CHAPTER - I

INTRODUCTION

Statement of Problem

Bride-burning has been very much in prominence in the recent past. It has shocked the sensibility of the general public. 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. Many such cases go unreported but those that are reported are enough to unnerve all right thinking members of the society. The harassment and violence against the bride revolves around the demand for more and more dowry which often culminates in the death of the bride. It has been pointed out that in the joint family, if the bride brings insufficient dowry, she has to face the music of ridicule, criticism and humiliation mostly from her in-laws and their relatives. The husband also joins his mother and his sisters in criticising and humiliating the wife and her parents. He may with a view to appeasing his unreasonable mother avoid the company of his wife and thereby keeps her in the continuous tension.

Many questions can be raised about the recent


increase in killing and burning of young brides for non-fulfilment of demands or insufficient offer of dowry. They are murdered for not bringing adequate dowry. It may shock a Westerner, but it no longer shocks Indians. Bride-burning has become quite a regular feature in the newspaper these days. The young married women are not only the victims of fire but also they are the victims of strangulation, poisoning, injury inflicted by heavy weapon, being compelled to commit suicide and so on.

Over the past few years, the phenomenon of bride-burning has registered a sharp increase throughout India. Dowry-deaths have increased nearly 11 times from 427 in 1983 to 4,856 in 1991. Around 990 cases of dowry-deaths were reported in 1985. In 1989, there were 4,215 cases of dowry-deaths in our country, which number reached 4,836 in 1990. According to a newspaper reports the number of dowry deaths increased to 5,582 in 1993 from 4,962 than the year 1992 which was 5,157 in 1991. But recently, The Times of India, has


4. Indian Express, (New Delhi), May 20, 1992 p. 9. Data from some states and Union Territory for the year 1991 has not been received for few months and hence is incomplete.


reported that the cases of dowry death have registered a less figures of 4,277 during 1994 than the previous years in the country.

The figures from the Delhi alone show that a large number of reported cases of bride-burning had gone up to 690 which was the highest in 1985. Many more cases go unreported or recorded simply as accidental death in connivance with police officials. As many as 3,108 dowry complaints were filed in 1986 inspite of stringent Laws.(7) Over 90 percent of the cases of women burnt in Delhi were registered as accidents, only five percent were noted down as murders and five percent as suicides.(8) The frequency of unnatural deaths of house wives in Delhi has increased from the one in 14 days to one every 12 hours.(9) "In the country's capital, says Khushwant Singh, alone on an average two young women go up in smoke everyday."(10)

Dowry-death figures available with the Union Home Ministry disclose that in the past few years, the highest number of such deaths have occurred in Uttar Pradesh. In 1983 there were 160 dowry-deaths in Uttar

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Pradesh, which rose to 202 in 1984 with further increase of 323 in 1985. The figures for the years 1987, 1990 and 1993 make the Uttar Pradesh a leading state in dowry-deaths. In 1987 the number of dowry-deaths rose to 553 which in 1990 reached to the formidable number of 1,516 in comparison of Delhi and other States. According to newspaper reports, the cases of dowry-deaths were reported to be 1,952 in U.P. and 107 dowry deaths in Delhi during 1993. Maharashtra reported 746 dowry deaths, followed by Andhra Pradesh (575), Madhya Pradesh (370), Bihar (336), Rajasthan (271), Karnataka (266), Orissa (209) and Punjab (147) in the same year.

In Bihar also the evil has been like an epidemic. A large number of women are being forced to commit suicide or burnt to death for dowry. The Hindustan Times reported 125 dowry-deaths in Begusarai area only every year. In this context reference may be made to the statement given by the then Parliamentary Affairs Minister of Bihar, who claimed only 113 dowry-deaths in the state during 1987. The figures are just unbelievable. The incident of dowry harassment and dowry-

11. Indian Express, (New Delhi), May 19, 1986, p.5
12. Indian Express, (New Delhi), February 7, 1992, p.9
13. The Times of India, (New Delhi), May 6, 1994,
deaths have gone out of Public limelight. No one seems to bother about thousands of hapless women facing agony and death for a few thousand rupees.

Violence in the home has been found to occur at all levels of societies with different economic or cultural values. Such type of problem is rarely interpreted as one worthy of attention. Detection and prevention of violence against women within the home is a difficult task, because of its invisible nature\(^{(16)}\). 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.\(^{(17)}\)

**Review of Literature**

The incidents of 'bride-burning', 'bride-murder' and 'bridal-suicide' have led to a growing concern among social thinkers, academicians and social workers to go deeper into various ramification of the problem. The problem of 'bride-burning' is not an issue of

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administration of criminal law but it's a problem generated by centuries old status of women in our society. This growing concern for gender justice is reflected in a large number of books, articles, survey reports and monograph which have come out in recent years. It would be appropriate at this juncture to make review of the existing literature relating to the problem of 'bride-burning' and 'dowry-death'.

