ABSTRACT

Statement of Problem

The problem of bride-burning has received a tremendous importance in the country during the last few years. Not a single day passes without a newspaper carrying reports of bride-burning or suicide committed by young women for bringing insufficient dowry or any other reason. In most of the cases bride-burning seems to be associated with dowry demands where the victim is often a young and recently married woman.

Since the past few years the figures of dowry-death have increased nearly 11 times from 427 in 1983 to 5,157 in 1991. The number of dowry deaths increased to 5,582 in 1993 than the year 1992. But recently, the figures of dowry death decreased to 4,277 during 1994 compared to the previous year. Dowry deaths figures available with the Union Home Ministry disclosed that in the past few years, the highest number of such deaths have occurred in Uttar Pradesh. The figures for the years 1987, 1990 and 1993 make the Uttar Pradesh a leading state by recording of 1,952 dowry deaths cases during 1993 in comparison of other states. This shows the magnitude of the problem.

Almost everyday somewhere a young married woman is being burnt alive or beaten to death or being pushed to
commit suicide. The number of cases varies from family to family but what remains constant is the sordid story of inhuman torture. In the words of Deshpande, a retired Judge of Delhi High Court:

"Such events show a continuous persecution of the wives and cruel treatment meted out to them by their husbands and in-laws preceding such attempts to commit such suicides or murders while these unfortunate women are living with the husbands during the first few years of their marriage life. These first years are the years of adjustment and, therefore, most of the difficulties arise in these years."

Crimes that lead to bride-burning are invariably committed within the safe precincts of a home. The criminal is a member of the family, other members of the family living in the same house are either guilty associates in the crime or conniving witness to it. In any case family ties are so strong that truth will never come out. Rape and physical torture of young women are common in most parts of the world but 'bride-burning' (dowry-death) appears to be a purely Indian phenomenon.

For the purpose of the present study it is aimed to analyse the trend of "Bride-Burning" in Uttar Pradesh with special reference to "KAVAL TOWNS" (Kanpur, Allahabad, Varanasi, Agra and Lucknow) and some of the new legislative
measures to curb the menace of bride-burning.

Scope and Objectives of the Study

The basic aim of the present study is to describe the various aspects and causes of this menace and to throw light on the extent of the fast spreading evil. It is intended to identify the factors which are responsible for increasing the cases of "bride-burning", in spite of a number of preventive measures undertaken by the government. The following are the broad objectives of the study:

(i) To develop a theoretical perspective on offenders committing the crimes of bride-burning.

(ii) To enquire into the causes and factors leading to bride-burning.

(iii) To analyse the emerging patterns of aggression against brides.

(iv) To determine through a field survey the socio-economic background of the victims, their husbands, in-laws and parents.

(v) To evaluate the existing legal measures and to assess the impact of Dowry Prohibition Act, 1961.

(vi) To review the role of enforcement agencies in dealing with the problem of bride-burning.

(vii) To draw conclusions and to put forward suggestions in order to eradicate the menace of bride-burning.
Research Methodology

The problem of bride-burning which has both the theoretical and empirical significance in modern time has not been extensively studied by many sociologists and criminologists. The present study attempts, at the very outset, to understand within the socio-legal perspective the factors or forces that give rise to bride-burning.

In the present study, reliance was made on Indian, English and American text books, journals, seminar papers pertaining to the harassment, battering, violence and bride-burning (dowry death). Besides this, various articles from magazines, newspapers and newspaper’s reports were used. The statutes, case law, commentaries, law reports and digests were scanned thoroughly.

A field survey was planned to verify the various hypothesis drawn from the legal material relating to the nature and extent of bride-burning. The gigantic nature of the problem makes it impossible to conduct survey on all India basis. It was, therefore, thought necessary to limit the study to ‘KAVAL TOWNS’ of Uttar Pradesh. Though, the study covers all the ‘KAVAL TOWNS’ but an intensive field survey was conducted in one of the towns i.e., Agra. It was planned to collect data from a neighbouring District (Aligarh) so that a comparative analysis of the data could be made. This could ensure greater reliability of the data. It was difficult to collect information about cases
extending over a long period of time. Therefore, the exercise was limited to those cases which were reported to the police during the years 1987 to 1992. The copies of First Information Reports were collected. In the first instance 250 cases of bride-burning and suicide were collected from different police stations of Agra and Aligarh district. From among such cases, a sample of 208 cases of bride-burning and suicide were studied.

With a view to securing relevant information interviews of some of the available parents of the victims, husbands and in-laws of the victims, neighbours, the investigating officers and some of the advocates dealing with the cases of bride-burning were conducted. The details of the methodology of this field survey and technique of analysis adopted have been discussed in Chapter I of the thesis.

