BLOGS

IPC Notes- Dowry Death in India

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Introduction

Dowry deaths are a type of gender-based violence that persists in many regions of the world, including India. In response to this issue, the Indian government enacted **Section 304B of the Indian Penal Code** in 1986, making dowry killing a crime. A dowry death is defined in this provision as the death of a woman caused by burns or physical harm during seven years of marriage if it can be demonstrated that the death was caused by cruelty or harassment by her husband or his family in connection with dowry demands.

Dowry deaths are a serious issue in India, where the practice of giving dowry to the groom's family, despite being **illegal since 1961**, is still prevalent in many communities. The practice is rooted in patriarchal attitudes that view women as economic burdens on their families and prioritize the interests of men over those of women.

Section 304B of the IPC

Section 304B of the IPC recognizes the gravity of dowry deaths and imposes severe penalties on those found guilty. The accused faces a minimum of seven years in jail and a maximum of life in prison if convicted. In such circumstances, the accused bears the burden of proving that the death was not caused by cruelty or dowry harassment.

Despite the fact that this provision of the IPC exists, dowry deaths continue to occur in India. The causes are numerous and complicated, and include elements such as poverty, illiteracy, and cultural views towards women. To successfully address this issue, a multifaceted approach that involves legal reforms, social awareness initiatives, and economic empowerment for women is required.

Ingredients of Dowry Death

The following are the key elements that comprise the offence of dowry death under Section 304B IPC:

1. Death of a woman within seven years of her marriage
2. Death caused by burns or bodily injury or otherwise than under normal circumstances; death caused by cruelty or harassment by the husband or his relatives in connection with any dowry demand
3. Such cruelty or harassment must have been meted out to the woman shortly before her death.

If all of these factors are present, the husband or his family who exposed the wife to such cruelty or harassment might be prosecuted with dowry death under Section 304B of the Indian Penal Code. The offence is punished by imprisonment for a term of not less than seven years, but which may be extended to life imprisonment. Dowry murder is a non-bailable and punishable offence.

Other Relevant Statutes

The Dowry Prohibition Act of 1961 outlaws the giving or receiving of dowry at or before a woman's marriage. Dowry is defined under the act as any property or valued security provided or agreed to be given directly or indirectly by one party to a marriage to the other party to the marriage, or by either party's parents, or by any other person, at or before or after the marriage.

The statute criminalizes the gift or receiving of dowry and imposes penalties such as jail and fines. The statute also makes it a crime to demand dowry from the bride or her family, and it is the bride's family's responsibility to report any such requests to the police.

The Dowry Prohibition Act of 1961 is a significant piece of law aimed at reducing the social evil of dowry, which has long been an issue in India. Despite the presence of the legislation, incidences of dowry-related harassment and violence are still being recorded throughout the country, underlining the need for more awareness and better implementation of the law.

It is also worth mentioning that **Section 113B of the Indian Evidence Act of 1872** addresses the Presumption of Dowry Death. If a woman dies in connection with a dowry demand, it is proven that she was exposed to harassment or cruelty by any individual shortly before her death. The court will then hold such a person accountable for her death.

Landmark Cases related to Dowry Death

The case of ***Kamesh Panjiyar vs State of Bihar*** is an important one to understand the meaning of the term "soon" under this section. The case involves a dowry death where the husband and his relatives demanded a she-buffalo as additional dowry and abused the deceased when the demand was not met. The wife was later found dead with a neck injury, and the session court declared it as a case of dowry death, sentencing the husband to 10 years in prison. The Supreme Court upheld the decision and stated that ***proving cruelty inflicted on the woman soon before her death is enough to establish dowry death*** under Section 304B, and the punishment passed by the session judge was justified.

In the case of ***Paniben vs State Of Gujarat***, the Supreme Court relied on the ***dying declaration of a deceased woman to convict her mother-in-law of dowry death***. The accused had poured kerosene oil on the woman while she was asleep and set her on fire. When she woke up, she cried for help, and her husband and other relatives came to her aid and took her to the hospital, but her injuries were severe and she could not be saved. In her dying declaration, she stated that her mother-in-law had set her on fire.

In ***Pawan Kumar vs Haryana***, the victim, Urmil, returned to her parents' house within a few days after her marriage owing to dowry demands for a refrigerator, scooter, and other items. Her husband and in-laws treated her cruelly and harassed her, resulting in her death. The spouse was found guilty under Sections 304B, 306, and 498A of the Indian Penal Code and sentenced to jail and penalties. The court ruled that the demand for dowry is an offence in and of itself, and that the desire to buy a refrigerator or bike falls within the scope of seeking dowry. The other two appellants were found not guilty.

The defendant in ***State Of Punjab vs Gurmit Singh*** was accused under Section 304B for causing the death of Gurjit Kaur, Paramjit Singh's wife. The respondent claimed he could not be prosecuted since he was not a relative of the deceased. The court ruled that because he did not meet the description of a relative, he could not be prosecuted under Section 304B, but he might be tried under other provisions for any offence committed. The case examined the term 'relative' and decided that only individuals connected by blood, adoption, or marriage may be held responsible under Section 304B, while others can be held guilty under other provisions.

Conclusion

Dowry death is a terrible crime that breaches women’s rights and shows a deeply embedded social issue of seeing women as commodities. It is a kind of gender-based violence that can result in physical, emotional, and psychological suffering, as well as death. Dowry death is unfair and undermines equality and justice; it should be abolished by tougher laws, more enforcement, and a shift in society views towards women.