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Dowry Deaths in Bangalore

Parvathi Menon

Investigations by a women's group in Bangalore point to a high incidence of unnatural deaths among newly married women following dowry-related incidents, with the persons responsible for them largely being acquitted.

Hoardings put up by the traffic police at prominent places along Bangalore's traffic-congested road exhort reckless drivers to go slow. Grim statistics loom over traffic snarls - 704 men and women died in traffic accidents in the city in 1997, 726 in 1998 and 168 until June 1999. Reckless driving is truly a problem in India's sixth largest metropolis, and the seriousness with which it is being addressed is gratifying to the citizens of the city.

There is, however, another category of deaths that occur on a daily basis in the city, for which no such public recognition or concern is awarded. These figures far outnumber traffic-related deaths (or indeed any category of avoidable death).

They are exclusively of women - mainly young, newly married women. In police records they are classified under three specific categories, which invoke different sections of the law. They are 'dowry murders' (committed by the woman's husband or members of his family for additional dowry or non-payment of promised dowry); 'suicides' (forced or voluntary, but in most cases related to dowry demands); and 'accidents' (a majority classed under "stove-burst" or "kitchen-accident"). Deaths under these three categories add up to an alarming figure. In Bangalore city, 1,133 women died in murders, suicides and accidents in 1997, 1,248 in 1998, and 618 till mid- July 1999 (see Table 1).

On an average, therefore, almost one hundred women have been dying violent deaths every month in the privacy of their homes. And these are the official figures. When 44 persons died of plague by September 1994 in Surat, the epicentre of the plague outbreak of that year, the epidemic assumed the proportions of a national crisis. Yet, public acknowledgement of the unnatural deaths of young women in Bangalore city is restricted to perfunctory two-line news items in the daily newspapers, where they are reported as 'accidents' or 'suicides' over 'dowry harassment'. Thereafter, they drop from public consciousness into the anonymity of a police or court 'case'.

A dowry murder comes under a distinct class of violence. Motivated mainly by greed, the crime is committed within the four walls of a home on an unsuspecting wife by her own husband or his family; there are rarely any eyewitnesses who are prepared to give evidence against the murderers. The large number of these deaths is an indication that the law is not a sufficient deterrent for those who commit these crimes. Nor have these grotesquely violent murders sparked the kind of social outrage that could pressure the government and its law-enforcing machinery into acting swiftly and firmly in enforcing the law. The scale of this problem, its causes and consequences, have not been adequately acknowledged by the state and its agencies, the media, or the public at large.

"Such figures certainly impress upon us the need to relook at what we understand by the police classification of "unnatural deaths", says Donna Fernandes of Vimochana, a women's Organisation which first uncovered the horrifying dimensions of the problem in Bangalore. 'Our investigations have proved that for large numbers of married women, the right to live in safety and in a climate free from intimidation and violence is under great threat. Why is there this social unconcern when women are dying in such large numbers?'

DOWRY-RELATED violence against married women by the families they marry into is a phenomenon that is on the increase all over the country, particularly in urban areas where such violence gets reported on. Women's groups have been engaging with this issue at various levels in different parts of the country. In the absence of comparable data from other cities, it may be premature to conclude that the high incidence of unnatural deaths of young women in Bangalore is, in some way, a problem specific to this city. What has put Bangalore on the map of cities with a high incidence of dowry-related atrocities against women is an exceptional research-cum- social-intervention project by Vimochana. This study has, for the first time, quantified this problem and put it firmly in the public realm. Vimochana's sustained two-and-half-year campaign on the issue of unnatural deaths of women resulted in the setting up, on April 7, 1999, of a Joint House Committee on Atrocities against women to investigate these deaths and make recommendations for their prevention. The Joint Committee, which was chaired by BJP MLA Premila Nesargi, presented its report on July 1. There are therefore two detailed public documents on the phenomenon of the high rate of unnatural deaths of women in Bangalore - the Vimochana documentation and campaign material and the House Committee Report. There is also detailed, month-wise statistics compiled and maintained by the State Crime Records Bureau, which Vimochana has collated and analysed in its study. Together these provide a reliable database on the numbers of women dying; the classification of their deaths by the police (whether murder, suicide, accident); the ways by which they die (burning, hanging & poisoning, and so on); the reasons for the death; the nature of the police investigation into each of these cases; the reasons for the slow

