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WHITE BLACK LEGAL is an open access, peer-reviewed and refereed journal providededicated to express views on topical legal issues, thereby generating a cross current of ideas on emerging matters. This platform shall also ignite the initiative and desire of young law students to contribute in the field of law. The erudite response of legal luminaries shall be solicited to enable readers to explore challenges that lie before law makers, lawyers and the society at large, in the event of the ever changing social, economic and technological scenario.

With this thought, we hereby present to you

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RESEARCH ON DOWRY DEATH

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ABSTRACT

The repercussions of determining the cause of death are substantial. It has an impact on the deceased's reputation, their family, people who may have been engaged, and future epidemiological and sociological studies and policy. This study focuses on the categorization of burn-related fatalities among women in India, especially the assessment of 'dowry death', a classification peculiar to India. The categorization of death is controlled by legislative rules intended to safeguard vulnerable women from dowry-related violence and abuse. The conclusions are based on a variety of studies and publications. A death's classification is determined by a number of circumstances, including the proof accessible to physicians, victims, victim families, the victim's spouse and family, and, finally, the police. There is a possibility of alteration in identifying the proof which may result in injustice with victims and alleged offenders.

KEYWORDS: DOWRY, DEATH, MARRIED WOMEN.

INTRODUCTION

Dowry death is a grave matter that pertains to the tragic situation in which a woman is either murdered or compelled to take her own life due to her husband and his family's discontentment with the dowry given. It is a manifestation of domestic violence that frequently reaches its peak after a sequence of mistreatments. In India, dowry death is legally defined in Section 304B of the IPC, and it is taken into account when a woman passes away due to burns, physical harm, or any other suspicious circumstances within a span of 7 years after marriage.

The Indian Evidence Act, specifically Section 113B, establishes the precondition of dowry death when a woman has been a victim of cruelty or harassment by her husband or his relatives in relation to dowry demands shortly before her demise. This legal provision is reinforced by the Dowry Prohibition Act of 1961 and subsequent amendments to the IPC, which aim to address and combat such occurrences. However, despite these legal safeguards, dowry deaths persist, highlighting the deep-rooted cultural and societal issues that persist in valuing women based on their financial contributions to a marriage. This serves as a stark reminder of the obstacle's women continue to face, emphasizing the ongoing need for efforts towards gender equality and the protection of women's rights.

OBJECTIVE

The issue of dowry death is very serious. It really needs a lot of attention by the society. There are many developments happening in our society but this issue is still not been looked upon seriously. With this research paper I would like to highlight the readers that we should be as a individual bring out the change in our society by creating more awareness and education. The topic should be discussed in various platforms to address the issues. The research talks about the reasons of dowry death, role of media and the punishment for dowry death.

NECESSARY COMPONENTS

- Fatality should result from burns, bodily harm, or any other situation.
- The demise must transpire in seven years of the wedding
- It is imperative to disclose that shortly prior to her marriage, she endured mistreatment or abuse from her spouse or any other family member.
- The mistreatment or abuse inflicted upon her must be linked to the request for dowry.

THE CONNECTION BETWEEN 113-B OF EVIDENCE ACT AND SECTION 304-B OF IPC

The connection between both the acts is critical. The prosecution has the ability to present initial charges based on a higher likelihood of probability. Once the existence of natural phenomena is

established or a connection is made through various possibilities, the presumption of innocence is replaced by the assumption of guilt towards the accused. As a result, the burden of proof shifts towards the defense, requiring them to present contrary evidence in order to challenge these assumptions.

CASE STUDY

The primary cause of dowry death (section 304B, IPC) were outlined by the Supreme Court in the case of Kamesh Panjiyar vs State of Bihar, 2005.

These elements include:

1. The death of a woman should be because of by burns, bodily injury, or any other means that are not considered normal.
2. The death should be within seven years of her marriage.
3. The woman must have been faced cruelty or harassment by her husband/ relative of her husband.
4. The cause of cruelty/ harassment should be related to the demand for dowry.
5. The proof needs to be established that woman had experienced such cruelty or harassment shortly before her death. In the case mentioned, Jaikali Devi and the appellant were married in 1988, with a dowry of Rs 40000 being paid.

FACTS OF THE CASE:

However, on her second Bidai, the groom's side requested a she-buffalo, which was not offered. The victim had constantly complained about her spouse and his family's abuse and disrespect. On November 28, 1989, the deceased's brother heard sightings of her murder and came to the appellant's the village with his father, brother, and uncle. They uncovered the deceased's body lying on the verandah, with blood streaming from her lips and traces of assault on her neck.

JUDGEMENT OF THE CASE:

The spouse was found guilty under section 304B of the IPC during the trial, and he was given a ten-year jail sentence when the Sessions Court determined that the death was not a result of natural causes. After receiving an appeal, the High Court affirmed the judgment but lowered the term to seven years.