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 that invariably provides the backdrop to the macabre drama that has by now become routine. No community is free from this cruel menace. This practice is not confined to a particular community, but it has permeated into each and every section of our society. These crimes are also not confined to illiterate and poor families, but even highly educated and socially respected men indulge in such crimes against women. 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.\(^{(18)}\)

Our such social structure, customs, practices, traditions, value and superstitions, which propagate socio-economic inequalities and more so which establish male's superiority over female, look down upon woman as inferior to man which propagate double standards of sex morality. The woman has been considered merely as burden, a commodity and sex object and at best as a child producing machine.\(^{(19)}\) Malladi Subbamma writes, "women are slaves to society and tradition. They are slaves to male domination. They are slaves to ignorances. They do not enjoy equality with men in the field of social, economic, political and cultural sectors of life. They are slaves to their husbands and their families.\(^{(20)}\)

At a meeting on Women and Violence, organised by

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the South Gujarat University and Centre For Women’s Development Studies, Krishnaraj and Kelkar summed up the specificity of violence against women in the following words:

"The specificity of the gender dimension lies in the fact that while violence against women perceived as a structural phenomenon is indeed part of the general violence against oppressed classes, the forms of control and coercion exercised in the case of women are gender specific and arise out of a hierarchical gender relationship, where men are dominant and women are subordinate. The forms of control exercised over women cover essentially three areas: sexuality, fertility, and labour. Secondly, women become instruments through which the social system reproduces itself and through which systematic inequality is maintained..."(21)

A survey conducted by People’s Union for Democratic Rights, entitled as Inside the Family reports:

"The treating of family as a private area governed by religious and social customs, regarding of women a peripheral to economic development by the state, the inability of the

legal system to recognize their unique unequal status, the bias of the police and court in relations to crimes against women, are all part of these social values."

The Police woman in charge of Delhi Anti-Dowry Cell, in an interview is reported to have said:

"It is very difficult to decide whether a burn case is suicide or murder. In both cases the victim is doused from head to toe in Kerosene and severely burnt. We feel that 80% of the cases which are brought to our notice are suicides. The husbands and in-laws are certainly culpable because it is their harassment which derives the person to this act"

Beating up women, torturing for dowry and all kinds of violence on women, have a socio-economic basis. Sociologists and lawyers-Freeman and Maidment, agree that the problem of violence against women is a deep societal one, arising out of a family system


in which the husbands authority over their wives creates a particular 'marriage power relationship' and a subordinate status to wives and mothers. Patriarchy can be held as a strong reason, and in communities where male-dominance is strong, wife-battering is likely to be more frequent. For centuries the laws of 'Manu' as regards the role and behaviour of women have been rigidly adhered to in the Indian society (Hindu society). (26) Very often, it is the constant humiliation by the husband who is set in ridiculing his wife in public or proving her wrong to reinforce his own authority. Insults and constant criticism can reach intolerable heights whether sexual taunts, or accusations about being a bad wife and mother. When it goes on for hour after hour, the woman is as bemused by it as after physical battering. She loses her confidence in herself, and her ability to cope. (27) In the context of India, the awareness about wife battering still less as compared to other forms of violence on females. Women's action groups have not given this issue the needed priority as compared to bride-burning, rape and other forms of violence.

Giriraj Shah in his paper, *Crime Against Women- Dowry, Divorce and Bride-Burning*, has pointed out that

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dowry deaths are caused due to ill-treatment at the hands of husband and in-laws. Subjugated and suffering women are to be found in every socio-economic strata. They are downtrodden and humiliated alike by the oppressors and the oppressed among men and their female accomplices. Rarely, cases are brought to the notice of the Police. A microscopic minority of reports of bride-burning eventually find their way to the newspaper columns as true crime briefs which do not portray the physical and mental agony of women forced to live in pain and humiliation for rest of their lives. After all, for every women forced to live in pain and humiliation for the rest of their lives, there are hundreds who reconcile themselves to living without any hope in a state of suspended animation where suffering is the only reality. (28)

Further, he says that dowry is only a part of the overall humiliation and subjugation of women that is sanctioned by our society. That something as petty as dowry-the gold bangle, the T.V. set, a few thousand rupees in cash, should be the cause of such depravity among young man from 'respectable' families, should boggle any imagination that is not warped by fables extolling the cult of 'Sati' and 'Sitas' ordeal by the fire. But so culturally attuned

to women sacrificing themselves and being sacrificed by their lords and masters that we cannot seem to work up healthy indignation against bride-burning, dowry-death, as we choose to call them now.\(^{(29)}\)

