
LAW AS A TOOL OF SOCIAL ENGINEERING DOWRY DEATH IN ASSAM: A SOCIOLOGICAL ANALYSIS

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ABSTRACT

This paper delves into the pervasive issue of dowry deaths in Assam, India, despite the existence of laws prohibiting dowry practices. It examines the historical roots of dowry and its evolution from a token of love to a social evil that leads to tragic consequences such as bride burning and female infanticide. The sociological aspects of dowry are explored, highlighting the influence of patriarchal structures, cultural assimilation, materialistic attitudes, and the rise of the neo-middle class. The paper presents a grim picture of the rising cases of dowry deaths in Assam, backed by statistics and notable cases. It discusses the economic factors contributing to dowry demands and the resulting financial burden on families. Additionally, the study analyzes the relevant laws in India, including the Dowry Prohibition Act, Indian Penal Code, and Indian Evidence Act, aimed at curbing dowry-related crimes. In conclusion, the paper underscores the urgent need for education, awareness, and stringent enforcement of laws to combat this deeply rooted social issue and ensure gender equality in society.

1. INTRODUCTION

It is surprising to note that even in the days of the 21st century; when men and women should have equal rights and liberties across the World, Indian society is still engulfed in social evils such as the caste system, dowry system, gender inequality, superstitions, etc. In the last decade or so, perhaps other social issues may have received more attention but dowry is nowhere near being eradicated from society, instead, it has flourished and spread across all the levels of society. It is increasing day by day owing to the prevailing lifestyle and socio-economic structure in the family. Dowry is paying cash or giving valuable gifts or estate by the bride's family to the bridegroom upon marriage. In the legal sense, "dowry is any

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property or valuable security that is given or agreed upon is supposed to be given, by one party to a marriage to the other party, either directly or indirectly, at or before or after the marriage as a consideration.”² As the practice of dowry is not newly introduced, it’s a traditional practice, as in Indian context dowry had the rich well status as, it was considered as the highest form of a Brahmin marriage, associated with ideas about Dakshina or gift of daughter to the groom’s family. Initially, it was considered as a token of love offered to the daughter by her parents in form of gifts at the time of her marriage, but in due course of time, it deteriorated into a social evil among the people of both towns and villages, as it became an institution that resulted in suicide, bride burning, female infanticide, and cruelties. In India, women are not even safe, so promises to address the gender gap are far from reality. According to a report of the National Crime Record Bureau (NCRB), “every 1.6 minutes a crime committed against women is recorded in India. In every 16 minutes-a rape case is recorded in our country, every 1 hour 7 minutes-a woman is a victim of dowry death. A woman becomes a victim of cruelty by her husband or in-laws every 5 minutes and so on.”³ Assam is a state in North-East India where different ethnic groups live together. In recent times, dowry death is a burning issue in Assam and as per officials cases related to crimes against women have increased in Assam; many genuine cases are not even reported. Unfortunately, the news of dowry death is being so neglected by the media and even if addressed, the news gets a place of few lines of an inner page. This social evil is resulting in the deaths of women, due to the patriarchy in the society.

2. REVIEW OF LITERATURE

Ahuja, Ram (2009) in his book “Violence against Women” discusses that some scholars do not see violence against women or wife battering as a problem of criminal violence, but rather as a social problem of human welfare and a social issue of changing women's status in the family and society. Contrary to popular belief, the issue of dowry death is not regarded as a private family matter, but rather as a serious problem of criminal violence that needs to be addressed by the public, the intellectual community, and the criminal justice system.

Dr. Arya, Anita in her book “Indian Women”, discussed about the experience of a grass-roots worker who is actively engaged in social activities and interacts with the general public. She also seeks to provide information on gender and economic participation, as well as the issues

² The Dowry Prohibition Act, 1961(Act No. 28 of 1961)

³ National Crime Record Bureau’s “Crime in India” Report, 2019.

that working women face on a variety of levels.

3. HYPOTHESIS

Following the enactment of dowry prohibition laws in India, there has been a substantial decrease in matrimonial crime rates in Assam.

4. OBJECTIVES

This paper attempts to meet the following objectives:

- i. To understand the concept of dowry and study the problem of dowry death in Assam.
- ii. To discuss the Laws passed for the prevention of Dowry practices in India.

