has clearly recommended to make the offence compoundable on addition Justice Mallimath Committee on Criminal Justice Reform also suggested that it should be made compoundable as well asailable, subjected to the permission of court. The upper house of the Parliament (Rajya Sabha) strongly recommended that the offence under the SEC 498-A should continue to be cognizable and non-bailable and certain measures to check misuse has been has been suggested (Law Commission, 2012).

The Honorable Delhi High Court has introduced several steps to safeguard SEC 498-A from being misused which are given below:

- FIR should not be registered in a routine manner.
- The police must give a deep look into complains after that only FIR should be registered.
- Approval should be taken from Deputy Commissioner of Police (DCP)/ Addl. DCP before registering any cases under the SEC 498-A.
- The first step to be taken is to reconciliation of the issue before registering a FIR and in case it is found that there is no possibility to settle down than the first invective to be taken is to ensure to return the dowry complainant.

- The person should be arrested only after a proper investigation on an approval of DCP/ Addl. DCP
- In case if the accused is in-laws approval of DCP (Advocates & Legal Consultants, 2019)

### **3.5 Distinction between 304-B and 498-A**

The two SEC i.e. SEC 304-B and 498A of IPC may look similar but they are distinct with different scopes which is listed below-

- Under the SEC 304-B which deals with dowry death there is a time limit for the occurrence of the death of a women i.e. within seven years of her marriage but in SEC 498-A there is no such fixation of time period, the husband or his relative would be liable to punishment if they are found guilty being cruel to the women at any time after her marriage in relation to DD.
- Under SEC 498-A cruelty towards women would be punishable but cruelty and harassment towards women when it results to death falls under the case of dowry death which is looked after by the section 304-B of IPC.
- Under the SEC 304-B the punishment is for the tenure of seven years and it may extent to life time imprisonment along with a fine but in case of SEC 498-A the punishment may extent to only three years with fine. (Prakash, 2009).
- In the explanation clause SEC 498-A meaning of the term cruelty is given but under the SEC 304-B there is no such explanation given for the term cruelty (Gaur, 2009)

### **3.6 Loopholes in Anti-Dowry Laws in India**

NCRB shows huge numbers of crimes record each year under several anti-dowry laws. It is true that laws alone can't remove the practice of dowry system and violence associated with it unless such laws are followed well by the citizen themselves. Yet some existing defects on existing anti-dowry laws can be seen which obstruct it from attaining its objectives which are listed below-

- It is thoughtful whether the dowry prohibition laws were formed taking into account the cultural norms, social values and beliefs. The framework of anti-dowry laws are such that the person accused can easily escape the criminal legislation and yet claim dowry related violence to be deeply rooted in the society. The major problem lies in the social norms which support the practice of dowry and obstructs the laws being enforced (Kaushik, 2003).
- According to Pandit Nehru "rural India is the real India" where there is no awareness amongst the people about the laws or rather it does not exists. The anti-dowry laws made by the government of India remain confined to the elite classes and does not reach the grass-root level. The Parliament has failed to see that two-third of the Indian population still dwells in rural part of our country where it is very difficult for them to sustain life and they cannot have a luxury of registering a complaint and approach the court to redress their problems. In addition SEC 3 of the DPA should be revised again. When the parent of the bride goes to file case for the demand of dowry by the groom and in-laws the opposite party counter-files case against the bride and her family on committing an offence of giving out dowry (Gupta, 2017).
- In order to consider a murder as dowry death according to SEC 304B of IPC the death of women must occur within the seven years of her marriage. The



legislation has considered tenure of seven years as an ample time to maintain a health and sustainable relationship between a woman and her matrimonial family. in contrast to it some statistics has proved the assumption wrong as the in-laws and husband can milk the girl's family for money up to seven years of her marriage and then kill her without facing any legal punishment (Mausa, 2012).

### **3.7 Conclusion**

The issue of dowry related violence is never ending in India. It is a great challenge to completely remove the practice of dowry and violence associated with it in Indian societies. News channels, news papers and social medias are flooded with news on dowry induced violence. The reports of NCRB also display huge figures on dowry related violence. So to mitigate such problem the Government of free India has come up with several anti-dowry laws. The first and the foremost step taken by the Government was the introduction of DPA in 1961 which puts ban on giving and taking of dowry.

SEC 498-A was introduced in the year 1983 which protects women from any kind of cruelty towards her in relation to DD from her husband, his family or any of his relatives. In the year 1986 SEC 304-B enacted which ensure punishment if a person is found guilty of dowry death. After the introduction of all these laws also the practice of dowry has not come to an end as well violence associated it has not reduced efficiently. In order to get rid of dowry system in India the existing laws must be looked into and necessary changes must be made. The laws should also reach the poorer section of the society and justice should be easily accessible to them.

## Chapter 4

### The Practice of Dowry System in Northern West Bengal

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#### 4.1 Introduction

In this study an attempt has been made to analyze the impact of dowry system on female counterpart of the society in NWB. In order to portray a comprehensive and holistic picture of dowry induced violence in the five districts of NWB data has been collected from two police stations of each district which has been recorded between the years 2015 to 2018. The five districts of the study area include Darjeeling district, Kalimpong districts, Jalapiguri district, Alipurduar district and Cocch Behar district.