Let us revert for a moment to the ancient Hindu writings and their influence upon the history of Hindu women. To the religious books of India, woman has today no personal access. Her religious sacrifices and ceremonies before marriage are with reference to the procuring of a husband. Brahmanism, which has been defined as the religion which exalts the cow and degrades the woman, has been one of the most potent factors in shaping the life of woman in India. Among the Hindus, woman has not independent spiritual life. Her hope is in being married to a man. Through him must her fortune be secured, and only in obedience to him can she hope for ultimate happiness? Woman has been regarded by the sages of India as a snare to man’s rectitude and an obstacle to his best interests.\(^{(30)}\)

According to Majumdar, there is a widespread view among scholars that the best way to judge a nation’s progress is to find out the status of women there. Indeed many writers have equated cultural

29. Ibid.

levels with the types of treatment meted out to women and have found that there is a strong correlation between low status of women and low cultural levels of society.\(^{31}\)

Sankar Sengupta in his book, *Women in Indian Folklore*, observed that her role in the various walks of life has contributed to the evolution of values which have counted for what may be described, all round progress. Her status is the measuring rod in assessing the standard of culture of any age.\(^{32}\)

There was a period in Indian History when women were accorded equal status with men. In the Vedic age, women enjoyed a high position in society. They had full freedom for spiritual pursuits and intellectual development.\(^{33}\)

According to S.R. Shastri, a wife in the Vedic age was the husband's companion in weal and woe, mistress of the household and partner in all his activities - temporal and spiritual. Women during this age actively participated in agriculture and co-operated with men in the manufacture of bows-arrows and other articles of public utility. In the religious field also women

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were given significant position. A.S. Altekar is of the opinion that in the matter of religious life which was all important and very absorbing aspect of the daily life of the people during this period, we are definitely informed that women actively participated in it. There were many social sacrifices performed by women. In many important 'Yagas' performed during the Vedic and post-vedic period, the lady of the house not only participated but she formed an important indispensable part of the ceremony. Widow remarriage was allowed during this period. Thus, altogether we find that women in the Vedic age enjoyed equal if not higher status.

Many have traced the enunciation of a liberal social attitude vis-a-vis women to the pristine sources of the Hindu vedic philosophy. Much has been said and written since the late nineteenth century of the high status of women in the vedic period when women participated fully in religious rituals, had freedom of movement, were educated like boys, married late and had a voice in the selection of their marriage partners. Widow remarriage was permitted, and unmarried or married women also enjoyed


an honoured position in family and society.\(^{(36)}\)

In post Vedic period an entrenched patriarchal pattern was prescribed by the 'Smritis' which were composed during the first two centuries of that era.\(^{(37)}\) It was in one of these 'Smritis', that is, 'Manu Smriti', the Hindu law giver laid down the outrageous dictum about women's changing position through her life cycle. "In childhood subject to her father, in youth to her husband and when her husband is dead to her sons, she should never enjoy independence."\(^{(38)}\) The Hindu lore, thus, created a paradoxical and contradictory imagery of women. On the one hand she was the embodiment of purity and spiritual power and on the other, essentially weak and dependent creature needing the constant guardianship and protection of man.\(^{(39)}\) The religious scriptures sanctified the strong patriarchal social structure in which marriage, motherhood and service to the husband become the most valuable attributes of women and which perpetrated the negation of the Woman's personality that culminated amongst the caste Hindus in the practice of 'Sati', the immolation of the widow on the dead husband's
Later, the concept or the cult of shakti was revived around the fifth century of the Christian era. But it failed to make more than very limited inroads into the entrenched patriarchal pattern prescribed by the 'Smritis. The Hindu revivalist movements of the nineteenth century - the Arya Samaj, the Brahma Samaj, the Rama Krishna mission - harkened back to the vedic precepts. A position of honour for women and a concern for their present position became a tenet of the revivalist trends. These movements contributed to a lack of hostility towards the women's question and the availability of the models of female equality in the Hindu scriptures justified actions to improve the status of women. (41)

The status of Muslim woman is intimately connected with the status of woman in Islam. Woman had no recognised place in the pre-Islamic Arabic society. As Venkatarayappa says, "the women of Arabia were in a state of subjection either to their nearest male kinsman or the father, brother, son or husband,"


whose rights over them were regarded as their rights over any other property." (42) The birth of a daughter was usually looked down upon by the Arabs, as a calamity and disgrace to the family. As a result of this, the custom of female infanticide was prevalent there. Even when a girl was allowed to live, she was forced to be married at an early age of 7 or 8. At the back of this custom was the fear of parents that their daughters might be dishonoured if they were not given in marriage before attaining puberty. (43)