5. RESEARCH QUESTION

Why there is a sudden increase in cases of crime against women, especially dowry deaths in the state of Assam?

6. METHODOLOGY

This is based on a descriptive research design. To prepare this paper, the data has been collected from various secondary sources such as; books, journals, newspapers, and other internet sources, etc.

7. HISTORICAL BACKGROUND OF DOWRY

To understand the origin of dowry, we need to analyze the historical background of dowry and the position of women through ages. It is believed that during the Vedic period, women were quite educated and civilized and marriage was not merely a social contract but a necessity in law and women enjoyed a place of dignity. Dowry was only prevalent in rich landlords in form of movable gifts and only monogamy was an established system. But in the later Vedic period, the condition of women deteriorated as a new concept changed everyone's perception towards women and that concept was- that women are the root cause of all evils in society. It was during this time that the family of the bride had to gifts and money to the groom's family as this was taken as an alternative to bloodshed that would normally occur as capturing of the bride was prevalent at that time. The cultural practice of dowry is often traced from the Hindu Text 'Laws of Manu' which states that dowry is a type of inheritance for women. It is also called 'Stridhan'. In "varadakshina", the father of the bride gifts the groom cash or kind. This could be done voluntarily and out of affection and love. According

to Kautilya, “means of subsistence or jewelry was called as the property of the woman and there is no guilt for a wife to make use of this property in maintaining her son, her daughter-in-law, or herself if her absent husband has made no provision for her maintenance”⁴. India was primarily an agricultural economy during the medieval years. In those times, high dowries were demanded by the Mughal rulers and Nawabs and the Rajput kings had to give dowries to ensure that their daughters lived comfortably and safely after their marriage. However, the system was confined to the ruling classes, Rajput and Brahmins. In the lower caste, the female member was considered as an asset for the family, who is useful for agricultural labor and other traditional occupations. In the wake of Sanskritisation, the lower castes intimated the practice of dowry, due to which they had to borrow money to give dowry which resulted in, that the poor Rajputs in Rajasthan started killing their newly born baby girl due to fear of dowry.

8. SOCIOLOGICAL ASPECT

To understand the sociological aspect behind dowry, the theory of Marxist/socialist feminism is being referred to here.

➤ Theory of Marxist/ Socialist Feminism

The theory of Marxist/Socialist feminism was founded by Karl Marx, later it was followed by Friedrich Engels. According to Engels, women's capacity for both domestic and sexual reproductive labor became a key commodity as early human societies became more agrarian and the notion of private property became more and more bound to inheritance. Marxists believed that women were considered as unequal to men, not because of a direct conflict of interest between genders, but because of the working out of class oppression. According to Marxist theory of gender, men were primarily responsible for the domestic sphere, while women were not subordinate to men and were primarily responsible for reproductive activity. Because of patriarchal attitudes, it is expected that a woman should be in charge of household chores before taking on the job. Women have become reliant on their families to fulfill their basic needs as a result. As a result, the patriarchal attitude's unequal preferences for women reveal the society's gender bias.

9. DISCUSSION

Dowry is a socio-structural phenomenon that varies from region to region, culture, caste,

⁴Rangarajan, L.N. (1992). Kautilya: The Arthashastra. India: Penguin.

class, and religion. Dowry is generally given to the parents of the groom, but in recent times particularly in the urban areas, dowry is claimed as a right by the newly married couples, particularly in the form of items which are specially meant for them and their newly established household. The common thinking of the groom's parents is that they have sacrificed and spend a lot to educate their son, so it's their right to demand dowry but they don't think the same by placing themselves in the shoes of the bride's parents, even they have to spend a lot to educate their daughter and for giving her a comfortable life. Even today, the unnatural death of a newly married woman due to dowry is a popular headline in newspapers and the internet. Assam heads the list of is documented crimes against women, including rape, kidnapping and abduction, dowry deaths, and cruelty by husbands and relatives. According to data collected and tabled before the Assam Assembly by the state home department, there has been a more than two-fold increase in rape and dowry cases in Assam over the last six years. Dowry-related deaths are rising in the state. There was hardly ever a dowry case in Assam before. However, in recent years, it has not only harmed the traditional Assamese social fabric, but has also claimed many lives.