Next, the spouse filed an appeal with the Supreme Court. The Supreme Court held that in order to prove an offense, there must be substantial evidence or supporting circumstances, as per the joint interpretation of section 304B of the Indian Penal Code and section 113B of the Indian Evidence Act.

ROOT CAUSE

The root causes of dowry deaths are complex and multifaceted, deeply embedded in cultural, economic, and social practices. Here are some key factors:

- 1. Financial Variables:** Share should be visible as a type of monetary security for the lady; however, it likewise mirrors the financial status of the family. In certain occasions, the husband's family sees the settlement as pay for the expense of bringing up and teaching their child.
- 2. Social Practices:** The settlement framework has verifiable roots and is many times supported as a customary practice. It is much of the time seen as the method for guaranteeing that the lady of the hour is monetarily secure in her home.
- 3. Gender Inequality:** Settlement passings are a sign of firmly established orientation imbalance where ladies are in many cases seen as monetary weights. This disparity can prompt brutality against ladies who can't fulfil share needs.
- 4. Legitimate Implementation:** While settlement is unlawful, authorization of the law can be careless, and the training go on in different structures. This absence of implementation encourages the individuals who request endowments and can prompt unfortunate results.
- 5. Absence of Education and awareness:** Absence of education and awareness about the lawful and moral ramifications of share can propagate the practice. For the most part ladies who are uneducated and come from unfortunate foundation are survivor of share.
- 6. Pressure:** There is many times enormous strain on the lady's family to give a share, and inability to live up to the assumptions can prompt provocation and brutality

Addressing these root causes requires a multifaceted approach, including legal reform, education, and changing societal attitudes towards gender and marriage.

ROLE OF MEDIA IN PERPETUATING OR CHALLENGING THE ISSUE.

The media plays a dual role in the context of dowry deaths, both perpetuating and challenging the issue:

Perpetuation: Media can sometimes inadvertently perpetuate the issue by normalizing the dowry system through its portrayal in entertainment media. Films and television shows that depict dowry as a traditional and unproblematic part of marriage can reinforce the practice¹. Additionally, sensational reporting on dowry deaths without adequate context or analysis may desensitize the public to the severity of the issue.

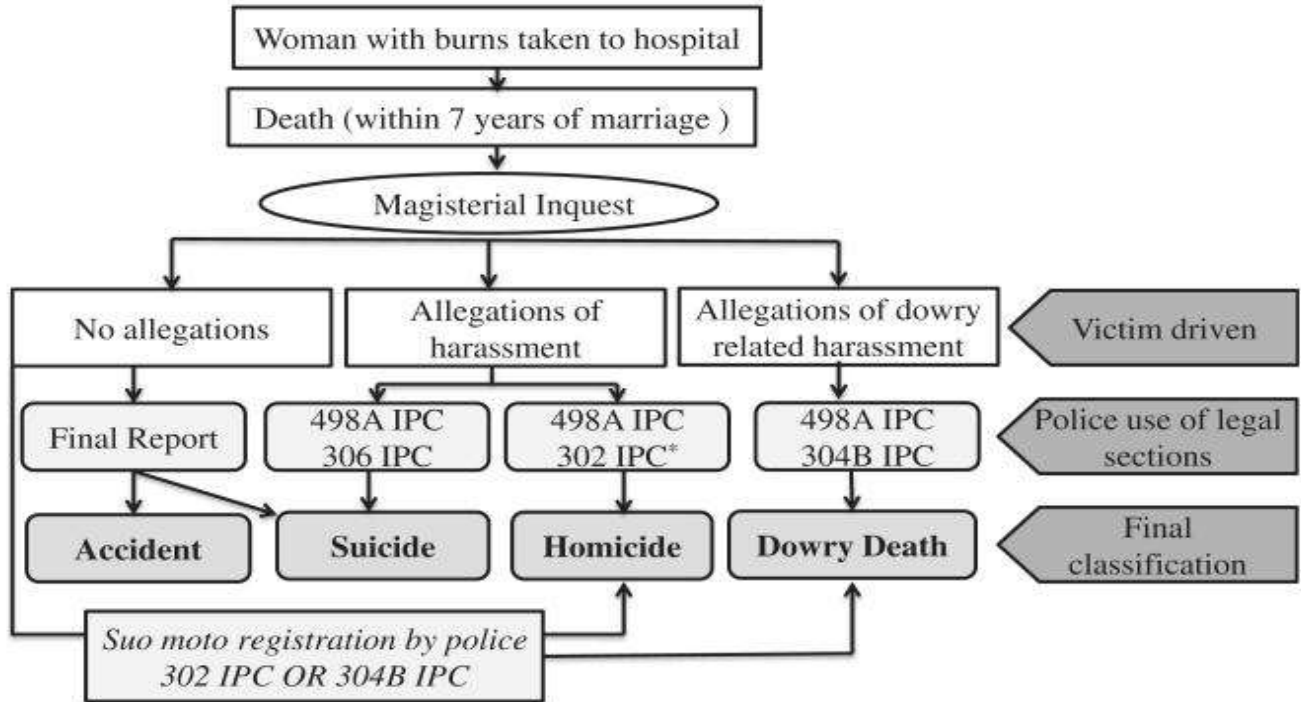
Challenging: On the other hand, media has been instrumental in raising awareness about the negative consequences of dowry and dowry deaths. Investigative journalism, documentaries, and socially conscious media content can highlight the plight of victims and the need for societal change¹. Media campaigns and discussions can also help in educating the public, advocating for stronger enforcement of anti-dowry laws, and promoting gender equality².