**Chapterisation**

Chapter I of the present study is devoted to statement of problem and its extent in Indian society. As such it is an introductory chapter and already in the foregoing pages of this abstract prefatorial points have been dilated upon. Consequently, it is but natural that due space may be given to summarising the subsequent chapters.

Chapter II of the thesis provides an insight into various theoretical bases of the problem of wife-battering, bride-burning and other dowry related violence in socio-psychological perspectives.
Chapter III of the present study is related to the various factors that are supposed to be responsible for dowry related crimes. The cruel system of dowry has become one of the greatest evil in our society since the lust for money has given rise to the practice of bride-burning and suicide. Usually the prime motive behind the violence, harassment and battering of young married woman is the desire to extract more and more dowry from her parents. The demand of dowry has reduced woman’s position to that of economic liability. In parents’ house she is treated as a burden or liability and in the new home the dowry brought by her is more important than her person. This evil has produced adverse effects on woman’s status in the new home. Many a times, even after receiving a substantial dowry, the husband and his parents keep on demanding more dowry either in cash or kind from bride’s parents. She is forced to ask for more dowry from her parents and if she is unable to satisfy the demand, she is ill-treated, battered and at the climax she is burnt alive or forced to commit suicide. Though, dowry appears to be the main causative factor responsible for bride-burning or suicide but other factors are also conducive. Furthermore, socio-economic inequalities are also responsible for bride-burning or suicide.

Chapter IV deals with the different patterns of aggression against the brides. Various patterns of
aggression adopted against young women include murder and suicide. The most common form of killing of bride is by burning usually by sprinkling of kerosene oil. Other methods of brides' murder include poisoning, strangulating, beating to death etc. The country wide data and the data from the state of Uttar Pradesh as well as from KAVAL TOWNS of Uttar Pradesh show a continuous increase in dowry deaths and dowry harassment. Among the KAVAL TOWNS Allahabad registered highest number of dowry deaths in 1993 followed by Kanpur.

Chapter V is based on field survey which was undertaken to provide a comparable data about the social background of various actors in the ghastly drama of bride-burning. It analyses the economic, religious and cultural factors relating to the incidents of dowry harassment, bride-burning and suicide. It, further, deals with the extent of the problem in the context of motives and the various patterns adopted against the brides. A summary of the main findings of the survey is as under:

1. In majority of the cases (65%), the victims at the time of death were between the age-group of 19-22 years. The first two years of married life were very crucial in bride's marital life (53.9%).

2. The problem of dowry harassment, wife-battering and bride-burning exists across religious and caste groups. It is prevalent in both rural as well as urban areas.
In a survey report of a total of 208 cases, 90.9% victims were Hindus, in 8.1% cases Muslims and in 0.5% cases each, victim belonged to Sikh and Jain religion. The cases of bride-burning show that it is not only a lower caste phenomenon but rather a high caste problem.

3. The survey revealed that in 20.2% cases, the dead bodies of the victims were cremated in secrecy without giving any information to the victim’s parents in order to destroy the material evidence.

4. In 10% cases, the police refused to register the cases and in a number of cases it was registered under wrong sections of the I.P.C.

5. The dying declarations of the victims were recorded only in 13.9% cases. In most of the cases the police discouraged for the recording of the dying declarations.

6. In a number of cases, the act of killing was preceded by several forms of harassment, battering and domestic violence against the victims. It was found that in 17.7% cases, the victims were insulted and taunted by their husbands and in-laws, in 75% cases they were battered and ill-treated and in 5.7% cases, the victims were reported for denial of food by their husbands and in-laws. It was, further, found that in 30.7% cases the illtreatment and battering started after 2 to 3 months of the marriage.
7. In 6.6% cases, the victims were battered and ousted from the in-laws house. They remained at their parents home for few months/years.

8. In 59.4% cases, specific demands were made in hard cash by the victims’ husbands and in-laws soon after the marriage. The hard cash varied from Rs.5,000 to Rs.1,00,000. In 40.6% cases demands included variety of durable.

9. In 6.9% cases, the victim’s death occurred beyond the seven years period of legal presumption as to dowry death.

10. In 1.4% cases, the victim’s husbands performed second marriage after the victim’s murder and received a handsome dowry. In 3.8% cases, the victim’s husbands were interested to perform second marriage.

11. In 66.8% cases, the death of the victims occurred at their in-laws’ house, in 26.4% cases at different hospitals and in 0.9% cases at their parents’ home.

12. In 2.8% cases, criminal proceedings were initiated against the husband and in-laws of the victims by the parents but later on compromises were made.

