

**CHAPTER III**  
**DOWRY (DAHEJ)**

One fine morning Neela Mausi and her family were busy in preparations as the bridegroom's family was expected to come to their home to see their daughter. The groom's family asked for dowry - Rs 2 lakhs in cash, a Maruti 800 car and 15 tolas of gold. Neela mausi said that she would not be able to pay such heavy amount of money, as she was a woman of meager means. But the groom's parents warned that if only she could arrange for all these things would they get their son married to her daughter. Neela mausi was worried and in course of conversation told about this to Meera didi. Meera didi said that a girl should not be considered as a burden and one should not give in to such unlawful demands.

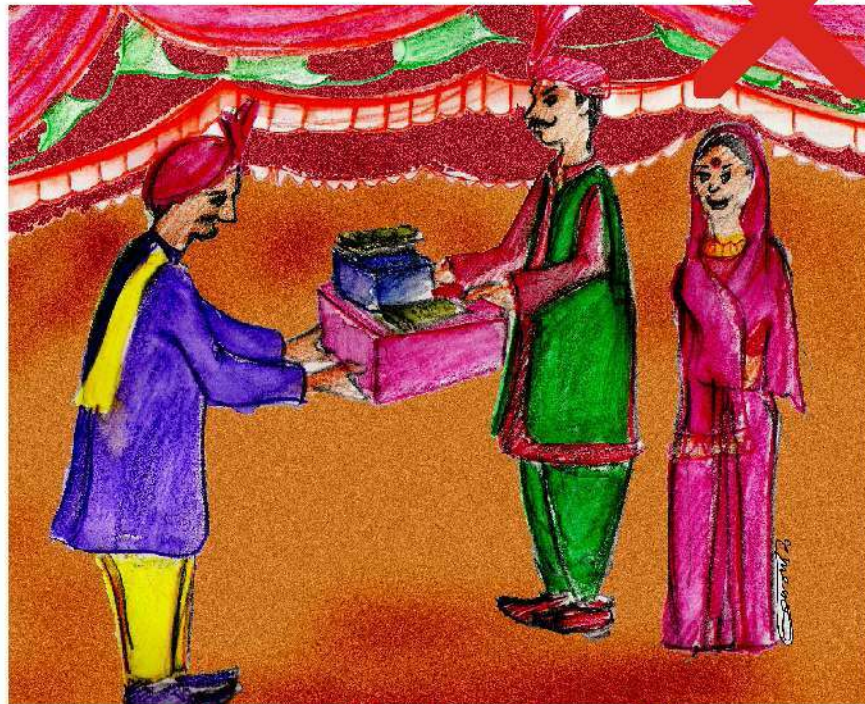
Meera Didi told her that law prohibits dowry and provides protection against such evil customs. Harassing the girl, beating her up, torturing her for dowry- these are things that take place very often after marriage. In some extreme cases the daughter In law is even killed or forced to commit suicide. Special provisions have been enacted under various laws to deal with such contingencies. The Government has enacted the Dowry Prohibition Act, 1961, Section 498A IPC and other provisions have been enacted to deal with the evil of dowry and cruelty.

***Meera didi explained the position under the law as following:***

**Meaning of Dowry:**

- Dowry means any property or valuable security given or agreed to be given by the bride to the groom or by the groom to the bride or
- By the parents of either the bride or the groom or by any other person
- At or before or any time after marriage.
- Giving , Taking , demanding or even advertising for dowry is an offence

Any person who takes or gives dowry at his or her son's or daughter's or relative's wedding, commits an offence.



***Giving or Taking dowry is an offence***

**However, the law permits some presents which are given at the time of marriage to the bride or to the bridegroom but requires that:**

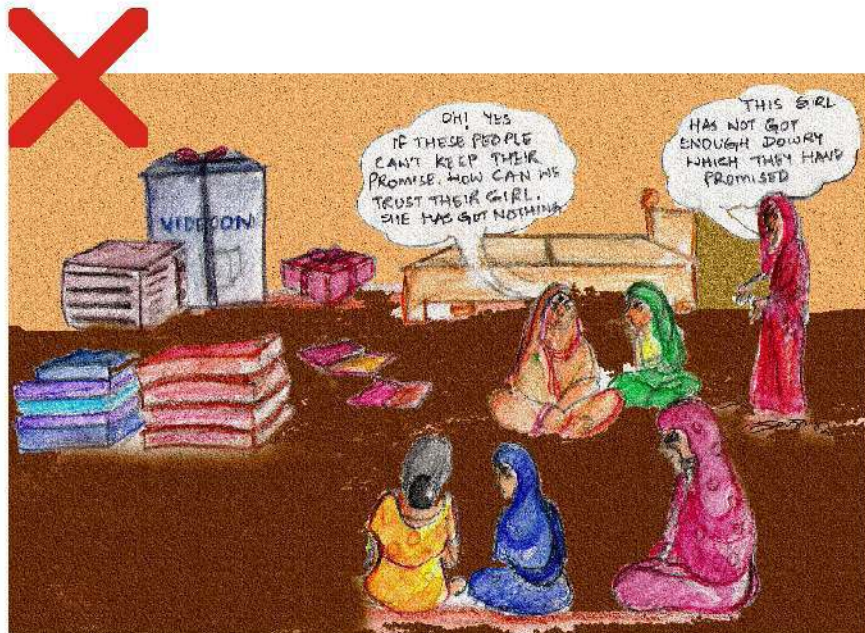
- Maintain a written list of presents
- Made at the time of wedding or soon after the wedding
- Brief description of each of the presents with approximate value
- Name of the person giving the present should be mentioned
- Relationship with the bride or groom
- List to be signed by the bride and bridegroom
- Such presents should be customary and its value should not be excessive with regard to the financial status of the person by whom such presents are given
- There should be no demand or compulsion for such gifts/ presents **If the above conditions are fulfilled then the penal provisions of the dowry Act would not be attracted.**