It is, thus, believed that prior to Islam daughters were looked upon with disfavour and as a kind of economic and social burden. As a result of it, the male members of the family enjoyed a respect which was denied to those of the fair sex. There were marked differences in the treatment and upbringing sons and daughters. All this was discouraged by the 'Holy Prophet' (Peace be upon him) who upheld the rights of the female children and insisted on their being treated on a footing of equality. (44) Islam improved the status of women by restricting polygamy to four wives, by prohibiting

43. Menon, M. Indu, op. cit. p. 6
female infanticide and by assigning a share of inheritance to women etc. The 'Holy Qur'an' has equalised the husband and the wife in status in regard to their right inter se:

"And their husbands have the better right and women shall have rights similar to the rights." (45)

Here, again, the 'Qur'an' lent support to the basic equality of women and men by declaring that each sex complements the other, and neither is inferior in status and dignity. The 'Qur'an' asserted the dignity of women by declaring:

"They are your garments and ye are their garments." (46)

The Shari'a commands kindness and decent treatment with women. It is obligatory upon the husband to live with his wife gently and delicately. To quote the words of the 'Qur'an':

"On the contrary live with them on a footing of kindness and equity". (47)

The 'Holy Prophet' (Peace be upon him) is reported to have said, "only a noble will honour them (women) and only an idiot will insult them". (48)

45. Qur'an, ii-228. Text Translated by A., Yusuf Ali, p. 90
48. Sabiq, p. 185
Prophet' (Peace be upon him) is reported to have said, "your wives have rights over you as you have rights over them". (49)

A husband is commanded by the shari'a to protect his wife in every way possible. He must make sure that no one hurts her physically and mentally. He must not allow anyone to say any bad word to her or about her. He must defend her honour and dignity all the times. (50)

But the critics of Islam still believe that the status of woman in Islam is inferior to man. This is far from the truth. Every field of life is open to her but no place is given to moral turpitude or any other kind of degeneration. There is a group of Muslims who feel pride in stretching the Islamic laws in accordance with their whims and caprices. (51).

In spite of these 'Qur'anic' injunctions, the Muslim community is as much engulfed by the dowry system as the Hindus and Christians. The Muslim brides are harassed, tortured and even burnt to death or compelled to commit suicide for not bringing desired dowry. While asking for any dowry in Islam is strictly prohibited. Whatever the parents and

49. Tirmidhi, p. 315
50. Sabiq, p. 186.
relatives of the girl give to the bridegroom is no doubt accepted. The 'Holy Prophet' (peace be upon him) said: "pay her dower, provide her facilities and treat her affectionately and humanely." (52)

The position of Muslim women during the Mughal period was not considered good. According to Mujeeb:

"The women were not generally considered full persons whose advice was to be sought and experience relied upon, and conclusions were drawn from this belief by men according to their temperament and culture." (53)

During the golden periods of India's history under the 'Mauryas' and the 'Guptas', there was a gradual erosion of women's right; regressive customs like child marriage, purda and sati began in the turbulent times that followed. (54) Eight centuries of Muslim rule accentuated this deterioration in the position of women. (55)

At the time of the advent of the British rule, the position of women in India was at its lowest ebb. Child marriage was in vogue. 'Sati' was evidently

52. Bukhari.


prevalent. 'Purda' was strictly enforced on Muslim women. Female literacy was considered as a source of moral danger. Dancing girls had lucrative professions. The nineteenth century movements for social change and religious reform were confined within the frame work of religion; they were not secular in nature. Their main thrust was to improve the position of women within the family. They were not addressed to the introduction of radical changes in the total social structure inimical to several of its sections including women. Their major focus was education for women, which aimed at making women better wives and mothers and reducing the incompatibility within the family between educated males and uneducated females. Additionally, their aims were legislative action to raise the age of marriage, promotion of widow remarriage, abolition of purda and female right to property. But all these were not quite critical issues for the larger mass of the people; hence the reforms remained elitist and limited in their approach to the women's question.

India's contemporary women's movement grows out of 150 years of social reform in India. In the early nineteenth century intellectuals like Raja Ram Mohan Roy,

56. Devadass, T.S., 'Indian Woman Through the Ages' in Encyclopaedia of Women in India, Praveen Encyclopaedia Publications, (New Delhi, 1976), p.43
Ishwar Chandra Vidyasagar, Annie Besant, Ranade, Swaran Kumari Devi, Pundita Ramabai and Mahatma Gandhi, etc. made efforts to tackle various specific social problems. They attacked such practices as sati, polygamy and child marriage. They demanded property rights and education for women and campaigned for legislation permitting widows to remarry. By the end of the nineteenth century women had emerged as leaders of the women's movement. (58)