The study is inclined to identify which region has more reported crimes under anti-dowry laws and tries to justify the findings based on female literacy rate and sex ratio of the region. Conversations with police, few locals as well as the people who visited the police station to register complain within my presence in the police stations have provided few information regarding dowry system of the concerned region.

**Table 4.1 Total Area and Population of Three Districts of the Study Area**

<b>Districts</b>	<b>Total area in sq kms</b>	<b>Total population</b>	<b>Population density Per sq kms</b>
<b>Darjeeling</b>	3149	1846823	586
<b>Jalpaiguri</b>	6277	3872846	955
<b>Cooch Behar</b>	3387	2819086	832

Source: Census of India, 2011

When 2011 Census of India was held the five districts taken into consideration formed only three district as Darjeeling and Kalimpong district combined together to form Darjeeling district and Alipurduar and Jalpaiguri district was combined into one and was known as Jalpaiguri district. Alipurduar district was formed on 25<sup>th</sup> June 2014; prior to it Alipurduar was a part of Jalpaiguri district. The addition of

Alipurduar district increased the districts in West Bengal from 19 to 20 (Government of West Bengal). In similar fashion on 14<sup>th</sup> February 2017 Kalimpong district was carved out from the Darjeeling district which added one more district to the state of West Bengal (The Hindu, 2017).

Table 4.1 demonstrate the total area covered, total population and population density of each districts according to Census of India, 2011. Jalpaiguri district has the highest geographical area (6277sq kms) which is almost double in size when compared to the remaining two districts. The area covered by Cooch Behar district is 3387 sq kms and Darjeeling district expands over an area of 3149 sq kms. So when we look at the figures it is seen that the district of Jalpaiguri has the highest geographical area followed by the Cooch Behar and Daljeeling district.

When population column is taken into consideration the highest and the lowest follows the same trend as in case of area covered. The highest total population is seen in Jalpaiguri district which is 3872846 followed by Cooch Behar district with a total population of 2819086 and the Darjeeling district has the lowest total population i.e. 1846823.

The last column shows the population density per sq kms corresponding to the three districts according to the data obtained from Census of India, 2011. The district with highest population density is the Jalpaiguri district (955), the district with moderate population density is the Cooch Behar district (832) and the district having the lowest population density in the study area is the Darjeeling district (586).

#### 4.2 Sex Ratio and Literacy Rate of the Study Area

Sex ratio is used to find out number of females per 1000 males. Sex ratio is a major element to find out the population of females in India and also to know the ratio of between the females and the males. The sex ratio of the whole India according to the latest Census is 940 males per 1000 men (Census of India, 2011).

The definition of literacy rate has remained the same since the Census of India 1991 it is defined as “The total percentage of the population of an area at a particular time aged seven years or above who can read and write with understanding. Here the denominator is the population aged seven years or more” (Census of India, 1991: vii).

**Table 4.2 Sex Ratio and Literacy rate of the Study Area**

Districts	Sex Ratio (per thousand males)	Literacy Rate		
		Total	Male	Female
Darjeeling	971	79.92	85.00	73.00
Jalpaiguri	953	73.25	79.95	66.23
Cooch Behar	942	74.78	80.71	68.49

Source: Census of India, 2011

Table 4.2 shows the sex ratio and literacy rate of the study area according to census of India, 2011. The above two facts are essential demographic parameters to know the status of women in a society. When the sex ratio column is taken into consideration it is seen that Darjeeling district tops the list where the sex ratio is 971. The district of Jalpaiguri has the moderate sex ratio amongst the three districts which is 953 and Cocch Behar district has the lowest sex ratio that is 942.

The third column shows the literacy rate of the study area which is further divided into three sub-headings i.e. total literacy rate, male literacy rate and female literacy rate. By looking at the table one can see that Darjeeling district has the highest total literacy rate as well as male literacy rate and female literacy rate which are 79.92,

85.00 and 73.00 respectively. The district with moderate literacy rate in case of total population as well as male and female is the Cooch Behar district where the total literacy rate is 74.80, male literacy rate is 80.70 and the female literacy rate is 68.49. The district with lowest literacy rate in case of total literacy rate, male literacy rate and female literacy rate is the Jalpaiguri district which is 73.25, 79.95 and 66.23 respectively.

### **4.3 Violence against Women in Relation to Dowry System in Northern West Bengal**

To know VAW in relation to dowry system in the study area two sections from IPC i.e. 498-A and 304-B as well as DPA was taken into consideration. The following tables shows in details how many crimes was recorded in each police station according under the SEC 494-A, 304B, 498A/304B, DPA and DPA/498-A from 2015 to 2018.

