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BEYOND THE WEDDING: UNDERSTANDING THE LAW ON DOWRY DEMANDS AFTER MARRIAGE.

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"I measure the progress of a community by the degree of progress which women have achieved." — B. R. Ambedkar.

ABSTRACT

"Dowry is not merely a social evil confined to the wedding day; it often continues as a recurring demand that undermines the dignity, equality, and safety of married women."

This blog examines the legal and social problem of dowry demands that continue after marriage. It explains that dowry-related demands are not confined to the wedding ceremony and may take the form of demands for money, vehicles, jewellery, property, or other valuable articles. The blog discusses the statutory safeguards available to married women, including the Dowry Prohibition Act, 1961 and provisions addressing cruelty and harassment connected with unlawful demands. It also considers the evidentiary and practical difficulties faced by victims in reporting and proving post-marital dowry harassment. The blog highlights the role of courts in interpreting dowry-related offences purposively while ensuring that allegations are assessed on the evidence and circumstances of each case. It concludes that effective enforcement, timely legal assistance,

social awareness, and institutional support are essential to protect women from continuing dowry-related abuse and to give meaningful effect to the constitutional values of dignity and equality.

INTRODUCTION

Dowry has long been recognized as one of the most persistent social evils in India. While much public attention focuses on dowry exchanged at the time of marriage, the reality is that unlawful demands frequently continue long after the wedding ceremony has ended. These post-marital demands may be made in the form of requests for cash, vehicles, jewellery, property, expensive gifts, or financial assistance under the guise of family expectations or customs.¹

Such demands often place immense emotional, physical, and financial pressure on the woman and her family. In many cases, refusal or inability to meet these demands results in harassment, domestic violence, or even more serious offences. Recognizing the gravity of this issue, Indian law provides several legal safeguards to protect women from dowry-related harassment after marriage².

UNDERSTANDING DOWRY UNDER INDIAN LAW

The Dowry Prohibition Act, 1961³ defines dowry 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, or by the parents or any other person, in connection with the marriage.

Importantly, the law is not confined to demands made before or during the wedding. If a demand is connected with the marriage, it may constitute an unlawful dowry demand even when made months or years after the marriage⁴.

This distinction is significant because many families attempt to disguise post-marital demands as voluntary gifts, customary presents, or financial assistance. Courts examine the substance of the demand rather than the label attached to it.

DOWRY DEMANDS AFTER MARRIAGE

Post-marital dowry demands may arise in various forms. A husband or his relatives may repeatedly insist that the wife's parents provide money to purchase a house, repay business debts, buy a new vehicle, finance a

¹ Satvir Singh v. State of Punjab, (2001) 8 SCC 633.

² Kans Raj v. State of Punjab, (2000) 5 SCC 207.

³ The Dowry Prohibition Act, No. 28 of 1961, Acts of Parliament, 1961 (India).

⁴ Paras Diwan- Modern Hindu Law.

foreign trip, or contribute towards family expenses. In some cases, demands are accompanied by emotional manipulation, humiliation, threats, or physical violence.

Not every request for financial help made between family members amounts to dowry. The determining factor is whether the demand is linked to the marriage and is accompanied by coercion, pressure, or harassment. Courts carefully examine the surrounding circumstances before reaching a conclusion⁵.

LEGAL PROTECTION AVAILABLE

India has enacted multiple laws to combat dowry-related offences and protect married women⁶.

The Dowry Prohibition Act, 1961⁷ criminalizes both giving and taking dowry, as well as demanding dowry. Persons found guilty may face imprisonment and fines prescribed under the Act.

In addition, Section 85 of the Bharatiya Nyaya Sanhita, 2023 (formerly Section 498A of the Indian Penal Code)⁸ penalizes cruelty by the husband or his relatives⁹. Cruelty includes harassment of a woman with a view to coercing her or her family to meet unlawful demands for property or valuable security¹⁰.

Further protection is available under the Protection of Women from Domestic Violence Act, 2005,¹¹ which recognizes not only physical abuse but also emotional, verbal, economic, and psychological abuse. A woman facing dowry-related harassment may seek protection orders, residence orders, monetary relief, compensation, and other remedies under this legislation.

Where persistent dowry harassment results in the death of a married woman under suspicious circumstances within the period prescribed by law, provisions relating to dowry death may also become applicable, subject to the facts of the case¹².

⁵ Werner Menski, - "Dowry, Women and the Law in India."

⁶ Arnesh Kumar v. State of Bihar & Anr., (2014) 8 SCC 273.

⁷ The Dowry Prohibition Act, No. 28 of 1961, Acts of Parliament, 1961 (India).

⁸ Section 85 of the Bharatiya Nyaya Sanhita, No. 45 of 2023, Acts of Parliament, 2023 (India) (formerly Section 498A of The Indian Penal Code, No. 45 of 1860, Acts of the Governor General of India, 1860 (India).

⁹ State of Andhra Pradesh v. M. Madhusudhan Rao, (2008) 15 SCC 582.