In the 1920s and 1930s women participated in the non-cooperation and civil disobedience movements against the British and many of them served jail sentences. The All India Women's Conference became the major vehicle for the Women's movement, shifting from welfare requests to demands for full political and legal equality for women in virtually all arenas. When India finally became independent, the Congress Government implemented many of the All India Women's Conference demands, including passing legislation for prohibiting polygamy, liberalizing divorce and granting equal inheritance rights to women. (59)

Mahatma Gandhi placed the question of women's emancipation in its proper perspective as an integral part of a larger process of social transformation. For Gandhiji freedom of the nation was the sum total of the freedom

59. Ibid.
Gandhiji had shown us the light even in those early days of freedom struggle. "Women have been suppressed under custom and law for which man was responsible and in the shaping of which she has no hand ... Woman has as much right to shape her destiny as man has to shape his ... It is up to men to see that they enable them to realise their full status and play their part as equal of men". (61)

Gandhiji gave us right advice in dealing with the question of social injustice to women. He opined, "she has the right to participate in the minute details of the activities of man and she has the same right of freedom and liberty as he. She is entitled to a supreme place in her own sphere of activity as man is in his". (62)

Gandhiji was also against the double standard recognised by the society as one for man and the other for woman. He hated the vicious system of dowry and wanted it to be wiped off as soon as possible. He wrote:

"Any young man who makes dowry a condition for marriage discredits his education and his country


and dishonours womanhood"(63).

In 1971, the Government appointed a Committee on the Status of Women to examine and assess, among other things, the impact of the constitutional, legal and administrative provisions on the status of women over the past two decades. Its report, presented on the eve of International Women's Year, noted, in no uncertain terms, that:

"The majority of women are still far from enjoying the rights and opportunities guaranteed to them by the Constitution. Society has to yet succeeded in framing the required norms or institutions to enable women to fulfil the multiple roles that they are expected to play in India today. On the other hand, the increasing incidents of practices like dowry indicate a further lowering of the status of women. They also indicate a process of regression from some of the norms developed during the freedom movement ... The concern for women and their problems, which received an impetus during the freedom movement has suffered as decline in the last two decades. The social laws that sought to mitigate the problems of women in their family life have remained unknown to a large mass of women in this country, who are as ignorant of their legal

63. Young India, June, 6, 1928 quoted in Sharma, Radha Krishna, Nationalism, Social Reform and Indian Women, Janki Prakashan, (Delhi, 1982), p.47.
rights today as they were before Independence." (64)

Several studies undertaken since 1975 have further reinforced this assessment. These studies have shown "an alarming trend of continued deterioration in both their (women’s) condition and status"; more disturbingly, "the process of deterioration has accelerated" in the three decades since independence. The promise of equality has been found to be realised in the most part by small section of women, mainly of the urban middle classes. For the vast majority of women development has brought no benefits; in fact there is indisputable evidence of a steady decline in the status of women in society. (65) In a chapter devoted, for the first time, to women and development, the Sixth Five Year plan conceded that: "despite all development measures and the constitutional legal guarantees, women have lagged behind men in almost all sectors". (66)

The Committee on the Status of Women in India has rightly concluded that, "the entire exercise of our committees has indicated that in certain important areas and for certain sections of the female population there


has been regression from the normative attitudes developed during the freedom movement. Large section of women have suffered a decline of economic status ... Even after the promulgation of these laws (legal measures), the protection enjoyed by the large masses of women from exploitation and injustice is negligible. Though women do not numerically constitute a minority they are beginning to acquire the features of a minority community by three recognised dimensions of inequality of class (economic situation), status (social position) and political power. The chasm between the values of a new social order proclaimed by the constitution and the realities of contemporary Indian society as far as women's rights are concerned remains as great as at the time of independence."

Now the question arises why step-motherly treatment is meted out to our women folk. Should these innocent women continue to suffer in the hands of the society? Who are responsible for their miseries? Do the women take advantage of the privileges and rights conferred upon them by the constitution and other laws? Are the laws enacted for their social and economic uplift adequate? Why are the women burnt to death? These questions quite often strike in the mind of the right thinking people. Today, the people's consciousness has been aroused and a hue and cry is raised at such injustices. Newspapers have felt their

social responsibility and they are now prompt in reporting such cases. Several Women’s Organisations at regional and national level have also been actively championing the cause of women. Some of the important organisations among them are Women’s Indian Association (WIA), National Council of Women in India, (NCWI), All India Women’s Conference (AIWC), Seva Sadan, Mahila Dakshata Samiti, Saheli etc.

Indian Constitution has made a number of provisions for protecting the rights and status of women. The preamble of the constitution provides to all citizens of India equality of status and of opportunity as well as justice-social, economic and political. Article 14 of the Constitution provides that state shall not deny to any person equality before the law and the equal protection of laws within the territory of India. Article 15 prohibits discrimination on the ground of religion, race, caste, sex, place of birth or any of them. Article 15(3) empowers the state to make special provision for women and children. Article 16 provides for equality of opportunity in the matters of public employment.