pace of judicial redress; and the reasons why so many dowry death cases end in acquittal of the accused. Vimochana's database, which it began compiling from early 1997, also includes a detailed register of the women who are admitted into the burns ward of the Victoria Hospital, their ages, 'marital status, reasons for death, and case, details.

Unnatural deaths of women in Bangalore City

Year	Murders	Suicides	Accidents	Total
1997	157	546	430	1133
1998	126	723	399	1248
1999	60	441	117	618

Unnatural deaths and stove-bursts in the early phase of the study, as it collated police statistics, Vimochana noted a major anomaly between its figures and those of the police. It found that a large number of deaths were being classified in police records as "accidents" under "UDR" (Unnatural Death Register). The category of "dowry deaths" in a technical sense only included those cases that had been booked by the police under the relevant sections of the law. The "Accident" cases that were closed for want of evidence, however, were largely due to "stove-bursts" or "kitchen accidents". On the basis of its follow-up investigations with the families of the victims of these co-called accidents, Vimochana came up with some startling findings that changed the whole perception of this social problem, the assumptions that underlay it, its causes and the course that remedial action must take. Vimochana alleged that a large number of murders and suicides, punishable under law, were being made to look like "accidents" by the husband and members of his family. These cases were closed by the investigating police officers for want of hard evidence of a crime. When a professional eye looked at the whole category of unnatural deaths (and not just 'dowry deaths'), the number of women dying in suspicious circumstances rose sharply. Vimochana's contention is that a large number of the cases simply escape detection and punishment in the prevailing social conditions.

Frontline attempted an independent assessment of some of the findings of the Vimochana study, as well as of the House Committee Report. Data provided to Frontline by the police department! for Karnataka as a whole show that out of 3,826 deaths recorded as accidents in 1997, 1,715, or around 50 per cent, were connected with fire accidents, including stove and cooking gas cylinder bursts. V. Gowamma, a Vimochana activist and the recipient of this year's Neerja Bh anot award (which was instituted in memory of the 23-year-old Pan Am airhostess who died showing exemplary courage in helping passengers escape

during a hijack attempt in Karachi in 1986), says: "We found that of 550 cases reported between January and September 1997, 71 percent were closed as 'kitchen/cooking accidents' and 'stove-bursts' after conducting investigations under Section 174 of the Code of Criminal Procedures. When the cause of death in a majority of registered dowry death cases is due to burning, such a high rate of "stove-burst" accidents involving daughters-in-law can hardly be regarded as natural or coincidental.

Suicides by women in Bagalore City 1997 - June 1999

Method of Suicide	1997	1998	1999
Drowning	19	34	9
Hanging	108	121	85
Poisoning	99	136	60
Burning	224	318	216
Others	96	114	71
Total	546	723	441

"It is an unfortunate fact that in a strictly legal sense, an accidental stove- burst is not an offence under the law," Bangalore City Police Commissioner L.

Revannasiddaiah observed to Frontline. .However, what is the use of an investigation if it does not arrive at the truth? If there are two or three stove-burst accidents in a day, in which only daughters- in-law die, we must look behind the formal facade and take up investigations immediately." Noting that the police are now trying to do this, he asked: "Have you ever heard of a mother-in-law or a husband dying in a stove-burst?"

Since September 1997, two Vimochana volunteers have been posted permanently at the burns ward of the Victoria Hospital, where most of the serious burns cases in the city are admitted. 'About seven cases are admitted on an average every day, with the numbers going up to ten following certain traditional festivals, when it is the practice for women to be sent to their natal homes with additional demands for dowry," explained Donna Fernandes. "The burnings usually take place past 1 a.m., well past cooking time, which itself throws the 'stove-burst' theory into doubt. Women come with burns of 70 per cent and more, and on their death leave behind babies and small children."