**Table 4.3 Data Recorded in Sadar Women Police Station Darjeeling (2015-2018)**

<b>ACTS</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>DPA</b>	-	-	-	-	NIL
<b>DPA/498-A</b>	-	-	-	-	NIL
<b>498-A</b>	10	18	9	5	42
<b>304-B</b>	-	-	-	-	NIL
<b>304-B/498-A</b>	-	-	-	-	NIL

Source: Darjeeling women police station. Collected on 22/07/2019

**Table 4.4 Data Recorded in Jorebunglow Police Station, Darjeeling (2015-2018)**

<b>ACTS</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>DPA</b>	-	-	-	-	NIL
<b>DPA/498-A</b>					NIL
<b>498-A</b>	12	11	6	7	36
<b>304-B</b>		1	1		2
<b>304-B/498-A</b>	-	-	-	-	NIL

Source: Jorebunglow police station. Collected on 23/07/2019

**Table 4.5 Data Recorded in Alipurduar Women Police Station (2015-2018)**

<b>ACTS</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>DPA</b>	N.A	N.A	-	-	NIL
<b>DPA/498-A</b>	N.A	N.A	-	-	NIL
<b>498-A</b>	N.A	N.A	40	41	81
<b>304-B</b>	N.A	N.A	-	-	NIL
<b>304-B/498-A</b>	N.A	N.A	-	1	1

Source: Alipurduar women police station. Collected on 04/09/2019

**Table 4.6 Data Recorded in Falakata Police Station (2015-2018)**

<b>ACTS</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>DPA</b>	-	-	-	-	NIL
<b>DPA/498-A</b>	-	-	-	-	NIL
<b>498-A</b>	107	113	108	146	465
<b>304-B</b>	1	2	1	1	5
<b>304-B/498-A</b>	-	-	-	-	NIL

Source: Falakata police station. Collected on 04/09/2019

**Table 4.7 Data Recorded in Women Police Station Cooch Behar (2015-2018)**

<b>ACTS</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>DPA</b>	-	-	-	-	NIL
<b>DPA/498-A</b>	84	10		5	111
<b>498-A</b>	84	182	164	123	553
<b>304-B</b>	2	2	-	-	4
<b>304-B/498-A</b>	-	-	-	-	NIL

Source: women police station Cooch Behar. Collected on 05/09/2019

**Table 4.8 Data Recorded in Mathabanga Police Station (2015-2018)**

<b>ACTS</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>TOTAL</b>
<b>DPA</b>	-	-	-	-	NIL
<b>DPA/498A</b>	10	13	2	2	27
<b>498A</b>	47	29	45	11	132
<b>304B</b>	-	-	-	-	NIL
<b>304B/498A</b>	1	-	1	1	3

Source: Mathabanga police station. Collected on 17/11/2019

**Table 4.9 Data Recorded in Kotawali Police Station (2015-2018)**

ACTS	2015	2016	2017	2018	TOTAL
DPA	-	-	-	-	NIL
DPA/498A	-	-	-	-	NIL
498-A	13	14	15	11	53
304-B	-	-	-	-	NIL
304-B/498A	2	2	1	1	6

Source: Kotawali police station, Jalpaiguri. Collected on 06/9/2019

**Table 4.10 Data Recorded in Malbazar Police Station (2015-2018)**

ACTS	2015	2016	2017	2018	TOTAL
DPA	-	-	-	-	0
DPA/498A	-	-	3	-	3
498A	34	25	40	25	124
304B	6	-	1	-	7
304B/498A	1	-	-	-	1

Source: Malbazar police station. Collected on 24/10/2019

**Table 4.11 Data Recorded in Kalimpong Police Station (2015-2018)**

ACTS	2015	2016	2017	2018	TOTAL
DPA	-	-	-	-	NIL
DPA/498-A	-	-	-	-	NIL
498-A	43	20	9	26	98
304-B	-	-	-	-	NIL
304-B/498A	-	-	-	-	NIL

Source: Kalimpong police station. Collected on 19/10/2019

**Table 4.12 Data Recorded in Gorubathan Police Station (2015-2018)**

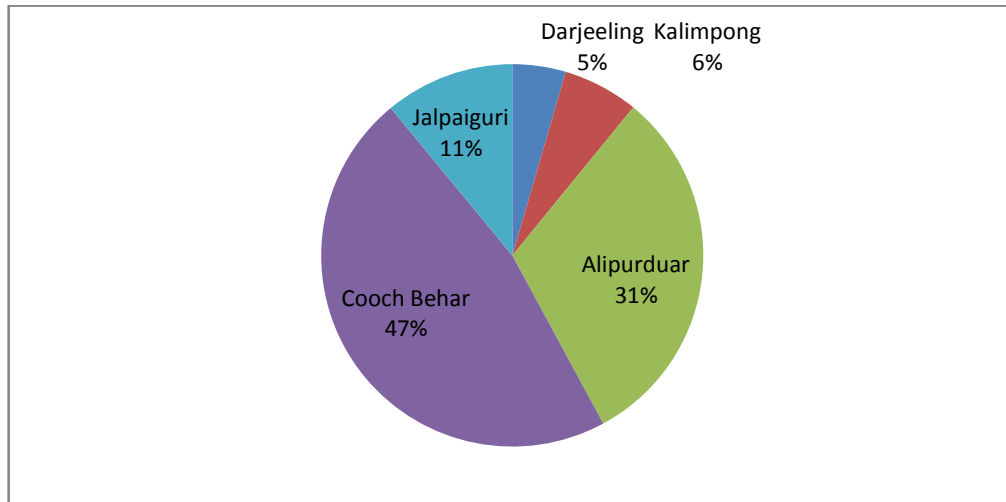
ACTS	2015	2016	2017	2018	TOTAL
DPA	-	-	-	-	0
DPA/498A	-	-	-	-	0
498A	9	2	1	2	15
304B	-	-	-	-	0
304B/498A	-	-	-	-	0

Source: Gorubathan police station. Collected on 24/10/2019

### 4.3.1 Total Dowry Related Crimes

To view district wise dowry related crimes in five districts of NWB all the data collected from the police station under ever section of the anti dowry laws is compiled together and percentage shared is calculated which is shown by the following pie diagram.

