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CHIEF EDITOR – PRAMOD PRAKASHRAO TANDALE

Dowry Case, Issues, Reasons, Law in India**Nikhil Pradip Dube**

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The dowry system is thought to put great financial burden on the bride's family. In some cases, the dowry system leads to crime against women, ranging from emotional abuse and injury to even death. The payment of dowry has long been prohibited under specific Indian laws including the Dowry Prohibition Act, 1961 and subsequently by Sections 304B and 498A of the Indian Penal Code.

A Court judgment clarifies the legal definition of dowry as

“Dowry” in the sense of the expression contemplated by Dowry Prohibition Act is a demand for property of valuable security having an continuous to take place unchecked in many parts of India and this has further added to the concerns of enforcement.

Section 498A of the Indian Penal Code required the bridegroom and his family to be automatically arrested if a wife complains of dowry harassment. The law was widely abused and in 2014, the Supreme Court ruled that arrests can only be made with a magistrate's approval.

Causes of the dowry:

Various reasons have been suggested as cause of dowry practice in India. These includes economic factors and social factors.

Economic Factors:

Demand for property of valuable security having an inextricable nexus with the marriage, i.e. it is a consideration from the side of the bride's parents or relatives to the groom or his parents and/or guardian for the agreement to wed the bride-to-be.

The Dowry Prohibition Act, 1961 article 3 specifies that the penalty for giving or taking dowry does not apply to presents which are given at the time of a marriage to the bride or bridegroom, when no demand for them have been made.

Although Indian laws against dowries have been in effect for decades, they have been largely criticized as being ineffective.

There are many economic factors that contribute towards the system of dowry. Some of these include inheritance systems and the bride's economic status.

Some suggestions point to economic and weak legal institutions on inheritance place women in disadvantage, with inheritances being left only to sons. This leaves women dependent upon their husbands and in-laws, who keep the dowry when she marries. Prior to 1956, including during the British Raj, daughters had no rights of inheritance to their family's wealth. In 1956, India gave equal legal status to daughters and sons among Hindu, Sikh and Jain families, under the Hindu Succession Act (India grants its Muslim population the Sharia derived personal status laws.) Despite the new inheritance law, dowry has continued as a process whereby parental property is distributed to a daughter at her

Social Factors:

The structure and kinship of marriage in parts of India contributes to dowry. In the north, marriage usually follows a patrilocal (lives with husband's family) system, where the groom is a non-related member of the family. This system encourages dowry perhaps due to the exclusion of the bride's family after marriage as a form of premortem inheritance for the bride. In the south, marriage is more often conducted within the bride's family, for example with close relatives or cross-cousins, and in a closer physical distance to her family. In addition, brides may have the ability to inherit land, which makes her more valuable in the marriage, decreasing the chance of dowry over the bride price system.

Types of dowry crimes:

Recently married women can be a target for dowry related violence because she is tied economically and socially to her new husband. In some cases, dowry is used as a threat or hostage type situation, in order to extract more property from the bride's family. This can be seen in new brides, who are most vulnerable in the situation. Dowry crimes can occur with threat.

Criticisms on the abuse of dowry laws:

There is growing criticism that the dowry laws are often being misused, particularly section 498A IPC which is observed by many in India as being prone to misuse because of mechanical arrests by the police. According to the National Crime Records Bureau statistics, in 2012, nearly 200,000 people including 47,951 women, were arrested in regard to dowry offences. However, only 15% of the accused were convicted.

In Many cases of 498A, huge amount of dowry are claimed without any valid reasoning. A rickshaw pullers' wife can allege that she gave crores of money as dowry and since it is a cognizable case, police are bound to register the case

Conclusion:

Dowry has become a greater financial burden on the family & can leave families destitute based on the demands from groom. The demand for dowry has increased over time. Dowry system as an evil in society and considered it unimportant for marriage. There is a positive correlation between man's education and status to the dowry his family demands.

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