There are several reasons why murders or forced suicides often get registered as a "stove-burst". "The first reaction of a woman who has been burnt by her husband or his family is to say it is a stove- burst," says Rudrappa Hanagavadi, Special Executive Magistrate for Bangalore, who is responsible for the conduct of

inquests in cases relating to women who have died under suspicious circumstances. "Her dying declaration, which is supposed to be taken in private by the policeman in the presence of a doctor, is invariably a public procedure, and she is afraid to tell the truth." Members of the husband's family often threaten to harm her children and her natal family if she does not say she was injured in a cooking accident. Often, relatives and friends of the victim are reluctant to raise doubts about the nature of the death as they fear harassment by the victim's husband and his family. They also do not want to get involved in laborious police and legal proceedings. The police, for their part, do not try to penetrate this community resistance to look for evidence of what really could have happened.

HERE are pressures on women to conceal the truth about what happened to them even when they know they are dying. This correspondent visited the Victoria Hospital burns ward on July 13. On that day, five women were admitted. There was Shabrin Begum, 20, who had been married for one month, and had been admitted with 90 per cent burns; Selvi, 18, married for two years and admitted with 80 per cent burns; Lalitha, married for eight years and admitted with 80 per cent burns; Aniyamma, 40, with five children, admitted with 60 per cent burns; and Rehana Taj, 15, from Kolar district, unmarried, and admitted with 45 to 50 per cent burns.

In her first dying declaration, Shabrin, an articulate PUC student, said she was injured in a kitchen accident. In her second declaration, she said her husband and mother-in-law set her on fire; based on this declaration, the police have filed cases against them under Sections 498(A) and 302 of the Indian Penal Code (IPC) (FIR Crime No. 479/99 filed on July 16, 1999 at the Madivala police station). Selvi gave three dying declarations: in her first declaration she said she was injured in an accident; in her second declaration, she said she had attempted suicide; in her third declaration, she alleged that her mother-in-law attempted to murder her. A case has been booked under Section 302 of the IPC (FIR Crime No. 261/99 filed on July 16, 1999 in the Srirampura police station). Lalitha gave two dying declarations, the first saying that she was injured in a kitchen accident, the second that she did it to herself out of "despair". Her relatives did not wish to file a complaint, and Lalitha herself said nothing about dowry demands. With tact and persuasiveness, the police could have elicited the real causes behind Lalitha's despair. But her case (UDR No. 17199) was closed as a suicide after her death on July 16, 1999.

Who is Dying and Why?

*Manjula smiles shyly from out of her marriage photographs. She was married in May 1998, when she was just 18, to Vruthesh Prasad, a mechanic in the

Karnataka State Road Transport Corporation. Her father gave her a dowry worth almost Rs.2 lakhs. Manjula used to complain to her mother and sister that she was being harassed by her husband, his brother and other members of his family for more dowry but her family told her she must adjust and that they would try to meet the demand. On July 7,1999, more than a year after her marriage, Manjula was dead. She was found in her brother-in-law's bathroom, a pool of blood under her head and between her legs, her upper torso and face burnt. Her husband's family said she had committed suicide (there was a tin of turpentine and a box of matches lying near her), but her own family filed a police complaint. A case has been booked against four persons under Section 498(A) and 304(B) of the IPC (FIR Crime No. 388/99).