**Figure 4.1 Crimes against Women in Relation to Dowry System in the Study Area**



Source: Police stations, 22nd August 2019 to 17 November 2019, Northern West Bengal, India

In figure 4.1 CAW in relation to dowry system in the five districts of the study area has been manifested by a pie diagram. Each section of the diagram shows what percent of CAW in relation to dowry is recorded in a district between the years 2015 to 2018. The higher number of dowry related CAW has been recorded in Cooch Behar district where 685 cases was reported between the year 2015-2018 in the police stations and has contributed 47% to the total.

The second highest cases are recorded in the Police Stations of Alipurduar district with 546 cases which add 34% to the total. In Jalpaiguri district cases on CAW recorded in the police station in relation to dowry is 177 i.e. 11% of the total and it is the third district to have highest number of CAW in relation to DD. The remaining



two districts i.e. Darjeeling and Kalimpong has very minute percent share in dowry related crimes amongst the five districts. The number of cases reported in Kalimpong is 113 and Darjeeling is 80 which has accounted for 6% and 5% respectively to the total.

All the police station visited for data collection lies in urban area. On my visit to police stations in Darjeeling and Kalimpong hills the Police officers were of the opinion that all such kind or dowry related crimes usually takes place in the plain regions contradictory to it the police men were having a tough time to look for data related to dowry cases in the plain areas for past four years as there were a lot of data to be gathered.

Among the five district of the study area Cooch Behar tops the list followed by Alipurduar district to have recorded highest number of CAW in relation to DD. The population of two districts is dominated by the Bengali speaking people. Dowry is very common amongst the Bengali community. Dowry is known as “Pon” in their local language and the dowry system is known as “Pon Protha.”

Amongst all the district of the study area it is only of Cooch Behar district that has registered cases under DPA which indicates that the practice of dowry is very common in the region. The data collected from the two police station of the Cooch Behar district shows that there are 138 cases recorded under DPA/498-A between the years 2015 to 2018 which is shown in table 4.7 and 4.8.

When conversation were made with few locals of Cooch Behar district about the dowry system in their society they were of the opinion that “*everyone takes dowry during marriage the only difference is some demand directly, some demand indirectly and some receives dowry without any demand.*” Another common answer which I

got from people was “*dowry demand depends upon the mentality of the groom’s family.*”

When table 4.2 is viewed it is seen that Cooch Behar has the lowest number of female literacy rate as well as sex ratio in comparison to the other districts of the study area. The female literacy rate of Cooch Behar district according to Census of India, 2011 is 68.49% and the sex ratio 942 women per 1000 men which is lowest amongst all the district of the study area. So these figures clearly indicate that women in Cooch Behar do not have enough access to education system in comparison to other districts of the study area. We can see that women are less in number which suggests that they have no opportunities to survive, access to health or might be killed before birth.

So, looking at the figures we can say women are not equally treated in the Cooch Behar district which suggests that the area is men centric or patriarchal in nature. As many scholars and social scientist has listed that dowry system is one of the consequences of the patriarchy society thus we can say that Cooch Behar has highest number of CAW in relation to DD because of its patriarchal social set up. During my stay in Cooch Behar for two years I used to hear many case on dowry demand and my friends often used to say me “*you are very luck as you are born in a community where dowry does not exist*” form here we can understand that even the educated flocks has become the victim of dowry. The cultural setup has blinded them up so much that they has to abide the rules and they cannot go against it.

The second highest and third highest districts to record dowry related CAW is Alipurduar and Jalpaiguri districts respective. The dominant population in these areas is the Bengali speaking people. The female literacy rate of Jalpaiguri districts (which also involved Alipurduar district when 2011 Census of India was held) is 66.23%

which is quite low in comparison to remaining two districts. The sex ratio of these areas is also quite low i.e. 953 women per 1000 men which denotes unbalanced demographic structure. So the two factors i.e. the low sex ratio and low female literacy rate can be considered some of the major factors which is responsible for CAW in the aforesaid two districts of NWB.

Darjeeling and Kalimpong has lowest number of crimes recorded in this regard. The majority of population composition in the hilly regions of Darjeeling and Kalimpong district is of Nepali speaking people and there are some Muslim, Bihari and Marwari Community scattered over the region. Marriage in Nepali community takes place through the process of elopements and the cases of arranged marriage are rare. The culture of dowry system does not persist amongst the hilly flocks. No doubt the couples receive gifts and wealth from bride's family but it's not mandatory. Even in the cases of arranged marriage DD is an exceptional case.

Table 4.2 which shows district wise literacy rate according to Census of India, 2011 it can be seen that Darjeeling district which consist of today's Darjeeling and Kalimpong district has the highest level of literacy rate (79.92%) when compared to other districts of the study area. Darjeeling district has the highest female literacy rate (73%) amongst the other districts in the table. When sex ratio is considered Darjeeling district has the highest Sex-ratio (i.e. 971 per 1000 males) in comparison to other districts of the study area.

