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THE EPIDEMIOLOGICAL STUDY OF DOWRY DEATH CASES WITH SPECIAL REFERENCE TO BURNT CASES IN ALLAHABAD ZONE (Chapter 1)

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Introduction

Dowry death, at present, is a burning problem of the society. It is increasing day by day owing to prevailing socio - economic fabric and life style in the family. Dowry death has thrown a major challenge to the police personnel, medico legal experts as well as to judicial officers not only to wipe out this social menace but also to penalize the culprits in deterrent manner.

An interesting feature of this crime is that in the majority of the cases of bride - killing, the trouble is created by the female themselves against their own sex. It has been usually found that attitude of the bride's mother is different from that of mother -in -law. For the happiness of her own girl she gives money in form of dowry but in the latter capacity, she attempts to extract the maximum possible dowry and can go to the extent of causing death of the bride if the demands are not met to her satisfaction. In other words, in bride burning cases, crime is normally abetted and even committed by the females themselves.

Dowry death or suicides by married women as a result of their being subjected to cruelty by in -laws and/or husband, constitute a slur on the Hindu Society. More often cruelty emanates from the failure of the parents of the girl to meet the exacting demand for the dowry by the in-laws of the victims, our anxiety on this score has darkened into dread which in turn has dwindled into despair.

The unnatural deaths of newly married young women is hitting the headlines of every newspaper. Hardly a day passed when the newspapers do not report the occurrence of this tragic event. Self burning by females in Hindu community are traditionally sanctioned and glorified as in '*Sati-Pratha*' or '*Joher*'. But nowadays large number of newly married women are burnt alive by their husbands and / or in-laws or forced by them to choose fire to end their unhappy life, while a few others are killed first and then burned to hide the crime. In majority of these cases dowry is the first and foremost motive behind this heinous crime. Cruelty means, any willful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman, or harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any

unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

The problem of protecting young married women against harassment and cruelty on account of dowry is responsibility of government which must enact deterrent laws. Social organization may also valuably contribute by arousing awareness regarding this burning problem and mobilizing the support of society against this scourge.

LAWS IN RELATION OF DOWRY DEATHS

In view of the increasing number of dowry deaths, guidelines have been laid down by the Government for examination of such cases, and the law in respect there of has been suitably amended. The I. P. C. , Cr. P. C. and I. E. A. are amended as per the criminal law (Second Amendment) Act, 1983 and was approved by President of India on 25th December 1983 to deal effectively with cases of dowry deaths and also the cases of cruelty to married women by their in-laws.

The legislature stepped in by putting on statute book section 304 B (Dowry deaths) and section 498 A (Cruelty)I. P. C. Both these provisions have a similar background and have as their objective, the prevention of marital offences against hapless women as also provision of deterrent punishment for such offences.

1. Section 304B, Indian Penal Code (IPC) Dowry death:

Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called "dowry death", and such husband or relative shall be deemed to have caused her death. Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

2. Section 498A, (IPC). Husband or relative of husband of the woman subjecting her to cruelty:

Whoever being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also liable to fine. The cruelty can be either mental or physical torture which drives the women to commit suicide or to cause serious injury , danger to life or health.

3. Section 176(1), Criminal Procedure Code (Cr. P. C.) provides inquest by executive magistrate and section 174(3) (Cr. P. C.) provides as follows:

When (1) The case involves suicide by a woman within seven years of her marriage (ii) The case relates to the death of a woman within seven years of her marriage in any circumstances raising a reasonable suspicion that some other person committed an offence in relation to such woman, or (iii) The case relates to the death of a woman within seven years of her marriage and any relative of the woman has made a request in this behalf, the police officer will forward the body for autopsy to the nearest medical officer.

4. Section 113 A, Indian Evidence Act (IEA). Presumption as to abetment of suicide by a married woman:

When the question is whether the commission of suicide by woman had been abetted by her husband or any relative of her husband and it is shown that she had committed suicide within a period of seven years from the date of her manage and her husband or such relative of her husband had subjected to cruelty , the court may resume, having regard to all the other circumstances of the case, that such suicide had been abetted by her husband or by such relative of her husband (Parikh; 1996).

Dowry deaths depending upon the causes and medico legal significance, are broadly grouped Under the following categories :-
Deaths due to Burns
Deaths due to Drowning
Deaths due to Asphyxia inclusive of Hanging, Throttling, Strangulation, Smothering etc.
Deaths due to Poisoning
Other miscellaneous causes.

All these categories have different legal values and therefore a critical analysis of these cases has to be Undertaken, taking into consideration, history circumstantial evidences investigating officers report, postmortem reports etc.

Majority of dowry deaths are due to burning, poisoning or drowning where cause of death can be clinched easily, yet great care must be taken to find out truth and the exact cause. In almost all cases victims are usually young roamed females. Many of these cases are labeled as accidental deaths to hide the crime, but actually speaking these are turned to be homicidal in nature. So, in all such cases, it is the prime duty of forensic experts to ferret out the actual cause of death on the basis of different diagnostic criteria.

In dowry deaths, investigating officer plays a vital role. His duty is not only to book the culprits but also to save the husband or in-laws if at all they are innocent and are falsely being implicated by parents or the brothers of the deceased. He has to investigate every dowry death case with consideration of torture both mental and physical which has been perpetrated on the victim by the husband and/or in-laws over a long period which has culminated in suicide by the lady.

Regarding magistrate inquest (Mestri, 1993), it must be emphasized that all concerned, must put their efforts and see that inquest be not held by the executive magistrate in dowry deaths for the following reasons :

(i) The executive magistrates are busy, with limited time in their busy day to day appointments, often are not available to hold an inquest on body. This leads to unnecessary delay in holding on inquest and submitting the body for P. M. examination.

In present Indian set up, executive magistrates do not get time to completely investigate the case. At many centres, all formalities of the inquest are attended to by police (usually head constable). The magistrate puts only his signature over the inquest report and form No. 146(i) & (ii).

(iii) Most of the time, bodies are brought to mosque in the evening for P. M. examination. This result in postponement of examination to next day and this may lead to further decaying of body which in turns complicates interpretation of vital ante mortem changes present on the body besides, certain essential facts may not be observed or altogether missed.

It is better that above fallacies are rectified in the interest of investigation of dowry deaths. As far as feasible further investigation in dowry deaths is to be conducted by Deputy Superintendent of Police and not by a magistrate.

Regarding the role of Forensic expert in dowry death cases (Mestri, 1993) it may be mentioned that the medical officers and forensic experts come into picture only when such cases are sent to them for postmortem examination. In the eyes of doctors, dowry death cases are like any other unnatural female death cases yet. forensic expert, as a rule, must try his level best to find out the cause of death only on the basis of scientific facts observed in any given case and not on assumptions or preconceived notions. It is heartening to note that by the efforts of some social organizations and strong steps taken by Government against this cruelty at the hands of their husbands and/or in-laws, the dowry death cases registered a declining graph during 1997, (Record, UP Police 1998).

Keeping the foregoing account in view, it may be contended that more I deterrent sentences or proof of guilt from the prosecution to the accused, will not be effective unless the public is made aware of the evil consequences of dowry and are assured protection in case when they come forward to fight against it. Neighbors can be of great help in prosecution of such crime by giving truthful evidence about general treatment meted to the bride before her death.

In the present study an attempt is made to statistically analyze the data collected on such cases, and to highlight various aspects of dowry deaths in order to further strengthen the legal system in preventing this social evil. of "Dowry Death" and to forewarn medico legal specialists to take necessary action based on scientific facts to find out the exact cause of death in all cases of unnatural female deaths.