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## Dowry in India : Revisiting Legislative Responses

Dr. Sagar Kumar Jaiswal \*

*No society in the world is free from some sorts of social evil. Dowry is such sort of social evil which has a potential to attack the very integrity of society. If widely entrenched it will wash out the concept of family, how then one can think of society? But every society tries its best to fight with social evil. Democratic societies at current have developed legislative system as an instrument to fight with social evil. India is not an exception. Her resolution to fight with this social evil (Dowry) is expressed in the form of legislative response. This need to be welcomed. But Dowry is such social evil whose face has been changing with time. Hence, it is high time to identify each faces of this evil and make an attack on it, simultaneously. This paper will tell what update is needed so that this evil will not be able to raise its ugly faces.*

### (I) Introduction:

On looking into the statistics of national Crime Record one can analyse that there is a big increase in the number of dowry-related cases in last decade, most of all in the case of Dowry Prohibition Act cases (300% increase), and then in 498-A cases (135% increase), but only a 30% increase in the number of dowry death cases. All of these three rates are substantially higher than the rate of increase of all cognizable cases on average, which was 21%. Dowry-related cases accounted for nearly half of the increase in crimes against women between 2003 and 2013.

Though India has enacted copious legislation prohibiting and criminalizing dowry-related activity, and has attempted to increase public awareness about the subject, still the abuse of dowry and murder of young brides remains commonplace and largely unchecked. There is rarely a spokesperson or advocate for the slain bride, and the legal system is often inaccessible for all but the upper classes. Those citizens aware of the remedies under the law are usually reluctant to pursue them. Overflowing dockets and unreliable police investigations make enforcement of dowry-related legislation weak at best. Consequently, the evil of dowry practice are raising a question as to India's accountability towards human rights violation. This paper tries to understand the factors responsible for failure of positive law in checking the abuse of dowry. Part II of this paper tries to define the dowry. Part III describes the impacts of dowry. Part IV gives description about legislative response to counter the effect of dowry. Part V understands the failure of legislative response. Part VI is conclusion cum suggestion. Attempt by judiciary in response to dowry is not the scope of this study paper.

**(II) Dowry Defined :** Ancient Indian literatures do not suggest any kind of practice of Dowry in Vedic period.<sup>1</sup> The writings of Arian and Megasthenes suggest that in that time the principle of marriage for selecting a bride in India were based not on whether she had dowry and good fortune but only upon her beauty and other advantages.<sup>2</sup> Marriage to other ancient literature was subject matter of selection through victory. When a woman became marriageable she was brought to public to be selected by a victory. Thus, dowry was not a factor to be considered in marriage ceremony.<sup>3</sup> Dowry assumed in that time a prestigious status, how much prestigious it was can be understood in the sense that its practice was associated with Brahmamic priestly caste. The lower caste people were not allowed to give dowry in the marriages.<sup>4</sup> Dowry in ancient time was observed as religious duties. Manu had

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\* Assistant Professor, Faculty of Law, ICAFI University, Dehradun