



Section 304B of IPC: Dowry Deaths

Why in News

Recently, the [Supreme Court](#) (SC) has **widened the scope of section 304B of [Indian Penal Code \(IPC\)](#)** by indicating that **there is no straitjacket formula** to determine the cruelty against women.

Key Points

▪ About Section 304B of IPC:

- According to Section 304B, to make out a case of dowry death, **a woman should have died of burns or other bodily injuries or “otherwise than under normal circumstances” within seven years of her marriage.**
- She should **have suffered cruelty or harassment from her husband or in-laws “soon before her death”** in connection with demand for dowry.

▪ Highlights of the Judgement:

- Section 304B of IPC **must be interpreted keeping in mind the legislative intent to curb the social evil** of bride burning and dowry demand.
- The **court should use their discretion** to determine if the period between the cruelty or harassment and the death of the victim would come within the term **“soon before”**.
 - For such determination, an important factor is the establishment of a **“proximate and live link”** between the cruelty and the consequential death of the victim.
 - Over the years, **courts had interpreted the phrase 'soon before' in Section 304B as 'immediately before'**. This interpretation would make it necessary for a woman to have been harassed moments before she died.
- Even the **spectrum of cruelty is quite varied**, as it can range from physical, verbal or even emotional. **No straitjacket formulae** can therefore be laid down to define what exact the phrase ‘soon before’ entails.
- Further, the phrase **“otherwise than under normal circumstances”** in the section calls for a **liberal interpretation**.
 - Section 304-B, IPC **does not take a pigeonhole approach** in categorising death as homicidal or suicidal or accidental.
- Also, the **examination of the accused** about the incriminatory material against him **should be done in a fair manner**.
 - However, there is a **need to balance** other important considerations such as the **right to a speedy trial**.

▪ Reports on Dowry Death:

- Dowry deaths **accounted for 40% to 50% homicides** in the country for almost a decade from 1999 to 2018.
- In 2019 alone, 7,115 cases of dowry death were registered under Section 304B of the Indian Penal Code.

Dowry

- The term **dowry has not been defined in IPC** but in **Dowry Prohibition Act, 1961**. According to the act, it has been defined **as any property or valuable security given or agreed to be given directly or indirectly:**
 - By one party to a marriage to the other party to a marriage or
 - By the parents of either party to a marriage or by any other person to either party to the marriage or any other person at or before or any time after (on three occasions) the marriage in connection with the marriage of the said parties.
- However, **customary payments** as are prevalent in different societies, such as at the time of birth of child etc, **are not covered** within dowry.
- **Giving & taking dowry both** are offences.
- In addition to the Dowry Prohibition Act, 1961, the **laws have been made more stringent** namely,
 - **Section 304B (dowry death)** and **Section 498A (cruelty by husband or his relatives)** have been integrated into the **Indian Penal Code (IPC)**.
 - **Section 113 B (presumption as to dowry death)** has been made part of the **Indian Evidence Act (I.E.A.)** so as to eradicate or at-least lower down this heinous act of dowry system and related deaths.

[Source: TH](#)

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