



DOWRY DEATHS – A MEDICO LEGAL ANALYSIS OF UNNATURAL DEATHS.

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ABSTRACT

Introduction: Dowry is another social evil which is affecting Indian society like a disease. As a societal evil it not only degrades the institution of marriage but also violates and diminishes the dignity of the women. According to the National Crime Record Bureau's Crime in INDIA 2019 every 4 minutes women is subjected to cruelty at the hands of her in-laws. The present study is conducted to assess the overall profile of unnatural deaths among females within 7 years of their married life.

Methodology: Observational analytical study was conducted from 2016 to 2018 at department of Forensic Medicine, Osmania General Hospital, and Hyderabad. All autopsies on suspicious deaths of married woman within 7 years of marital life were included.

Results: Unnatural deaths constituted about 54.6% deaths among women. The present study showed that adolescent and young women are being vulnerable and being targeted. The most confused middle class women were more victims in this study. Even education has shown no relationship as literates were equally succumbed to the deaths. Burns was the commonest mode employed method to commit suicide followed by hanging. Assaults causing multiple injuries including on head, burns, strangulation were the common cruel modes of homicide observed in this present study.

Conclusion: The study showed the immensity of unnatural deaths within 7 years of marriage. Any unnatural death is a sin in the society and killing someone for money is a bigger crime. Dowry deaths are still happening and the laws made to protect the females against dowry harassment and dowry deaths should be implemented strictly.

KEYWORDS : Unnatural deaths, Dowry deaths, A Medico legal analysis, Osmania General Hospital.

INTRODUCTION:

Dowry is another social evil which is affecting Indian society like a disease. As a societal evil it not only degrades the institution of marriage but also violates and diminishes the dignity of the women. 'Dowry' means any property or valuable security given or agreed to be given either directly or indirectly: by one party to a marriage to the other party to the marriage; or by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person; at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies. In all possibility dowry system of harassing women is more prominent in Indian society.(1)

Dowry is another dimension of gender inequality. In essence the system is based on the presumption that males are superior and for maintenance of the girl in her in-laws home she must bring a certain amount of money or property. The system of dowry has become part and parcel of our collective conscience and has been accepted by the society as a whole. In a way it has become a customary rule for the society which is to be followed by everyone. The situation is such that if someone does not take dowry, people start questioning him and try to look down upon him.(2)

Higher the income of groom or higher the status of his family, higher the amount of dowry is demanded. But in recent times, dowry system has become an all pervasive exploitative system and it is only the economic position of groom's family which is the deciding factor in demanding dowry.(3)

The origin of this social evil can be traced back which is more voluntary as a custom or tradition of giving gifts to brides in marriage and as religious beliefs that the father of a girl has a duty to give a part of his property to his daughter in her marriage as after marriage she would be going to another home. So it was considered as a moral duty of father to gift a portion of his earnings or property to his daughter. But in earlier times this system was not an exploitative system where any specific demands would be made by the family of bride-groom and family of bride would make gifts according to their capacity. But in due course of time the system of making gifts got converted and changed into an exploitative system of compulsory demands made by the family of groom which gave a new shape of "dowry system".(4)

Dowry deaths are deaths of married women who are murdered or driven to suicide by continuous harassment and torture by their husbands and in-laws over a dispute about their dowry, making the

women's homes the most dangerous place for them to be. Dowry deaths are found predominantly in India. . Most of the dowry death occurs when the young women unable to bear the harassments and torture commit suicide or the women is burnt by setting her on fire known as bride burning and projected as suicide or accident. According to the National Crime Record Bureau's Crime in INDIA 2019 every 4 minutes a women is subjected to cruelty at the hands of her in-laws.(5)

The present study is conducted to assess the overall profile of unnatural deaths among females within 7 years of their married life.

MATERIALS AND METHODS

I) STUDY DESIGN – Observational analytical study.

II) STUDY PERIOD – 2016 to 2018.

III) PLACE OF STUDY - Department of Forensic Medicine, Osmania General Hospital, Hyderabad.

IV) SAMPLE SIZE - All autopsies on suspicious deaths of married woman within 7 years of marital life.

V) SAMPLING DESIGN - Purposive sampling technique.

VI) SOURCE OF DATA

Data will be collected from autopsies conducted on dead bodies of females at Mortuary, Osmania General Hospital, and Hyderabad during the period 2016 to 2018.

VII) METHOD OF COLLECTION OF DATA

a) INCLUSION CRITERIA

All cases of suspicious deaths of married woman within 7 years of marital life occurred and referred for autopsy at our Medicolegal centre.

b) EXCLUSION CRITERIA

1. Natural deaths of married woman within 7 years of marital life.
2. Suspicious Deaths of Married women more than 7 years of married life.