Moreover, studies have found a significant relationship between women's exposure to media and dowry deaths. Areas with higher proportions of women without exposure to media tend to have higher occurrences of dowry deaths¹. This suggests that media, when used effectively, can be a powerful tool in combating the issue by informing and empowering women, as well as influencing public opinion and policy.

PUNISHMENT FOR DOWRY DEATH

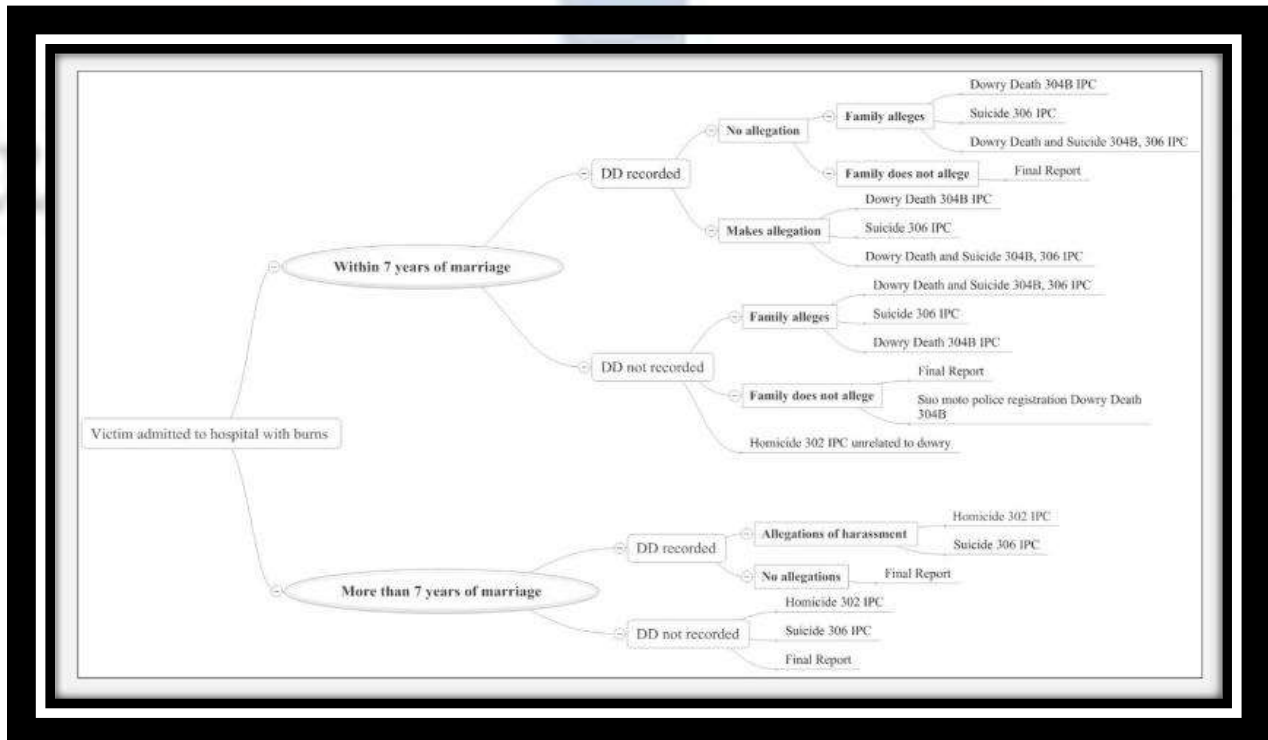
In India, the penalty for dowry death is rather harsh. The Indian Penal Code's Section 304B states that anybody found guilty of dowry death faces a minimum sentence of seven years in jail and a maximum sentence of life in prison. This illustrates how seriously the Indian judicial system takes the matter, hoping to prevent similar crimes and give victims' justice.