*"I never imagined that he would be like this," a shaken B.P. Krishnaswamy said of his son-in-law, H. Narasimhamurthy, a primary school teacher at Babu Palika Mahila Prautha Salai in Yeshwantpur. Krishnaswamy trades in vegetables. His daughter, B.K. Rojavathi, a primary school teacher in Seshadripuram Primary School in Yelahanka, narrowly escaped an attempt on her life by her husband. She was married in May 1999; her husband was given a dowry of Rs.30,000 in cash and another lakh of rupees worth of jewellery and household goods; soon after the marriage, Rojavathi's husband and father-in-law demanded more dowry from her. On July 16, her husband, under the pretext of taking her to a temple, took her instead to the isolated Soldevanahalli forest and tried to strangle her with a chain that she was wearing. When that was not successful, he returned with a can of kerosene from his scooter, and poured it over her. A forest guard saw him just as he tried to light a flame. Narasimhamurthy fled the scene, the police was informed and Rojavathi was quickly taken to hospital. Cases have been booked against her husband under Sections 498(A) and 307 of the IPC (FIR Crime No.446/99 files on July 16 at the Nelamangala police station). He is absconding, as is the rest of his family. Rojavathi, the whites of her eyes suffused with blood owing to the effects of strangulation, and her body bruised from the blows she sustained, is slowly recovering from her injuries and shock.

* H.T. Indira, a young wife and mother, died in November 1998; her husband's family tried to pass it off as suicide by hanging. A charge-sheet (CC No. 2033/99) was filed within a month of her death under Sections 498(A) and 304(B) of the IPC; it names four accused - her husband P.Thyagaraj, brothers-in-law P. Sivakumar and P. Krishnamurthy, and mother-in-law Padmamma. Says Indira's sister Chandramma, who has undertaken a out of the house with the child an s slept on the steps that night. She told a neighbour that she was leaving as she could bear it no longer." According to Chandrammal Intra's brother was to have brought her home but she died before that. "This is not a suicide, I know," asserts Chandramma. "My sister was forced to commit suicide."

These three recent incidents share a certain pattern of social behaviour and individual response. The giving of dowry, an act illegal in itself, is not perceived by the victim's families as socially condemnable, or as having made the woman's position vulnerable right from the day of the marriage. The husband and his family view her primarily as a money-source and increase their pressure until it results in her death or suicide. What is also significant is the absence of support structures for the woman - a counselling centre, a shelter home, concerned neighbourhoods -which could prevent the worst from happening. She cannot even turn to her own family when in the throes of distress.

Some broad generalisations have been made from the database now available on unnatural deaths of women. Its victims are generally young (Vimochana's study, in fact, looks only at the death of married women between the ages of 18 and 40), and in a large number of cases the death occurs within the first two years of marriage. A large number of victims (and perpetrators of the violence) are from poor or lower middle-class back- grounds, although this is not an issue that affects poor women alone. In most cases, the woman would have undergone mental and physical harassment prior to her death. Lastly, a majority of dowry murders and suicides are by burning. Police figures made available to Frontline on suicide deaths alone show that more than 50 per cent of suicides are committed by the woman setting herself on fire. In one of the several studies that Vimochana undertook, it found, for example, that out of 711 women who died in 1998 under unnatural circumstances, 454 died of burns. Significantly, 441 were between the ages of 18 and 30.

"In 90 per cent of the cases I deal with, the women are from poor backgrounds" Hanagavadi told Frontline. "Migrants, like construction workers and those who live in slums, account for a large number of those involved in such cases."

The House Committee Recommendations

Vimochana and the House Committee concur on one point. The special laws that are in place to deal with atrocities against women are undermined at every stage of investigation at both the police and judicial levels. The House Committee made exhaustive recommendations covering every stage of the police investigation and judicial procedure - the registration of the complaint when a death or injury under suspicious circumstances takes place, the preparing of the First Information Report (FIR), the recording of a victim's dying declaration, the inquest proceedings, the postmortem and forensic investigations, the framing of the charge-sheet, and the judicial process after that. The Committee presented five draft bills to the House dealing with atrocities against women. One of these, the Karnataka Prevention of Domestic Violence and Atrocities Against Women

Bill, 1999, deals specifically with the issue of marital violence and dowry-related deaths.