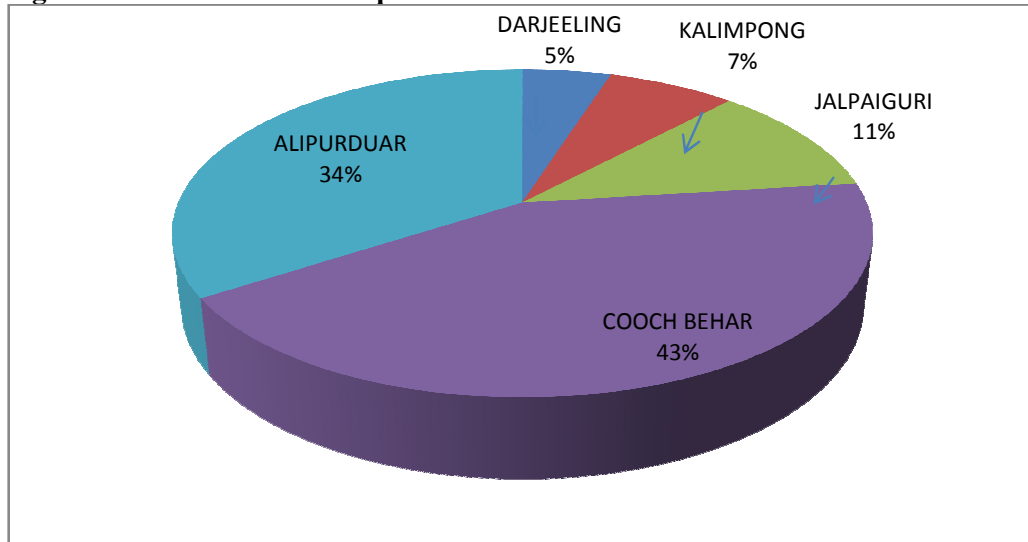
So from the above figures compiled from Census of India, 2011 it can be observed that in the district of Darjeeling and Kalimpong equal amount of opportunities are given to female counterpart of the society to educate themselves. The sex ratio which is highest in these two districts indicates that female is provided with equal

opportunity to survive and there is no gender discrimination. So when cultural system has molded the hills with this kind of environment than VAW of any form seems to be very rare.

#### 4.3.2 Cases Recorded under Section 498-A

SEC 498-A of IPC deals with cruelty towards women in relation to dowry and it has been mentioned in detail earlier in chapter 3, which deals with anti-dowry laws in India. In this study cases registered under this SEC 498- A of IPC is found to be the highest in comparison to 304-B and DPA.

**Figure 4.2 District Wise Reported Crimes under the Section 498-A**



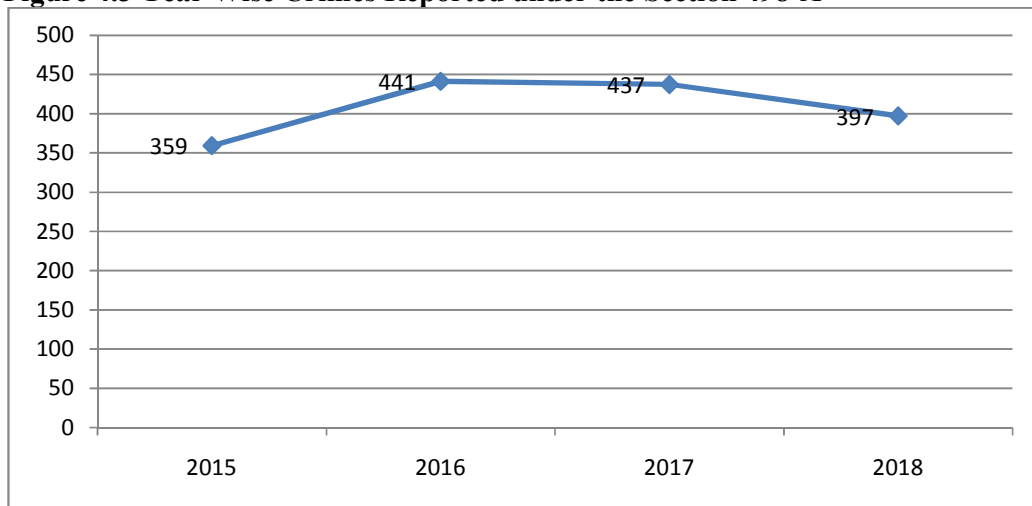
Source: Police stations, 22nd August 2019 to 17 November 2019, Northern West Bengal, India

Figure 4.2 manifest district wise percentage of crimes recorded in police station under the SEC 498-A in five district of NWB from 2015 to 2018. Cooch Behar district has the highest number of crimes recorded i.e. 685 which accounts for 43% of the total under the SEC 498-A. The second district topping the list is Alipurduar with 546 crimes which have contributed 34% to the total. Jalpaiguri district has 177 numbers of cases registered which has added 11% to the figure. 113 numbers of crimes has been recorded under SEC 498-A in Kalimpong district which is 7% of the total crime

recorded in the study area under SEC 498-A. Darjeeling has the lowest number of crime recorded which is show by a very small segment in the pie diagram and has contributed 5 % to the total. The total number of crimes recorded in Darjeeling district under SEC 498-A is 78.