All cases of un-natural deaths of females brought to OGH mortuary, Hyderabad for autopsy and those who fulfill the inclusion and exclusion criteria were selected on a purposive sampling basis. The details pertaining to the age, socio-economic status, marital status, and educational qualification was ascertained from the reliable attendants of the deceased. Details regarding the manner of death were obtained from investigating police officer, inquest report.

All cases were studied with reference to:-a) Postmortem findings with special reference to cause of death, time since death and manner of

death. b) History obtained by police and relatives. c) Hospital records in admitted cases. d) Laboratory investigations including histopathology and toxicological (chemical) analysis. e) Visit to the scene of crime if needed, and, study of photographs of scene of crime. f) Examination of weapon in cases of injuries inflicted like in homicides, and in some g) cases of suicides, or accidents.

To know the motive behind the alleged offences & other particulars were obtained not only from police but also by direct interrogation with relatives, friends & others accompanying the deceased.

Information on various epidemiological factors involved such as age, sex, socioeconomic status, pattern of death, place of incidence, assailant victim relationship, method & weapon used for killing, type of injury sustained, cause of death and whether hospitalized or not etc., and also personal history like previous medical, surgical, menstrual, obstetric, psychiatric history and also any alleged medical negligence were noted for each case in a separate proforma. In relevant cases, wherever necessary the organs was collected & sent for histopathological examination.

In relevant cases, where poisoning was suspected as mode of death, viscera was collected and sent for toxicological analysis. The preservative used is saturated solution of sodium chloride. The collected samples were sent to forensic science laboratory for further analysis and final opinion was drafted after receiving the toxicological report from the Forensic Science Laboratory. The specimens collected were: 1. Stomach & its contents 2. 500 gr. of liver 3. Half of each kidney 4. Blood 10cc 5. Sample of preservative used.

VIII) Statistical analysis- The data was analyzed using Microsoft excel spread sheet. The data was represented in the forms of frequency and percentages. Relevant tables and graphs were drawn for graphical representation.

RESULTS

Out of total 5600 female deaths during the study period, 1124 unnatural female deaths within 7 years of marital life were studied and analyzed. Year wise distribution of cases was in 340 cases (2016), 382 cases (2017) and 402 cases in 2018.

Table 1: Socio demographic characteristic of cases

	No. of cases	Percentage
Age group		
15- 20	528	47
21-25	574	51
26-30	22	2
Religion		
Hindu	653	58
Muslim	337	30
Christian	105	9.3
Others	29	2.5
Literacy status		
Literate	456	40
Illiterate	668	60
Socio-economic status		
Lower (0 to 1499)	240	21
Middle (1500 to 4999)	710	63
Upper (5000 to >10000)	174	16

Among the deceased, 60 percent are illiterate and 84 percent belonged to Middle and Lower socioeconomic status. Majority of deaths occurred in Hindu religion followed by Muslim and Christian community. Most of the deaths were seen between the age groups of 15-25 years. The commonest mode of death among age groups of 15-20 years is hanging, 21- 25 years is burns and that of 26- 30 years is poisoning.

When enquired regarding the place of incidence 60 percent occurred at the home and 40 percent occurred at the workplace. Coming to the place dead 65 percent of cases died on spot and remaining 35 percent occurred at hospital.

Table 2: showing section wise breakup of offences committed in deaths

Section IPC	Cases	Percentage
309 B	342	30

309&498A	462	41.1
302	100	8.8
304B &306	115	10.2
Others	105	9.3

Percentage of cases registered under different IPC sections, those registered under 309 & 498A formed the maximum cases. The most common manner of death in unnatural female deaths is suicide (59.6%), followed by homicide (34.6%) and others reasons not known (5.6%). Burns, Hanging and Poisoning were the common etiology that leads to death.

Table 3: Methods of Suicide

SUICIDE	Cases	Percentage
Burns	210	31.4
Hanging	164	24.5
Poisoning	123	18.4
Drowning	12	1.7
Fall from height	41	6
Railway deaths	120	18
Total	670	100

Burns, Hanging, Railway followed by poisoning were common methods of committing suicide.

Table 4: Methods of Homicide

Homicide	Cases	Percentage
Burns	47	12
Assault on head	66	17
Assault causing multiple injuries	113	29
Ligature strangulation	59	15
Throttling	43	11
Cut throat injuries	23	6
Stab injuries	31	8
Chop wounds	4	1
Mode not known	4	1
Total	390	100

Assaults causing multiple injuries including on head, burns, strangulation were the common cruel modes of homicide observed in this present study.

Table 5: Manner of death in Railway accident vs Mode of death

Cause of death	Suicidal	Homicidal
Multiple injuries	82	49
Head injury	40	12
Traumatic decapitation	13	6
Total*	135	67

*Multiple responses

While further analysis on railway accidents multiple injuries were more common which includes head as the major target organ.

