

**LAW AREA NAME : WOMAN**  
**SECTION NAME : DOMESTIC VIOLENCE CRIMINAL REMEDIES**  
**SUB SECTION NAME : DOWRY DEATH**

## LAW IN BRIEF

Women have been for ages tortured & killed for dowry Section 304 B IPC punishes the perpetrators of this offence. If the death of a woman occurs within 7 Years of her marriage and if before her death, she has been treated with cruelty by her husband & his relatives for dowry, it is presumed to be a dowry death.

## LAW IN DETAIL

The Dowry Prohibition Act defines dowry as any property or valuable security given or agreed to be given in connection with the marriage.

According to section 304B, IPC a dowry death is the death of the woman because of burns, injuries or by any other unnatural reason within seven years of her marriage.

Before the death she should have been treated with cruelty in connection with dowry by her husband and his relatives.

The provisions for dowry death are very strict under the Law. If circumstances of cruelty are proved, the husband and his relatives shall be punished with seven years of imprisonment and some times even with life imprisonment

## PROCESS FOR SOLUTION

### Complaint Under which Section ?

Section 304B, Indian Penal Code, 1860, Section 154 of the Criminal Procedure Code, 1973 for filing FIR.

### Whom to complain / where to complain?

1. A written or oral complaint in the near by police station.
2. Filing an FIR.
3. If the concerned officer refuses to take your complaint and to file the FIR you can send your complaint to the Superintendent of Police either in person or through post.
4. If he refuses to take your complaint, you can approach the Magistrate and ask him/her to direct the police to register an FIR.
5. If the police fail to register an FIR you can file a writ petition at the High Court asking it to direct the police to register it.
6. Mention all facts clearly in your complaint and make sure that they are taken as it is in the FIR by the police.

7. You have a right to get the copy of FIR free of cost.
8. Clearly mention the names and addresses of the culprit and his family members who are involved in dowry death.
9. The, date, place and time of dowry death.
10. Mention clearly the details of the dowry death and the motive behind it, such as whether property is involved or for cash or kind.
11. Mention the marks or injuries on the dead body.
12. Mention the names of the witnesses for the death, if any.
13. Any person who knows the offence can give the complaint.

### How to file the Case ?

1. Police will start the investigation after filing the FIR.
2. A case is filed under section 304B at the Sessions Court.
3. The prosecution will have to prove that
  - (a) That the death was caused by burns, bodily injury or any other unnatural reason. To prove this the post mortem report will be sufficient.
  - (b) That the death occurred within seven years of the marriage by using wedding invitation card, photographs, and marriage certificate.
  - (c) That the harassment is linked with dowry.

If the prosecution proves these aspects then the Court shall presume that the husband or his relatives have caused the dowry death.

At this stage it is the duty of the accused person to prove that he did not cause dowry death.

The punishment for dowry death is imprisonment for seven years or even life imprisonment.

It is a non-bailable and non-compoundable offence and there is no chance for compromise.

No court fee is required to be paid.

### What Next ?

- Appeal in High Court.
- Appeal in Supreme Court.

### ALTERNATE REMEDIES

No alternative remedies except approaching the Legal Services Authority if the police refuse to file the FIR.