Article 39(d) of the Indian Constitution provides that state shall direct its policy towards securing equal pay for equal work for both men and women. Article 42 makes provision for just and humane conditions of work and maternity relief. Article 51-A (e) in Part IV-A, the new chapter in Fundamental Duties provides that it is the duty
of every citizen to renounce practices derogatory to the dignity of women.

The fountain-head of legal policies is the Constitution of India. The question, very often, strikes in the minds of the scholars that why any provision relating to the dowry harassment had not been contained in the constitution. While it is evident that when the Constitution was adopted the women were being harassed and tortured for dowry. What was the reason that women were neglected relating to their dowry harassment. Dowry prohibition Act, 1961, was passed after the lapse of eleven years of the independence.

It may be noted that the fundamental rights and directive principles enshrined in the constitution for making women equal to men have remained pious hopes. Women have suffered discrimination in social, economic and political spheres. Their number in decision-making bodies in the Parliament and the State Assemblies is negligible. They get less wages than man for the same work. Instances of torture, harassment burning and rape have increased. They are not safe within the home or in the streets. That makes them more dependent on their husbands or other male members of the family. They are burnt alive by their husbands and in-laws to satisfy their greed for dowry. (68)

The Equal Remuneration Act (ERA) was passed in 1976 to provide for payment of equal remuneration to men and women for same type of work and to prevent discrimination on the ground of sex against women in employment.

Several other legislations have also been enacted to improve the status of women. In regard to marriage and divorce there are a number of statutes such as, Hindu Widow Remarriage Act, 1856, Child Marriage Restraint Act, 1929, the Hindu Marriage Act, 1955, the Special Marriage Act, 1954, the Hindu Women's Right to Property Act, 1937, Dissolution of Muslim Marriage Act, 1939, the Muslim Women (Protection of Rights on Divorce) Act, 1986, Christian Marriage Act, 1872, the Parsi Marriage and Divorce Act, 1936, etc.

The Dowry Prohibition Act, 1961, provides no real measures for redress if a woman finds herself being held to ransom. The Act provided six months imprisonment and a fine of Rs. 5,000/- or both for taking or giving dowry.\(^{69}\) The Dowry Prohibition Act, 1961, was sought to be amended because the definition of dowry was not clear enough to ensure the conviction of offences under the Act. Now the punishment has been enhanced and a minimum and maximum punishment limits have been laid down. The Government also had before it the 91st report of the Law Commission of India which offered various suggestions. The Dowry Prohibition (Amendment) Act, 1984, was passed with a

69. Section 3.
view to curb the dowry menace. It provides that the
offence is punishable with imprisonment which is not less
than six months, but which may extend to two years and
with fine which may extend to Rs. 10,000/- for taking or
giving dowry.\(^{70}\) The Amending Act has substituted the
words, "as consideration for the marriage" with words, "in
connection with the marriage".\(^{71}\) But the Act has been
found to be ineffective.

The Dowry Prohibition (Amendment) Act, 1986, was
enacted to put an end to dowry harassment and deaths. It
provides for the offence of giving or taking dowry a
punishment which may extend to five years and with a fine
which shall not be less than Rs. 15,000/- or the amount of
the value of such dowry, whichever is more.\(^{72}\)

Considering the increase in crimes against women and
inadequate protection to them some changes have been
effected in the Indian Penal Code, the Code of Criminal
Procedure and the Indian Evidence Act. Stringent
punishment was provided under the Indian Penal Code from
seven years to life imprisonment.\(^{73}\) The definition of
dowry death was changed, " to death of a woman within
seven years of marriage if the death was caused by burns
or their bodily injury and was preceded by dowry related

\(^{70}\) Ibid.
\(^{71}\) Section 2.
\(^{72}\) Section 3.
\(^{73}\) Section 304-B, I.P.C.
harassment. Burden of proof is also laid on the accused and suicide notes became admissible evidence in the court of law.

Inspite of taking a number of preventive measures by the Indian Government the dowry menace remains almost as usual. The Dowry Prohibition (Amendment) Act, 1986, has proved to be totally ineffective. The present Act has several loopholes. The framers of the present Act have failed to appreciate that dowry demands are not made only, "in connection with marriage" but they continue long after the event is over. Bride-burners are rarely punished. Thus, there are certain inherent difficulties in the way of prosecution and conviction for the bride-killers.

Justice Krishna Iyer once observed, "how can parliament make society perfect when the community suffers from genetic distortions and government lacks the will to equalize? The law has abolished dowry, but what is the bride's burning lot? The legal equality of the sexes cannot be achieved until and unless the support rights and duties are drastically altered."