If any dowry has been received by any party the law provides that the dowry shall be for the benefit of the wife and be transferred to her or her heirs Punishments for giving or taking dowry is:

- Punishments for giving or taking dowry is:
  - Imprisonment for not less than 5 years and Rs.15, 000 fine at least
  - If the dowry amount is more than Rs.15, 000, then amount of fine will be equal to the amount of dowry.

- Though giving of dowry is also punishable but any statement made by the person aggrieved shall not subject such person to punishment.

- Punishment for demanding dowry - not less than 6 months imprisonment and extendable upto 2 years and fine which may be upto Rs. 10,000/-



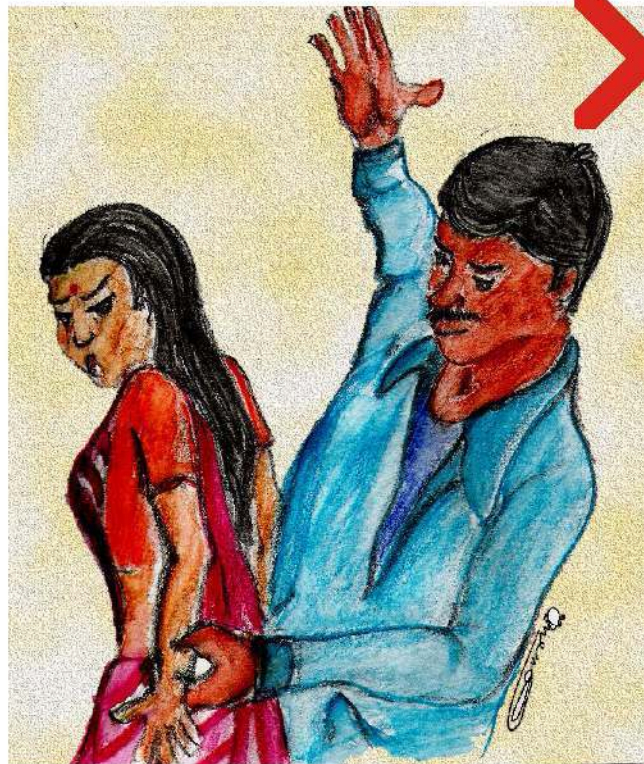
### Cruelty

- ❖ Section **498A of IPC** deals with the offence of cruelty.
- ❖ Cruelty means and includes the following:
  - If the husband or the relative of husband of a woman subjects her to cruelty, he or that relative shall be punished with imprisonment for a term that may extend to 3 years or with fine.
  - To beat or torture a woman to such an extent as to cause injury or danger to her life, limbs or



health or likely to drive the woman to commit suicide.

- Mental and physical cruelty - torture, threatening, forcing or harassing the woman to get some money or property , harassment to woman on account of non-fulfillment of such demands by her relatives, taunting on not bearing a child or a boy child, etc.



***Beating the wife***

- The Victim, her relatives or any recognized welfare organization can lodge complaint of cruelty to a married woman under Section 498A IPC or under dowry Prohibition Act.

### Dowry Death – Section 304B IPC

A case of dowry death is made out if the following conditions are satisfied:

- If a woman's death is caused by burns, bodily injury or occurs under unnatural circumstances and the death occurs within 7 years of marriage.
- In such a case her husband and in-laws will be held responsible and if found guilty, the punishment is at least 7 years of imprisonment which may extend to life imprisonment.



***Bride burning is a gruesome offence***

- If it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband, In connection with any demand for dowry, Then such a death is "dowry death".

Neela Mausi understood that rather than fulfilling the illegal demands she should rather seek justice by taking action against them. It was not too late and they could report to the police Neela Mausi was not helpless any more.

- ❖ The Act provides that every state Government appoints a Dowry Prohibition Officer (DPO)
- ❖ Duty of the DPO to see that provisions of the Act are complied with

*Dowry is an evil that needs to be uprooted. And this is possible only if each one of us stands against it. There are many girls who are tortured, burnt and killed for dowry. Law exists, but it has to be put to use.*

### IMPORTANT COURT DECISIONS

- **In Re: Enforcement and Implementation of Dowry Prohibition Act, 1961** Writ Petition (Civil) No. 499 of 1997

**The Supreme Court observed in the case “The conscience of the society needs to be fully awakened to the evils of the dowry system so that the demand for dowry itself should lead to loss of face in the society for those who demand it. We have no doubt that our young and enlightened women would rise to the occasion to fight the evil which tends to make them articles of commerce. We also hope that our educated young males would refuse to be sold in the marriage market and come forward to choose their partners in life in a fair manner”.**