13. In almost all the cases, the marriage was arranged one and there was a complete absence of love marriage.

14. The survey revealed that in most of the cases the
parents of the victims had married their daughters in families richer than themselves. The incidence of bride-burning can be associated more with higher income groups. The survey disclosed that even highly educated families are also frequently involved in this menace.

15. Our survey revealed that the most commonly used methods were by burning, poisoning, strangulating, hanging, beating to death etc.

16. Besides dowry, in 3.4% cases other motives were also attributed in murder and suicide of the brides. In some cases there was a maladjustment between husband and wife. In few cases, the victims had produced the female child and/ or failed to produce any child.

17. In majority of the cases the victim’s parents were not satisfied with the police investigations. Sometimes, the cases of bride-burning are assigned to junior and inexperienced police officers for investigations.

Chapter VI is related to make an examination and evaluation of Indian legal system in the context of the problem of dowry, cruelty, bride-burning (dowry-death) and suicide. It deals with the recent amendments made in the Dowry Prohibition Act, Indian Penal Code, Indian Evidence Act and the Code of Criminal Procedure relating to the problem of dowry, cruelty, bride-burning (dowry death) and suicide. An attempt has also been made to examine the
adequacy or inadequacy of these laws to deal with such problems.

Chapter VII portrays the role of enforcement agencies. It examines the role of police in the process of investigation and prosecution. These areas are: recording of First Information Report (F.I.R.), initiation of investigation, interrogation, recording of dying declaration, examination of witnesses, final report/charge-sheet and inquiry into unnatural death. The chapter further deals with the role of lower judiciary in the matter of granting of bail and remand. It examines the judicial norms set by the Higher Courts in respect of the problem of bride-burning (dowry death) and suicide. This chapter also analyses the penal sanctions and sentencing in dowry related crimes.

In chapter VIII the study has been brought a close with major findings of the survey, conclusive observations and suggestions.

Conclusion and Suggestions

It emerges from the study that the problem of bride-burning is a matter of great concern for parents, legislators, courts and society as a whole. The young married women have been beaten, tortured and burnt to death or compelled to commit suicide for non-fulfilment of dowry or any other reason. It has become a day to day phenomenon in our country. This practice is not only confined to a
particular community but it has permeated into each and every section of our society.

Inequalities of power relationship between the sexes and the patriarchal order of the society has relegated women to casualties in a male dominated society. Women are victims of dowry related crimes in our society in which inequalities and abuse of power are deep rooted and pervasive. Due to the patriarchal domination, economic dependence and subordinate status, the women cannot escape from the conditions created for them.

Wife beating, though described as the most common marital pastime in India, is nevertheless not confined to India alone. But the dowry related violence and bride-burning are, however, two criminal phenomenon peculiar to India. Since the violence against women is an undisputed fact, it takes the form of wife-beating and domestic violence. While bride-burning is the extreme manifestation of wife-beating and domestic violence. The genesis of such death lies in the tension created by persistent demands of dowry accompanied by beating and torture.

The Dowry Prohibition Act, 1961, provides no real measures for redress if a bride finds herself being held to ransom. The Act was amended in 1984 and 1986 respectively to curb the evil practice of dowry and dowry death. Certain necessary changes were made in the Indian Penal Code, Indian Evidence Act and the Code of Criminal Procedure in order to
put an end to dowry harassment and dowry-death. The present Act has failed to achieve its objectives and the menace remains almost as usual.

Police are often accused of attitudes practices and perceptions which greatly diminish the successful implementation of laws. The usual charges are; police reaching the scene too late, reluctant to record the F.I.R., preferring to register most of the cases of bride-burning as suicides, carrying out the investigations in a lackadaisical manner etc. The police tend to treat violence against women as 'family affairs.'

Sometimes, the offenders are not punished due to the lack of evidence and they go scot free. Dissatisfaction has arisen with certain judicial assumptions generally operating at the trial level which perhaps provide an unjustified advantage to the defence.

It appears from the above reasons stated that there is a need for amendment in the law relating to dowry and bride-burning in relation to investigation, prosecution and punishment of offenders. Some legislative changes are necessary in the present system to make it goal-oriented and serve its purpose in more efficient manner.

It is suggested that the problem of dowry harassment, wife-battering, cruelty and bride-burning have to be tackled at all levels, the legal level, the police level and most
importantly the social level. As long as women are treated as second class citizens in the country and in home, these problem will continue. Changes in social values and attitudes must be brought about if, 'we want to curb the problem of dowry and bride-burning'. A detailed suggestions have been made in chapter VIII of the present work.