Minnattur rightly observed that, "from a study of the ameliorative legal provisions relating to women and the actual situation in which they find themselves, it is

74. Ibid.
clear that something more than legislation is required. Perhaps the first attempt is to make women aware of their rights. (76)

Education, particularly formal education has a very significant role to play in accordance to the social status of women. Education is a major avenue of upward social mobility (77). Education is the key that opens the door to life which is essentially social in character (78). It is a guarantor of this to women belonging to different social groups. Stub makes a very pertinent remark in this direction, "No one doubts that there is a close relationship between education, social stratification, and mobility. In studying social life, sociologists rely heavily on factors related to the stratification of society; and education ranks high on the list of important stratification variables." (79)

Mumtaz Ali Khan and Noor Ayesha in their book, Status of Rural Women in India, have rightly commented that there are various family matters on which decisions...

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78. National Committee on Women's Education, p. 6.

79. Stub, Holger R. op. cit.
are generally taken by men. Women are quite often not even consulted. This is because of the feeling among men that women are incapable of expressing their decision due to illiteracy among them. It would mean that if women were educated, they would acquire the capacity to participate in decision making. Robert observes that, "the balance of power is after all an interpersonal affair, and the wife's own characteristics can not long be disregarded if we are to understand who makes the decision." (81)

It is not surprising, therefore, that women have a low position in this society which is reflected in lower life expectancy, lack of access to education, health and employment opportunities, widespread practice of female neglect and abuse, such as wife beating, leading to female suicide and bride-burning as the ultimate fate for the hundreds of powerless women every year. (82)

More often than not women are seen as object of change rather than agents of change, imitators rather than initiators, bystanders rather than full participants. Despite legal and constitutional privileges marked

80. Khan, Mumtaz Ali and Ayesha, Noor, op. cit, p.8.
inequalities persist between men and women. \(^{(83)}\)

The life of women in India is still surrounded by violence, neglect and exploitation. What is the price fixed for women's services night and day within the household? Love is the reward, it is said; where is the reward if the husband and the in-laws do not appreciate the bride's services? Perhaps no where, except the fire on her clothes and her body. This is happening every where in our country these days and the number is increasing alarmingly. Even the educated and urban and well informed women are exposed to such events.

Several researches have been conducted by a number of scholars relating to the problem of dowry, wife battering, violence against women and so on. But no research has been done on the problem of 'bride-burning' by criminologists or sociologists applying theoretical perspective, criminological definitions and criminological terms. At this juncture, it is high time to prove and research in the realm of 'bride-burning' leading to the practice of dowry.

In this perspective the present study aims 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 of Study

The basic aim of work is to describe the various aspects and causes of this menace and to throw light on the extent of the fast spreading evil. The malady is deep rooted and has its origins in several social, economic and psychological factors. 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 objective of the present study is to find out ways and means for prevention and control of bride-burning cases. There is need to supplement the punitive measures by appropriate preventive measures.

Keeping in view the prevailing situation an indepth study of the subject is need of the day; so that suitable measures may be suggested and incorporated in the statutes for combating and eradicating the evil.

Objectives of the Present Study

The present study was undertaken keeping in view the following broad objectives:

(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.

Chapterisation

Chapter I of this study is devoted to statement of problem and its extent in Indian society. In recent years not a day passes without a newspaper carrying reports of bride-burning or suicide committed by young women due to lack of dowry or any other reason. A bride with insufficient dowry or without dowry suffers violence, harassment, battering etc. in her matrimonial home.

Violence against women is not a myth, but a reality. It exists everywhere and India is no exception. Even today, various forms of violence against women are prevalent in our society, though many cases remain unreported due to cultural norms, apathy or ignorance. They may manifest themselves directly in dowry related violence, wife-battering, bride-burning (dowry-murder), suicide, foeticide or verbal abuses. But the dowry related
violence and bride-burning are unique violences against women in Indian society. Chapter II 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 accounts for various factors that are supposed to be responsible for dowry related crimes. The cruel system of dowry has become one of the greatest evils 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 to young married woman is the desire to extract more and more dowry from her parents.) The demand of dowry 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. 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 girl's parents. She is forced to ask for more dowry from her parents and if she is unable to satisfy the demand, she is illtreated, 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 but other factors are also conducive. Apart from, socio-economic inequalities are also responsible for bride-burning.
Chapter IV discusses different patterns of aggression against the brides. Various patterns of aggression adopted against the young brides 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, beaten to death etc. This chapter analyses the data on pattern of aggression on all India basis as well as in State of Uttar Pradesh and in KAVAL Towns.

Chapter V is based on field survey which was undertaken to provide 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.