9.1 Some important dowry death cases in Assam

- In August 2005, a man in Barpeta set fire to his wife and child, killing them both. The police later discovered that the husband did it solely for the sake of dowry. The High Court sentenced him life imprisonment after learning the facts of the case.
- On 2015, 12 September, a housewife died from her burn injuries after her husband allegedly set her on fire by pouring kerosene on her body for dowry at West Lakshmipur village in Sadar Upazila. According to police, the couple had only been married for three months when the husband began demanding a large sum of money as dowry from his wife and torturing her for it.
- October 25, 2015, a woman was set on fire by her husband and mother-in-law in Marigaon district. She was murdered for dowry, according to the police report, and she was pregnant at the time, according to the post-mortem report.
- A woman named Jonali Talukdar was reportedly set on fire by her husband Pankaj Talukdar in June 2018 in Barpeta, after he poured kerosene on her body, is another horrific case of dowry death.
- In December 2018, a woman named Bintumani Hazarika was burnt alive by her in-laws at Mangaldai in Assam as her family could not meet their dowry demands.

- In March 2019, a woman from Assam's Goalpara district was allegedly set on fire at night by her husband and in-laws. The victim's family told the police that her in-laws tortured her and demanded dowry from her father's family on a regular basis.
- "In November 2020, a 25-year-old newly-married woman was allegedly murdered by her husband's family for dowry in Sarulah village of Sualkuchi about 35 km north of Guwahati."⁵

According to National Crime Records Bureau (NCRB) Report, 2018, during the year, 173 dowry deaths were recorded in Assam. It was 18 in Tripura. One dowry death was registered in Meghalaya and Sikkim. Other states in the north-eastern region have not reported any incidents. The total number of people in the country was 7,166.

States	Dowry Deaths (Sec.304B – IPC)
Arunachal Pradesh	0
Assam	173
Manipur	0
Meghalaya	1
Mizoram	0
Nagaland	0
Sikkim	1
Tripura	18
India	7166

Source: National Crime Records Bureau (NCRB) Report, 2018.⁶

"The National Crime Records Bureau statistics also reveals that crime against women in Assam has been constantly on the rise with a steady increase of registered cases. The figure was 20,869 in 2016, which was increased to 23,082 during 2017 and 27,728 during 2018."⁷

9.2 Social Factors of dowry death

Dowry Death is a social sin that has been a leading cause of unnatural deaths among newlywed females for years. It's difficult to pinpoint a set of factors that contribute to the dowry custom.

⁵ "Newly-wed woman 'killed' over dowry in Sualkuchi", The Times of India, November 19, 2020.

⁶ National Crime Records Bureau (NCRB) Report, 2018.

⁷ National Crime Records Bureau (NCRB) Report, 2016, 2017 and 2018.

- **Patriarchal structure:** Patriarchy is in the domain of the home, with father figures wielding authority over women and children. The patriarchal system dominates social rules and regulations in Assam. As a result of men's patriarchal attitudes, women remain in a subordinate position in society. As a result, they often face dowry issues from the groom's family, which sometimes lead to dowry death.
- **Cultural Assimilation:** Cultural assimilation is the process by which different groups of people attempt to learn about the culture of others by adopting their customs and traditions. Assamese people have borrowed the notion of dowry from other cultures. However, it has now become a dangerous issue in Assam.
- **Materialistic Attitude:** The only reason for the deterioration of society's values is a materialistic mindset. Physical comforts and the acquisition of riches and material possessions are valued more highly by materialistic values than moral, intellectual, and cultural values. A change in people's attitudes toward men and women's equality is commonly viewed as a materialistic mentality.
- **Increasing Rate of Neo- Middle class in Assam:** Increasing the number of neo-middle class families in Assam is also a major cause of dowry in the state, as people believe in taking and giving dowry as a status symbol, and they also create a trend that all neo-middle class people should take dowry to maintain their status.

9.3 Economic Factors

The system of dowry is influenced by a variety of economic factors. Some of these include inheritance structures and the bride's financial status. Some argue that economics and weak legal institutions in the area of inheritance put women at a disadvantage, with inheritances going to sons only. Some people believe that money, wealth, or other movable goods provide women with economic and financial security in their marriage. This prevented the disintegration of the family's wealth while also providing security to the bride. Dowry has become a greater financial burden for many families, and the demands of the groom can leave families destitute. Over time, the demand for dowry has grown.