The Investigative Process

While the reasons for the large number of violent crimes against women must be sought in a fast-changing social and economic milieu which reinforces rather than retards patriarchal notions and values, accountability for the failure to prevent such crimes must be shared by the institutions of civil society: the legislature, the police, the judiciary, and, to some extent, the media as well. The death of a woman in unnatural circumstances has to go through two procedural tiers. The first is investigation by the police and the inquest officer (a government official at the level of a district magistrate) with assistance from doctors who perform the postmortem as well as forensic experts. Upon the thoroughness of this investigation depends the fate of the case once it gets admitted into the courts. This is the second procedural tier. If the charge-sheet in a particular case has sound investigative backing, it will have a much better chance of standing up in a court of law.

Deaths, whether murders or suicides, that are related to the relentless demand for dowry constitute a special category of crime. Given the cultural context, tremendous social pressures operate upon the victim and her family, pressures that seek to obscure truth and scuttle the investigation. In Bangalore, there is a swell of resentment among the families of victims and activist groups against the police department for what is perceived as a lack of thoroughness and integrity in pursuing cases of unnatural deaths among women. The House Committee was severe in its criticism of police investigations and set out elaborate recommendations on how the investigative mechanism could be sensitised, streamlined and improved.

"There is only one institution in this society that is charged by law to intervene in a situation like this, and that is the police," says Revannasiddaiah. 'But you must understand this institution too is a product of this society. We have not been structured, resourced, motivated and kept in readiness to meet this requirement, and we too proceed on the old track.' But he adds that the old mind-set of the police force is changing and that he is making a conscious effort to sensitise the force in its perceptions and investigative approach towards domestic violence against women.

The Vanitha Sahaya Vani was set up seven months ago by the police department for women in distress to call in for help and counselling. While this was initially welcomed by women's activists, it has come in for some criticism as the success of this facility, they say, is now being measured in terms of the numbers of

“reconciled” cases, and not by the additional number of offences detected. For a woman desperate enough to call the helpline, advice to “adjust” to the unequal terms of her marriage closes one more door or escape route.

Under Revannasiddai's initiative, the police department work with Vimochana and a group of concerned IAS officers to bring out a manual of guidelines for investigating offences against women. He has also constituted a new forum, Parihar, under the police department, which he hopes will meet the needs of women in crisis - in homes or at workplaces.

Registration of a Complaint

The House Committee Report has drawn attention to the need for the police to register a complaint immediately after receiving information about grievous injuries sustained by a woman under suspicious circumstances. "After they receive a complaint the police should go to the house and seal it off, which they do not always do," notes Hanagavadi. They tend to wait until the death of the woman, by which time valuable evidentiary material slips out of their hands. The FIR must, on the basis of initial investigations, book a case under the relevant sections of the law. "Who decides whether a death in suspicious circumstances is a murder or a suicide or caused by a cooking accident or a stove-burst?" asks Donna Fernandes. "If done by an incompetent investigating officer, a chance of a cursory investigation is very high. We believe from our investigations that the temptation to classify and reduce unnatural deaths as accidents and suicidal burns is high as it reduces workload and suits the purposes of reporting." Members of families of victims who testified before the House Committee had grievances relating to the FIRs and the carelessness with which they were made. It is mandatory for a Deputy Superintendent of Police (DSP), and in cities an Assistant Commissioner of Police, to investigate all cases of attempted suicide and death, under suspicious circumstances, of young married women within the first five years of marriage. However, according to Vimochana activists, the police do not always follow this injunction.

The Dying Declaration

The recording of the statement of the victim, which often becomes her dying declaration, is a part of the investigative procedure, but it often turns into a procedure for absolving the real perpetrator of the crime. It is quite common to find a burns victim giving more than one dying declaration. Meant to be recorded in privacy, the dying declaration is often taken in the presence of the victim's husband and his relatives. As mentioned earlier in the story, when this correspondent visited the burns ward of Victoria Hospital, there were three women who gave more than one dying declaration each. One of them, Selvi,

gave three in the course of one afternoon. "Such a case is unlikely to stand in court. The defendant lawyer will present it as conflicting evidence," a Special Public Prosecutor in Bangalore told Frontline.

