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THE MENACE OF DOWRY DEATH IN INDIA

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INTRODUCTION

In India, marriage is considered a sacrament wherein two individuals promise each other, take pledges to maintain the marital obligations. Yet, the practice of dowry enters into the sacred bond, which shapes the terms and expectations of the relationship. Dowry death is violence done by the husband or their family members with the motive of extortion of gifts and other demands from time to time against women. Dowry has become a social menace, and it is prevalent in all sections of society, irrespective of religion, race, caste, etc. Even though our constitution gives us equal rights for men and women but in the current scenario, it is evident that there is no equality between men and women, and women are being made the victims of violence. Dowry is the transfer of parental property at the time of marriage of a daughter when the bride's family gives gifts or cash to the groom's family. Dowry-related violence is termed as a brutal violence that is done against women. In ancient times, this system of dowry was not compulsory, but now, it is considered compulsory. Dowry is continued to be expected in most parts of the part of world, like in parts of Asia and North Africa, where it is used as a condition of the contract that if it is not acceptable, then the marriage will come to an end. The increase in dowry deaths clearly shows that there has not been any significant development in the mindset of the people in the society. The major reason why dowry deaths are increasing is that people see dowry as a symbol of social status and self-recognition.

A LOOK AT THE ORIGIN OF DOWRY PRACTICE

Since the Vedic ages, the dowry system has been practised. At that time, in the code of Manu, it stated about the dowry practice and its association with the Brahmanic caste. In the medieval

period itself, the dowry used to be considered as love gifts, and it was for upper caste marriages. The demand for Dowry was considered a crucial criterion for marriage to take place. During the British era, woman was not given the right to own any property, so here males used to possess all those gifts given to the bride during the marriage. These gifts were considered as Dowry.

After post-independence, this Dowry System became more prominent, and in the current times, we can see dowry being practiced as a custom and made compulsory for marriages to take place. It became a compulsory demand for money and respect. While the dowry was made a compulsory requisite for marriage, the crime rate against women, especially the number of dowry death cases, increased rapidly.

MAJOR FACTOR CONTRIBUTING TO DOWRY DEATHS

1. **PATRIARCHAL SOCIETY**– In the Patriarchal Society, women are always seen as subordinate to men, and hence, they are being exploited. Women are often seen as a commodity that comes with a price. It is seen as if the woman is being given away to the men, and the bride's family is paying the groom to keep the bride with him.
2. **SOCIETAL PRESSURE**– Due to the societal fear in people and societal pressure, the bride's family complies with the demands of the groom's family, as it is embedded in society.
3. **LACK OF AWARENESS**– Most of the people in society are not aware of the consequences of dowry-related violence and their legal rights.
4. **ECONOMIC FACTORS**- The major factor of dowry death is the financial demand of the groom's family, wherein the bride's family feels the pressure to meet the groom's demand for their daughter's future.
5. **SOCIETAL STIGMA**–Due to the social Stigma, the bride's family doesn't report the dowry-related violence. They keep silent, and their cases of dowry remain hidden.

The impact of the dowry system is vast- it causes crimes against women, including physical and emotional harm to the bride. Objectification of women is another very crucial impact of the dowry system. Nowadays, Women are being treated as commodities, so they are being given to the groom's family, and the dowry is considered an investment made by the bride's family. The dowry system impacts the career of women, too. In most of the rural households, they are not given the opportunity to study, as the mentality of their parents is

that they already have to spend a hefty amount on the dowry, so why spend more on the education of the girl child? Women are being treated less favourably than men due to the dowry system. Even after getting educated and becoming capable, as most of the girls' families cannot afford to meet the demand, more women end up unmarried.

In Bharatiya Nyaya Sanhita- Under section 80 of BNS (earlier section 304-B) the following elements comprise of the offence of 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.

TRENDS OF DOWRY AND DOWRY DEATH

If one sees the trend or the statistics from 2018 to 2021, a clear picture of dowry death can be seen. In 2018, around 12,826 cases under the Dowry Prohibition Act 1961 were recorded. In 2019, there was a sudden increase in the number of reported cases to 13307. But in 2020, it saw a decline in the number of registered cases from 13,307 to 10366. In 2018, there were 7167 cases related to dowry death, and in 2019, the figure was almost the same. There were 7141 repeated cases, and in 2020, the number of dowry death cases was slightly decreased to 6966 cases. In 2021, around 6.8 cases related to dowry death were reported in India. According to the NCRB report,¹ In 2022, in UP, there were 4807 cases registered under the Dowry Prohibition Act, 1961, and in relation to dowry death cases, Delhi topped. In 2022, city-wise, the maximum number of cases registered under the Dowry Prohibition Act,1961, was in Bengaluru with 964 cases. Till December 2022, around 4,383 complaints have been received by NCW, out of which 17% were of Dowry death. The National Commission for Women data for the year 2023 -2024, a total of 304 complaints related to dowry death were registered.