10. LAWS RELATED TO THE PREVENTION OF DOWRY PRACTICES IN INDIA.

- **Dowry Prohibition Act, 1961.**

Penalty for giving or taking dowry (Section 3)⁸ – If anyone gives, takes, or helps in the giving or taking of dowry after the commencement of this act, they will be sentenced to a minimum of five years in prison and a fine of not less than fifteen thousand rupees, or the value of the dowry, whichever is greater.

Penalty for demanding dowry (Section 4)⁹ – If any person directly or indirectly demands dowry from the parents, family, or guardians, of the bride or the bridegroom, they shall be sentenced to a minimum imprisonment of six months and which shall extend to two years, as well as a fine of ten thousand rupees.

- **The Indian Penal Code, 1860 (Section 304 B)**¹⁰- If a married woman dies as a result of burns or bodily injury, or in unusual or suspicious circumstances, within seven years of her marriage, and it is clearly shown that she was subjected to cruelty, harassment, or torture by her husband or any of his relatives or in-laws for, or in connection with, any dowry demand, such death will be referred to as a "dowry death," and such husband, relative, or in-laws will be deemed to be the cause of her death. Those who commit dowry death face a minimum sentence of seven years in prison, with the possibility of life imprisonment.
- **The Indian Penal Code, 1860 (Section 498 A)**¹¹- deals with a woman's spouse or a relative of her husband torturing her.- Whoever subjected a woman to abuse, assault, or torture while a husband, relative, or in law of a woman is punishable by up to three years in prison and a fine.
- **The Indian Evidence Act, 1872 (Section 113 B)**¹²- presumption as to dowry death.-

Where the question is whether a person caused the dowry death of a woman and it is shown that such woman was subjected to cruelty or abuse by such person shortly before her death for, or in connection with, any dowry demand, the Court would presume that such person caused the dowry death.

11. SUGGESTIONS

- Education is a strategy for raising public awareness about such issues so that moral and ethical values can be instilled in individuals to avoid problems.

⁸ The Dowry Prohibition Act, 1961(Act No. 28 of 1961), section 3.

⁹ The Dowry Prohibition Act, 1961(Act No. 28 of 1961), section 4.

¹⁰ The Indian Penal Code, 1860, section-304B.

¹¹ The Indian Penal Code, 1860, section-498A.

¹² The Indian Evidence Act, 1872, section-113B.

- Belonging to the generation of 21st century, if dowry is being offered or taken during wedding, both bride and the bridegroom should reject dowry for the marriage.
- To demonstrate their opposition to the dowry issue, women should boldly raise their own status.
- The media, both print and electronic, should take such incidents very seriously in order to prevent dowry deaths in future.
- The imposition of harsh penalties on those found guilty of such crimes can also help to produce a deterrent effect.

12. CONCLUSION

As a result of the above discussion, it can be concluded that gender crimes have increased in Assam in recent years. The real rate of dowry death in Assam cannot be accurately measured because it is rapidly rising day by day. When the fear of dowry stalked every girl and her family in the rest of India, the Assamese society was totally unaware of the concept. Although dowry-related deaths in Assam have been reported in the past, but in today's time, Assam has the highest rate of dowry death when compared to other states in North East India. Dowry was not previously a part of the Assamese community, but it has now evolved into a dangerous aspect of Assamese society. Women now have to be afraid in every aspect of their lives. Despite the fact that women have become more educated and have begun to work in the public sector, they continue to be dominated by male members in both the public and private sectors. Women do not have equal rights, despite the fact that the Indian Constitution declares the Right to Equality to be a fundamental right of every Indian citizen. Women even in the twenty-first century are victims of gender crimes, such as Dowry Death. In a society, women make up half of the population; if this type of evil exists, the society will not grow in the true sense. The dowry system's ills must be eradicated at all costs. The government has passed anti-dowry legislation in response to public pressure, but they have not yielded the desired results as to get the desired results, firstly people have to update their mentality and stop discriminating between male and female. If this evil is to be eradicated, people in society must make an effort to act rationally and give equal rights and opportunities to both men and women because they are like two wheels to a cart, if one wheel is broken the cart can't go ahead.

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