¹⁰ Preeti Gupta v. State of Jharkhand, (2010) 7 SCC 667.

¹¹ The Protection of Women from Domestic Violence Act, No. 43 of 2005, Acts of Parliament, 2005 (India).

¹² P.S.A. Pillai - Criminal Law.

JUDICIAL APPROACH

Indian courts have repeatedly emphasized that dowry demands need not occur only at the time of marriage. Persistent demands made after marriage, if connected with the marital relationship and accompanied by harassment or cruelty, may attract criminal liability.

Courts have also clarified that ordinary domestic disagreements or genuine financial discussions between spouses do not automatically amount to dowry offences¹³. The prosecution must establish that the demand was connected with the marriage and was accompanied by coercive or abusive conduct.

Judicial decisions therefore attempt to strike a careful balance between protecting women from genuine instances of dowry harassment while ensuring that criminal law is not invoked in purely matrimonial disagreements lacking the essential ingredients of the offence¹⁴.

CHALLENGES IN PROVING POST-MARITAL DOWRY DEMANDS

Despite strong legal provisions, proving dowry-related harassment remains challenging. Such demands are often made privately within the household, leaving little direct evidence.

Courts may consider various forms of evidence, including text messages, emails, audio recordings, bank transactions, medical records, complaints made to authorities, witness testimony from relatives or neighbours, and any previous reports of harassment.

Consistency in the victim's statements and the overall pattern of conduct often play an important role in determining whether the allegations are credible.

RIGHTS OF THE AGGRIEVED WOMAN

A woman subjected to unlawful dowry demands has several legal rights. She may:

- File a complaint under the Dowry Prohibition Act, 1961¹⁵.
- Seek action for cruelty under the Bharatiya Nyaya Sanhita, 2023¹⁶, where applicable.
- Apply for protection, residence, monetary relief, and compensation under the Protection of Women from Domestic Violence Act, 2005¹⁷.
- Seek recovery of her stridhan, which legally remains her exclusive property.

¹³ Appasaheb v. State of Maharashtra, (2007) 9 SCC 721.

¹⁴ Geeta Mehrotra v. State of Uttar Pradesh, (2012) 10 SCC 741.

¹⁵ The Dowry Prohibition Act, No. 28 of 1961, Acts of Parliament, 1961 (India).

¹⁶ The Bharatiya Nyaya Sanhita, No. 45 of 2023, Acts of Parliament, 2023 (India).

¹⁷ The Protection of Women from Domestic Violence Act, No. 43 of 2005, Acts of Parliament, 2005 (India).

- Approach the police, Magistrate, Protection Officer, or other competent authorities for appropriate legal remedies.

The availability of multiple legal remedies reflects the seriousness with which Indian law addresses dowry-related abuse¹⁸.

THE NEED FOR SOCIAL CHANGE

While legislation provides important safeguards, legal measures alone cannot eliminate the practice of dowry. Lasting change requires a shift in social attitudes that normalize or justify financial demands from the bride's family¹⁹.

Families, educational institutions, community leaders, and civil society all have an important role in promoting marriages founded on mutual respect rather than material expectations. Financial independence, legal awareness, and timely reporting of unlawful conduct can further strengthen the protection available to women.

Ultimately, the objective is not merely to punish offenders but to create an environment in which marriage is based on equality, dignity, and partnership rather than economic bargaining.

CONCLUSION

Dowry demands do not necessarily end with the wedding ceremony. When demands for money, property, or valuable articles continue after marriage and are accompanied by harassment or cruelty, they may constitute serious offences under Indian law. Through the Dowry Prohibition Act, the Bharatiya Nyaya Sanhita, and the Protection of Women from Domestic Violence Act²⁰, the legal system seeks to protect women from exploitation and uphold their right to live with dignity²¹.

As society continues to confront the enduring problem of dowry, effective enforcement of the law, combined with greater public awareness and changing social attitudes, remains essential²². A marriage should symbolize mutual trust and companionship—not an ongoing financial obligation imposed upon one family²³.

¹⁸ Flavia Agnes, "Protecting Women Against Violence? Review of Anti-Dowry Laws in India."

¹⁹ R.K. Bangia - Law of Marriage and Divorce.

²⁰ The Dowry Prohibition Act, No. 28 of 1961, Acts of Parliament, 1961 (India), The Bharatiya Nyaya Sanhita, No. 45 of 2023, Acts of Parliament, 2023 (India), and The Protection of Women from Domestic Violence Act, No. 43 of 2005, Acts of Parliament, 2005 (India).

²¹ National Commission for Women (NCW) Annual Reports - Complaints involving dowry harassment, Policy recommendations.

²² National Crime Records Bureau (NCRB), Crime in India (Latest Edition) - Dowry deaths, Cruelty by husband or relatives, Crimes against women.

²³ Law Commission of India, 91st Report (1983): *Dowry Deaths and Law Reform*—recommended amendments that ultimately led to stronger anti-dowry provisions.

"A successful marriage is measured by the respect shared between two individuals, never by the wealth exchanged between two families."