LEGISLATION RELATED TO DOWRY

¹ ncrb.gov.in

THE DOWRY PROHIBITION ACT,1961- It came into force in 1961. This was the first legislation made to prohibit the crucial practice done to women, but it has certain loopholes, too. The major focus of this act is to prohibit the giving and taking of dowries. Due to the loopholes, the government formed a parliamentary committee. There were various amendments made to the act in 1984 and 1986. Now, a separate section is added to IPC, under which section 304-B was added to IPC (now section 80 of BNS). This code makes the giving and taking of dowry a cognizable offence, and the minimum punishment is 7 years, which can be extended up to imprisonment for life. In the case of *Sanjay Kumar Jain v State of Delhi*, it was pointed out – the dowry system is a tremendous stain and plight on society, democracy, and the country. To prevent and to make sure that dowry deaths, certain important steps have to be taken. Here is when the Dowry Prohibition Act was adopted to put an end to the growing threat of dowry death.

In the case of *Satbir Singh v State of Haryana*²- The Supreme Court held that the “soon before” cannot be interpreted to mean “immediately before”. There should be a live link between the Dowry death and cruelty or harassment by the husband and his relatives. The court has to be extra cautious while dealing with such cases of dowry death. The major aim of the criminal court is not just to see the dowry concerns, but the violence associated with it, too. In this case, the court concluded that if the prosecution can prove the elements of Section 304-B IPC or Section 80 of BNS³The burden of evidence to prove innocence will lie upon the defence. Section 86 of BNS expands the horizon of cruelty to include the conduct that would drive or force a woman to commit suicide or to cause grave injury to herself.

Another crucial case in this regard is *Paniben v. State of Gujarat*.⁴, where the woman was asleep, the accused put kerosene oil on the woman and set her on fire. The woman cried for help, and her husband and relatives came to her rescue. She was taken to the hospital, but she could not be saved. In her dying declaration, she states that it was her mother-in-law who set fire to her. This was considered a dying declaration made by the deceased woman and convicted her mother-in-law for causing dowry death. This was a very crucial step taken by the Supreme Court, which gave justice to the deceased woman.

² *Satbir Singh v State of Haryana*, SC 2627, AIR 2021

³ *The Bharatiya Nyaya Sanhita*, 2023

⁴ *Paniben v State of Gujarat*,1992 AIR 1817

Indian Evidence Act/ BSA- Section 118 of the BSA is related to Dowry death. It shows a mandatory presumption of Dowry death if it is proved that a woman was subjected to cruelty and harassment in connection with Dowry demand shortly before her death. Here, the court is bound to presume that the death of the woman is caused due to Dowry demand.

THE JUDICIARY – In the case of State of Madhya Pradesh v. Jogendra and others, the Supreme Court highlighted that any demand that is being made on a woman, either in respect of property or any valuable security, will be considered as Dowry under section 2 of the Dowry Prohibition Act, 1961.

In the case of Vishnu R.V. State of Kerala and others⁵. The court pointed out that the gifts given by the bride's family to the bride during the marriage, without making any such demand by the groom's family, will not be considered as Dowry.

SOLUTIONS-

The first and foremost solution to curb the menace of dowry death is to reform the already existing laws related to Dowry death. Women should be educated and become independent. Media can play a crucial role here by conducting different legal rights campaigns which will help Women to know their legal rights and to eradicate this dowry culture. To curb this menace, it is crucial to make certain provisions in the already existing laws, like making a Dowry Prohibition officer post specifically designed to look into the matter related to dowry death and to check and continue to monitor whether the laws are being implemented properly, and to make sure such laws are being enforced. The laws related to dowry should be updated to make them more effective and to prevent any loopholes. Another crucial step that could be taken is to provide speedy settlement of the dowry-related cases, as generally it takes a lot of time to investigate and gather evidence. And often during that time, the evidence is destroyed; hence, investigation should be done quickly, and a specific time period should be made by the legislature, within which the case has to be investigated and the report has to be submitted before the court.

The major reason for the rise of Dowry death is the deep rooted mindset in the people, they think that taking or giving money as Dowry is a custom and should not be given up, here the role of NGOs and other social organization comes into play, they must educate the people about the evil

⁵ Vishnu R v. State of Kerala and others

of dowry and eventually though it will take time to change the mindset of the people as it is in their blood but it will be changed and more simple marriages i.e without giving or taking dowry will take place. To eradicate this social taboo, more focus should be given to educating girls, as once they are educated and they become aware of their rights, they will strive to come out of this system of Dowry and speak for themselves. There should be a strict implementation and enforcement of existing laws more effectively. There should be more and more engagement with local communities for awareness of women.

CONCLUSION

Dowry deaths are a serious issue in India, and due to this, thousands of women lose their lives every year. It has been deeply rooted in the minds of the people; it is not easy to remove it, but it's not impossible either. Even after various protests and educated people, this social taboo is still practiced. Dowry is still considered an essential part of accepting marriage. Even after the enactment of various laws like the Dowry Prohibition Act, which aims to ban the giving and taking of Dowry, still somehow, the law is not that effective. Almost every day, one can witness at least 1 case of dowry death. Then the question arises -even after all these laws in place and their implementation, why is the number of Dowry death cases still increasing? Are the laws only on paper? It indicates certain loopholes in our laws that have to be dealt with at the earliest. The increase in Dowry deaths shows large-scale violation of women's rights; they are being treated as mere commodities, and in the greed for money, the groom or his family does not mind killing young brides. It has to be stopped at the earliest by educating women about their rights and incorporating the idea that men and women are equal. The more awareness and education are created, the fewer dowry deaths will be.

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