In general it can be said that husband or his family or any of his relative being cruel towards bride as her dowry was not considered sufficient is found largely in Cooch Behar district followed by Alipurduar, Jalpaiguri, Kalimpong and Darjeeling.

**Figure 4.3 Year Wise Crimes Reported under the Section 498-A**



Source: Police stations, 22nd August 2019 to 17 November 2019, Northern West Bengal, India

Figure 4.3 demonstrate yearly total number of crimes reported in five districts of NWB under SEC 498-A of IPC from the year 2015 to 2018. In 2015 the total number of crimes recorded was 359 which increased to 414 in the year 2016. In 2017 cruelty towards women in relation to DD reached its climax which accounted for 437 cases reported again in 2018 we can see the decrease with 397 reported crimes under the SEC 498A.

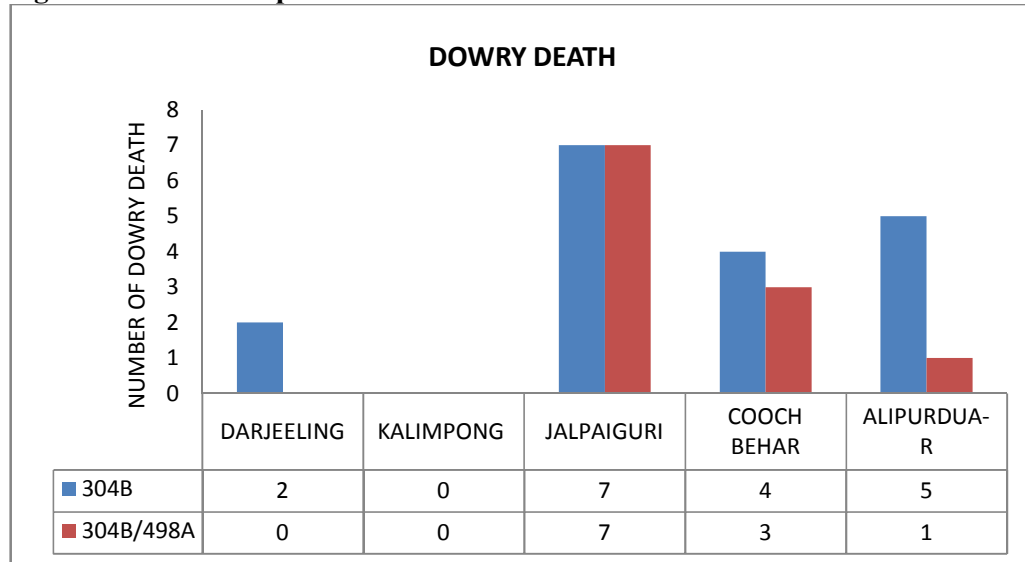
The figure suggests that there is a gradual increase in crimes under this SEC, reaches its climax and then falls. SEC 498A was introduced in IPC to safeguard VAW in relation to DD but in recent years it is seen that the ladies are misusing this SEC for their personal benefit and to harass husband and his family as they are aware that this SEC is non-bailable and non-cognizable (Hashika and Kannappan, 2018). So to avoid this kind of incidence Supreme Court has strictly advice the police officers to make a proper investigation before writing down any case under the SEC 498-A of IPC (Arya, 2017).

By analyzing the figure we can see that prior to 2018 there are huge number of cases recorded under this section and there are chances that false case might have also been recorded as many women were using this SEC as weapon instead of tool to protect themselves. While conversation with one of the police officer he said that “as police men has became aware of the news that SEC 498-A is being misused they have started making proper investigation before writing down complains. Hence, there is fall in the cases recorded under this SEC in the recent year.”

#### **4.3.3 Cases Recorded under Section 304-B**

The cases related to murders or forceful suicide by a woman in relation to dowry is recorded SEC 304-B of IPC. The occurrence of dowry death in five districts of NWB has been shown below by multiple bar diagram.

**Figure 4.4 Cases Reported under Section 304-B**



Source: Police stations, 22nd August 2019 to 17 November 2019, Northern West Bengal, India

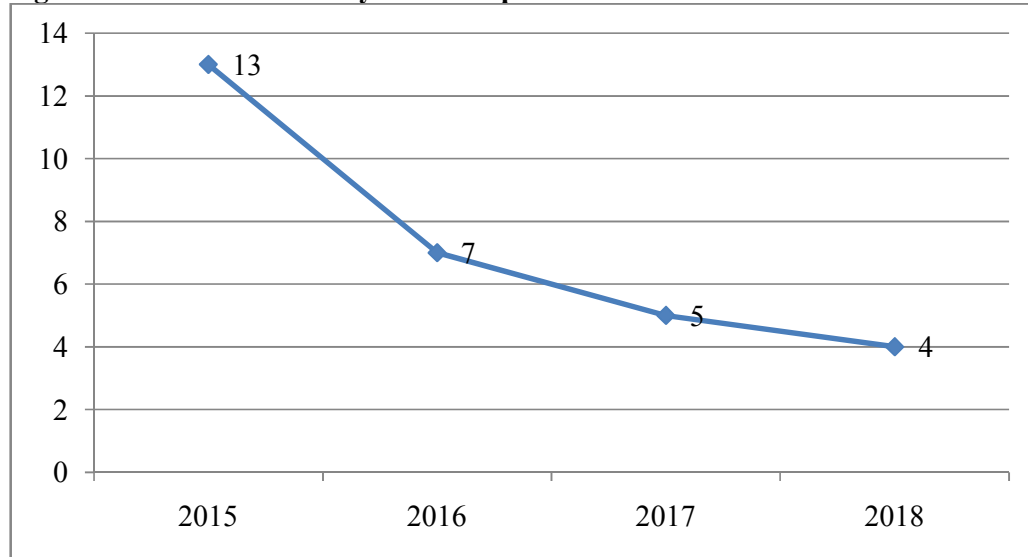
In figure 4.4 the blue color bars represents the cases recorded under the SEC 304-B that is dowry death and the maroon colored bars represents the cases of dowry death along with cruelty towards women by her husband, in-laws or husband's relative in relation to DD (SEC 304-B/498A). The above figure shows district wise dowry death and dowry death along with SEC 498A recorded between the years 2015 to 2018.