The Inquest

A crucial part of the investigative process, the inquest, is to be conducted by an officer of the level of a magistrate. He must visit the spot of the death, examine the body, collect physical and verbal evidence, and give a report that indicates the cause of death. Both Vimochana and the House Committee have recommended that the inquest be made an independent inquiry accountable to a higher review committee. The House Committee has also recommended that the magistrate hold a public hearing within a week of the woman's death, at which all evidence, including the postmortem and forensic reports, should be presented. The final report should be a public document.

"Because of the alarming increase in the incidence of dowry-related deaths, Assistant Commissioner were appointed to assist Tahsildars in conducting inquests," explains Special Executive Magistrate Hanagavadi as we drive to Kengeri where he is to conduct an inquest in the case of a death by hanging that had been reported. "It is a horrible job, seeing the deaths of young women every day." As an Assistant Commissioner, Hanagavadi has three other charges and is on the move the whole day. The post of Special Executive Magistrate (SEM) was created in March 1998 to look exclusively into unnatural deaths of women. A person is appointed to it for a year and this is extendable by another year. Bangalore has two SEMs.

A large crowd had gathered outside the one-room dwelling where Bhagyamma, a young wife and mother, had hanged herself from the ceiling; her four-month-old baby lay in a crib nearby. On examination of her body, it was found that she had written her suicide note on her two legs, obviously hoping that it would escape detection until the police arrived. In it she squarely blamed her husband, a grounds man at the stadium of the Sports Authority of India, for her death. She could no longer bear his torture, the suicide note said "She asked that her child be taken care of by her mother after her death. Bhhdamma's inquest report (No.42/99-2000) was sent on July 20, 1999 to the Additional Chief Metropolitan Magistrate's Court.

The Judicial Process

Once a case enters the courts, it often takes months for it to be heard and tried. In Bangalore, there used to be only one Special Court to try cases of atrocities against women. By August 1998, there were 1,600 pending cases in the court, "the

highest pendency rate for a sessions court anywhere in the country," a Special Public Prosecutor told Frontline. Three new courts were set up that month to clear the backlog of cases. The average time taken for case to be disposed of is six to seven years.

There is a high rate of acquittals in cases of dowry murders or suicides. The same Special Public Prosecutor told Frontline that of the 730 cases pending in his court at the end of 1998, 58 resulted in acquittals and only 11 in convictions. At the end of June 1999, out of 381 cases pending, 51 resulted in acquittals and eight in convictions.

What are the reasons for this? Families of the victims, ignorant of the law and its procedure, get demoralised with the long wait before a case can be decided. "In 90 per cent of the cases, witnesses turn hostile," the Special Public Prosecutor told Frontline. "Money plays a major role. Since most of the aggrieved families are poor, they are willing to make out-of-court settlements. It is common to find that during the trial, they will suddenly change their story and say that the victim had a health problem or that her death was an accident. In fact, in eight of my cases, the parents gave their second daughter in marriage to the same person after the case was filed!" The second reason, according to him, is the 'perfunctory police investigation' that spoils the case right from the start. The "half-hearted presentation of cases by the prosecutors who are burdened with 10 to 12 cases at any given point of time" is yet another reason he cites for the high rate of acquittal. However, the "most important reason" according to him" is the liberal view taken by the judiciary in cases of dowry deaths."

Vimochana, in collaboration with the National Law School University, proposes to have a public hearing before a Truth Commission from August 15 to 17, 1999 in Bangalore. The Commission will comprise representatives of the Law Commission, former judges, lawyers and women activists. Complaints from parents who have lost daughters in suspicious circumstances, in which justice was not perceived to have been done, will be heard. The findings of the Truth Commission will be made the subject matter of a public interest petition before the Supreme Court with a view to bringing relief to the aggrieved families. Geetha Ayappa, a lawyer who has been working with Vimochana in the campaign, looks ahead to a new stage of pressing for action: "We will use the evidence we get to invoke the Supreme Court's intervention to protect a woman's right to life."