Chapter VI is intended 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, 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 focuses attention to 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 (FIR), initiation of investigation, interrogation, recording of dying declaration, examination of witnesses, final report/chargesheet 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.

On the basis of the discussions and findings in the preceding chapters, inferences and conclusions have been drawn which find place in chapter VIII of the present study. The study revealed the several shortcomings of the system. Several suggestions have been made in this chapter for improvement at legal and social level to check the problem.

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'. It seeks to examine the basis of differential practices of 'bride-burning' among various social groups in contemporary urban as well as rural setting and the socio-economic backgrounds of persons who practice in it. An attempt has also been made to see whether the 'bride-burning' is prevalent in upper class or lower class families and whether it is more prevalent in literate or illiterate families.

Material Used

In collection of textual material, 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. These reports contain valuable information for the present study.

The statutes and case-law are two primary sources of legal material. In the analysis of legal material, statutory provisions relating to dowry harassment and bride-burning (dowry-death) have been examined extensively. Commentaries, Law Reports and Digests were scanned thoroughly.

The Reports of Law Commission of India also have touched upon the aspect of the bride-burning (dowry-
death). The analysis of the case law enunciated by the Supreme Court and High Courts is the backbone of any legal research. A close scrutiny of the above mentioned legal material provided an opportunity to develop various hypothesis which were verified from the field survey. The existing data from the newspaper’s reports have been used for theoretical and conceptual understanding of the phenomenon of bride-burning from the socio-legal perspective.

Area of Study

The screaming headlines of newspapers and other media reports point to the alarming increase of bride-burning and incidence of dowry harassment all over the country. The gigantic nature of the problem makes it impossible to conduct survey on all India basis. Instead of macro study, a micro study of the problem has been planned. It is hoped that similar studies in other parts of India will bring out many ramifications of the problem. It was, therefore, thought necessary to limit the study to KAVAL Towns of Uttar Pradesh. The State of Uttar Pradesh has emerged as a leading state in the menace of bride-burning. Another rationale for restricting the study is that as such it is not humanely possible with limited resources and means available to the scholar to conduct a larger survey. Though, the study covers all the KAVAL Towns but an intensive field survey was conducted in one
of the towns namely 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.

Data Collection

Data were obtained from the Published Reports of the Governmental Agencies. This provided insight into number of cases on all India basis. Published Reports were also scanned to obtain figures from Uttar Pradesh. The District Administrations and the Police Departments of the KAVAL Towns were also approached to collect latest figures regarding reported cases of bride-burning (dowry deaths) and dowry harassment. The figures were also collected from the Police Headquarters at Lucknow. This gave an opportunity to make necessary corrections in the tabulation of data relating to KAVAL Towns.

Survey

A field survey was planned to verify the various hypothesis drawn from the legal material relating to the nature and extent of bride-burning. In a number of cases, the incidence of bride-burning is not reported to the police either because the dead body of the victim is cremated in secrecy or given the colour of suicide. In the absence of such reporting, it is difficult to identify the cases of bride-burning. Further, it is difficult to
collect information about cases extending over a long period of time. We, therefore, limited our exercise to those cases which have been reported to the police during the year 1987 to 1992. The police do not want to disclose the names and addresses of the victims for reasons of secrecy and to avoid complications which otherwise could have arisen in the court cases. However, we got the permission from the Deputy Inspector General of Police (Agra range), Senior Superintendent of Police of Agra and Aligarh Districts to obtain the copies of the First Information Reports (FIRs) for the present study.

Database

The field survey was conducted in the Districts of Agra and Aligarh during February 1993 and May 1993. In the first instance all the reported cases of bride-burning (dowry death) registered at various Police Stations of Agra and Aligarh Districts during the period of 1987 to 1992 were examined and the copies of First Information Reports (FIRs) were collected. These FIRs formed the basis of further information.

For selecting a suitable sample from among such cases it was decided to first have the list of cases of bride-burning registered to the police. We approached different Police-Stations of Agra and Aligarh Districts and collected 250 cases of bride-burning (dowry death). From among such cases, a sample of 208 cases of bride-
burning, where complete record was available, were finally selected. In all these cases the victims were in the age group of 16-30 years.

With a view to securing relevant information interviews of some of the available parents of the victims, the Investigating Officers and some of the advocates dealing with the cases of bride-burning were conducted. A mass of information was, thus, obtained. Besides, the victims’ husbands, in-laws of victims’ and victim themselves, if alive and neighbours were also approached for collection of additional information.

Statistical Analysis

No specific statistical method has been used in quantitative analysis of the data. However, in order to demonstrate the central tendency of the phenomenon of bride-burning the analysis was made by working out distribution of figures, constructing diagrams and calculating simple measures by using percentage method. It is on the basis of simple percentages that the data had been analysed, interpreted, inferences drawn and findings recorded.