In the above figure the highest number of cases under SEC 304-B is seen in Jalpaiguri district where seven cases have been recorded. The second district to have highest number of dowry death is Alipurduar with five cases followed by Cooch Behar which has four cases. Darjeeling district has two cases of dowry death and there has been no case of dowry death registered in Kalimpong from 2015 to 2018.

When maroon bars are examined Jalpaiguri district has the highest number of cases i.e. seven, recorded under the SEC 304B/ 498A of IPC. The second highest cases under these sections is Cooch Behar with three cases followed by Alipurduar with one

case and Darjeeling as well Kalimpong districts does not have any cases recorded under these sections.

**Figure 4.5 Year Wise Dowry Death Reported**



Source: Police stations, 22nd August 2019 to 17 November 2019, Northern West Bengal, India

Figure 4.5 shows the total number of dowry death year wise that was recorded in the study area. The trend line in the figure is sloping downwards indicates that there is a continuous decrease in the number of dowry death in each succeeding years. In the year 2015 there were a total of thirteen dowry death cases recorded in the study area. In 2016 the cases almost decreased by half a number and a total of seven cases were reported in the police station. In 2017 there were 5 cases of dowry death and in 2018 there were only four cases under dowry death that was reported to the police stations.

The practice of dowry system abuse is rising in India and the most brutal form of it is the bride burn. Reshma & Ramegowda has highlighted that most of the incidents of bride burning are reported as kitchen accidents or self suicide. Dowry death takes place within four walls of the house and the family bond is so strong that no one reviles the truth out as a result there shall be no proof to present at the court.



Having a glance at the figure one can notice there are very few cases of dowry death that has been brought to the police stations between the years 2015 to 2018. There might be many incidence that could fall under this SEC but such crimes might not have been brought to police station or might be recorded as an attempt to suicide or kitchen accidents due to lack of witness.

#### **4.4 Effectiveness of Anti-Dowry Laws in Northern West Bengal**

From the data collected from ten police stations of the five districts it has been clear that dowry related violence still persists in NWB in spite of enactment of anti-dowry laws such as 304-B, 498-A and DPA, 1961. None of the districts of NWB is free from dowry related crimes. Every year women has been subjected to violence in relation to DD between the years 2015 to 2018.

The figures collected from the police stations indicate that still after the enactment of DPA in 1961 the system of giving and taking of dowry is still prevalent in the region. If after the enactment of DPA the system had come to an end than there would be no crimes recorded under the anti-dowry laws.

When we have a close look at the data collected from the police stations than it can be noticed that it is only the district of Cooch Behar which has cases recorded under DPA (DPA states that giving and taking of dowry is punishable) where as other district does not have a single cases registered under DPA. If giving and taking of dowry is not taking place or is not recorded in other districts, than how can there be cases registered under other SEC i.e. 498-A of IPC (cruelty towards women in relation to DD) and 304-B of IPC (dowry death). So it can be seen that DPA is totally ignored and the cases on dowry induced violence are not properly written down.

The data collected from the police stations shows that there are number of cases related to dowry system that denotes laws are not functioning properly or people are unaware or rather ignorant about the laws brought by Government from time to time to put ban on dowry system.

#### **4.5 Case Study**

**Case from Siliguri, Darjeeling district:** on my visit to one of the police station in Siliguri one women and a girl was there to file a complaint. The woman was of the opinion that during her daughter's marriage there was a huge dowry demand. Fulfilling in-laws' demand her family had provided cash, furniture, gold, motor cycle and other miscellaneous things during her daughter's marriage.

Few months after marriage her daughter started to complain that she was ill treated at her matrimonial home as her in-laws and husband was not satisfied with the dowry she brought during her marriage. After few days her daughter was dropped home by her husband and she was said not to come back unless she brings cash with her. Her daughter's husband is frequently found going around in the same bike which she had given as dowry but he never stops to talk to them. She explained that she is in great debt and she doesn't have a penny to give her in-laws.

#### **4.6 Measures to Mitigate Dowry**

Some of the steps that can be take to minimize the giving and taking of dowry and violence associated with it is given below:

- An awareness camp must be held in every society about the ill effect of dowry so that people can understand in-depth that how the practice of dowry system has become a burden on bride's family as well has victimized married women.