Table 6: Various types of poisoning

Type of poison	No of cases	Percentage
OP Poisoning	171	82.6
Kerosene	24	11.6
Acid	5	2.4
Alcohol	4	2
Unknown	3	1.4

OP poisoning was common usage for suicide followed by kerosene poisoning. Even few cases choose acid and alcohol as mode of committing suicide.

DISCUSSION

“यत्र नार्यस्तु पूज्यन्ते रमन्ते तत्र देवताः। यत्रैतास्तु न...”

Where women are honoured, divinity blossoms there...” In India women are given utmost respect and honour. But on the other side women are subjected to face discrimination and are often the victims of abuse and violent crimes because of the patriarchal society. Unnatural deaths of females within seven years of marriage are one of the important indicators of women's respect and honour.

The present study was conducted by Department of Forensic

Medicine, Osmania General Hospital, and Hyderabad period of 2 years.

In present study the total number of unnatural deaths within 7 years of marital life constitutes about 54.6% of all female deaths. In study conducted by Afzal Haroon et al 12.53% dowry deaths was observed which is very much lower in Aligarh the reason for big number in the present study as all unnatural deaths were considered.(6)

In the present study percentage of female cases among the different age groups and were maximum from 15- 25 years age group. In study conducted by Nisreen Abdul Rahman majority victims belong to 22-25 years.(7) In similar study conducted by Afzal Haroon et al most of the victim deaths (61.53%) occurred between 18-25 years.(6) These findings are in accordance with the present study. Study done by Radhika RH et al reported 60% of the cases belonged to 18-25 years of age.(8) Similar findings were from study done by Sharma BR et al showing 56% of victims were in the age group 18-25 years.(9) Kumar V et al, Saha KK & Mohanty S also reported similar finding.(10),(11).

In our study majority of dowry death occurred in Hindu religion followed by Muslim and Christian community. Similar observation were seen in study conducted by Afzal Haroon et al 39(75.00%) occurred in Hindu religion followed by Muslim 10(19.23%). This is consistent with the findings of other author. The high proportion of dowry death is following the normal distribution of population in INDIA.(6)

In the present study burns is the commonest cause of death and employed method to commit suicide. Hanging is the next common suicidal mode employed. The present study findings are in consistent with study conducted by Afzal Haroon et al and Nisreen Abdul Rahman Whereas study conducted by Kulshrestha P & Sharma BR et al, Sinha US et al , Ghaffar UB et al thermal burns are common cause of death.(6),(7),(12),(13) Radhika RH et al observed hanging is the most common cause of death.(8) Availability of house hold items like kerosene, clothes like saree, chunni make it easier for females to access these and resort to the extreme step also used by in laws to kill the bride to conceal the torture and other injury mark on the body and are able to tamper and destroy the circumstantial evidence.(14) Manoj Kumar Sharma et al observed that burns were the commonest cause of dowry related deaths (52.5%), followed by poisoning and hanging.40 cases of unnatural female deaths had allegations of dowry demands and infliction of torture for the same and were registered under section 498A and/ or 304B of IPC.(15)

Crime of offence occurred in home in 55% cases, in work place in 40% cases and in other places in 6% cases. Females being more confined to homes unlike males, explain the house being the place where the incident has occurred more. But it is now varying as more and more females are coming out and working on par with males.

Recent laws on dowry deaths: "Dowry Death - No Conviction Under Section 304B IPC If Unnatural Death Is Not Established: Supreme Court" ;The Supreme Court has held that the offence of dowry death under Section 304B of the Indian Penal Code cannot be made out if the cause of death has not been established as unnatural.(16). There are few instances the court upholds acquittal in dowry death like in Mumbai case where Upholding acquittal of a man, his brother and father accused of cruelty to wife and dowry death, Bombay high court said it is essential for the prosecution to produce reliable evidence of the woman being subjected, before her death, to cruelty and dowry harassment by her husband and in-laws for presumption to kick in. The HC said section 498(A) of the Indian Penal Code does not contemplate every kind of cruelty which it makes punishable. Section 498A IPC involves specific contingencies, said the HC bench of Justices P B Varale and V G Bisht.(17)

CONCLUSION:

The study showed the immensity of unnatural deaths within 7 years of marriage. Any unnatural death is a sin in the society and killing someone for money is a bigger crime. The present study showed that adolescent and young women are being vulnerable and being targeted. Even education has shown no relationship as literates were equally succumbed to the deaths. The most confused middle class women were more victims in this study.

Dowry deaths are still happening and the laws made to protect the

females against dowry harassment and dowry deaths should be implemented strictly. The most brutality that is still occurring in India is sexual abuse, sexual violence, lust murder. Strict implementation of acts like POSCA, criminal amendment act would help in reducing female abuse. And appropriate education and counselling regarding sexual exploitation to the girls and women would help them to come out of the social stigma and report the events to the appropriate authorities. Rehabilitation of the victims should be taken care of. One stop rape crisis centre is the need of the hour.

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