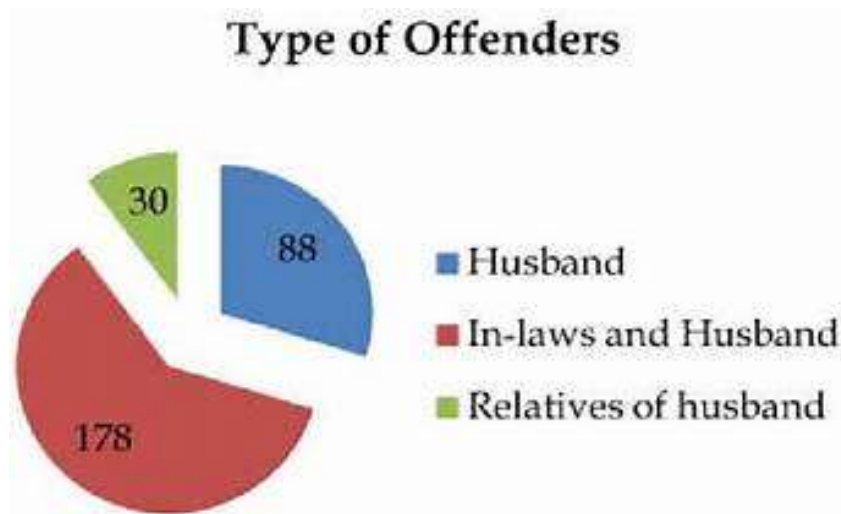
PUNISHMENT FOR MURDER



*Punishment for Murder.

VICTIM ADMITTED TO HOSPITAL WITH BURNS





CREDIT:https://www.researchgate.net/figure/Dowry-deaths-Offenders-involved_fig3_318903157

RECENT CASES OF SUCCESSFUL CONVICTIONS FOR DOWRY DEATH.

Yes, there have been recent cases of successful convictions for dowry deaths in India. For instance, more than 15 years after a woman's death, a court in New Delhi convicted her husband and his relatives for dowry death and cruelty. The court found that the woman, Bharti, was found dead under abnormal circumstances within 1.5 years of her marriage, and the accused were held responsible for her death related to dowry demands.

Another case involved the Supreme Court of India, which provided guidelines for the trial of dowry death cases in the featured judgment of Satbir Singh & Another v. State of Haryana. These examples show that while convictions can sometimes take a considerable amount of time, the legal system is actively working to address and penalize the perpetrators of dowry deaths.

CONCLUSION

The research explains the Dowry death, its real cause and the media role. It has mentioned the punishment for dowry death. While doing the research it helped me understand that there is a lack of education and awareness among people. To stop this practice of dowry we should come as a individual come up with campaigns and various projects which can ban dowry. The stricter policy and laws

should be made aware to people to avoid in getting such practices.

It is recognized that a woman's death that occurs during seven years of her marriage should continue to be classified as victim-centered. However, I propose that in order to evaluate the veracity of the victim and family statements that have been acquired, the current investigation methods should systematically entail the collection and analysis of forensic and physical evidence.

REFERENCES

https://r.search.yahoo.com/_ylt=Awr93OeUnvJIXkQANCdXNyoA;_ylu=Y29sbwNncTEEcG9zAzUEEdnRpZAMEc2VjA3Ny/RV=2/RE=1711608725/RO=10/RU=https%3a%2f%2fwww.ncbi.nlm.nih.gov%2fpmc%2farticles%2fPMC4394358%2f/RK=2/RS=nOtkviag2qCOraLf4AZL3bNpGC0-

https://r.search.yahoo.com/_ylt=Awr93OeUnvJIXkQANidXNyoA;_ylu=Y29sbwNncTEEcG9zAzUMEdnRpZAMEc2VjA3Ny/RV=2/RE=1711608725/RO=10/RU=https%3a%2f%2fwww.drishtias.com%2fdaily-updates%2fdaily-news-analysis%2fsection-304b-of-ipc-dowry-deaths/RK=2/RS=NywjzpPvVLQilAj.cIRH9JrC_3Q-

https://r.search.yahoo.com/_ylt=Awr93OeUnvJIXkQAPidXNyoA;_ylu=Y29sbwNncTEEcG9zAzUUEEdnRpZAMEc2VjA3Ny/RV=2/RE=1711608725/RO=10/RU=https%3a%2f%2fblog.ipleaders.in%2fdowry-deaths-india-legal-study%2f/RK=2/RS=HZODL4vYyl9sH7bD2V72K5n2WEc-

<https://www.globalcitizen.org/en/content/india-dowry-death-gender-inequality/>

<https://blog.ipleaders.in/dowry-death/>

<https://www.writinglaw.com/case-laws-on-dowry-death/>