- The existing laws must be strengthened so that the person accused of dowry demand or dowry death does not escape the punishment.
- Women should be introduced to all the anti-dowry laws so that she knows demanding dowry is illegal and she refuses to marry a man who demands dowry.
- Justice should be easily accessible and affordable to all so that even the poor section of the society does not hesitate to approach the court.
- Each and every case on dowry must be put into local news channels or news paper so that people are conscious about the crimes occurring in their locality due to their cultural practices.

#### **4.7 Conclusion**

India is well known for its commercialized dowry practices. It can be seen from the data collected from the police stations that numerous women have been facing violence against them due to the dowry system which persists in their culture. It is our responsibility to work on eradicating such evil practices, which has brought sorrow to the female counterpart of the society. Laws alone cannot help in mitigating the problem if the people do not follow and obey the laws. If we don't pay an eye to such social stigma then the violence associated with dowry can reach its climax in coming days making marriage a complete commercial business.

## **Chapter 5**

### **Conclusion**

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Women in ancient India were treated as Goddess but later with passes of time they lost all her position and status in men dominated society. At present, although the status of women is uplifted to some extent due to education and modernization still we get to hear various forms of humiliation and violence towards them. As India is an agriculturist nation and most of its population lives in rural where women are not exposed to education and justice is not easily accessible. No doubt women in urban areas who are well educated faces various form of violence in their day to day life but the violence faced in rural India is more severe. It is grievous that those kinds of CAW remains unreported as justice is not easily accessible due to their low economy or they are not aware about their rights due to lack of education.

Women not only face challenges in her daily life but she has to go through violence ranging from direct to structural to cultural. One of the most brutal forms of VAW is brought about by the practice of dowry. The old rigid tradition of presenting voluntary gifts to groom has been replaced by commercialized dowry system. There has been inflation in marriage payment. The status of groom and dowry payment rise simultaneously i.e. higher the status of groom higher is the dowry demand. Girls of poor parents who cannot feed the lust for demanded dowry faces violence against her by her husband and in-laws.

The main factors which has fostered dowry system and associated violence is hypergamy, fear of keeping one's daughter unmarried, social norms and restrictions. Even the educated flock has been trapped in the vicious circle of dowry. It is found that marriage payment is more pervasive amongst the elite classes to find a perfect

match but dowry related deaths and crimes are rare amongst them because they are financially strong to provide the demanded dowry. So, it can be said that dowry induced violence is more prevalent amongst the middle class family where the groom and his parents is very ambitious to elevate their social status and dowry has provided them an easiest way to fulfill their desire. In failure to provide demanded dowry the bride is pressurized by her husband and in laws to bring in more assets and in many cases brides are burned or forced to suicide.

NCRB in their reports manifests huge numbers of dowry deaths in their annual reports every year. Although Government of India has come up with several anti dowry laws still India witnesses VAW in relation to DD which indicates that the laws are not efficient enough to control dowry payments as well as violence connected to it.

The incidents and cases of dowry death is not only limited to the facts and figures which is manifested in various reports the actual reality is totally different where many cases remains unreported or it is claimed as accidental burns or kitchen burns. If the trend of dowry related crimes continues to follow the same fashion than it will be very difficult and challenging task to totally eliminate the evil practice.

The main aim of the present study was to find out the relationship between dowry demand and VAW in the study area which includes Darjeeling, Kalimpong, Jalpaiguri, Alipurduar and Cooch Behar districts. It has been found that there is not a single year within the time period (2015-2018) that the studied region is free from dowry induced. In addition each and every district has cases reported under anti-dowry laws. The hilly tract of Darjeeling and Kalimpong districts which is supposed to be dowry free zone also has some cases that are reported in police stations.

When a comparison is made between all the districts of the study area the highest cases reported under anti-dowry laws is found Cooch Behar followed by Alipurduar, Jalapaiguri, Kalimpong and Darjeeling.

It can be said that the hypothesis which was stated earlier as “failure to provide demanded dowry has resulted into violence against bride” is true or positive which can be justified by the literature reviewed as well as from the data obtained from the police stations.

Although world has become globalized, modernized and technically advance still people’s thinking and behavior is dated back due to our cultural norms and practices. People can see that dowry is giving rise to social problem and even leading to dowry death still they are not keen to put an end to dowry practices.

In order to totally annihilate the practice of dowry system Government must form laws keeping in view the cultural aspect. The existing laws must be revised so that it can be modified for the betterment from time to time. Laws and norms alone cannot put an end to this system unless and until people are ready to abide the rules and strictly follow it. An awareness camp is very essential in the areas where dowry is in practice. People should be made aware about the evils of dowry system. The punishment for the demand of dowry as well as any form of violence against bride in relation to DD must be known to everyone so that the person who demand dowry is afraid of the of the consequences.

The number of cases for dowry deaths as well as cruelty towards women in relation to dowry demand from each police station must be put into some form of news every weekend so that people can be aware about violence that is occurring in their locality due to their traditional practices. The data must be provided as well as easily

accessible to the researchers from police station so that they can bring the real root cause of violence towards women in public. The Governments reports are not only enough to eliminate dowry related crimes and it cannot only help to form proper laws because it only shows the figures. Whereas if a study is made in that area than the researcher can find out what are the main cause that still keeps the practice of dowry alive.

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