

DOWRY: A SOCIAL EVIL

By Hrishika Pandey

"Any young man, who asks for dowry, not only discredits his education but also dishonors the respect of his wife and country."- Mahatma Gandhi¹

On July 1, 1961, the government of India passed the Dowry Prohibition Act in an effort to reduce the threat of dowries.² The Act makes it illegal to give, take, or demand a dowry, and the penalties include fines and jail time. It has been 65 years since dowry has been criminalized in India, but now it seems completely legal simply by changing its label. Call it gifts, wedding formalities, shagun, and suddenly it's all acceptable. The law criminalized it, but society renamed it. A demand for money or valuables does not cease to be dowry merely because it is described as *shagun*, a customary gift, or a family tradition. It is a practice where the bride's family gives away almost all their wealth and valuables to the groom's side of family in the name of culture and tradition. Historically, the dowry system in India began as *stridhan*, which was given voluntarily by the parents to their daughter at the time of marriage as a form of economic security she alone controlled. Unfortunately, this beautiful practice, transformed by greed, turned into a demand driven practice where the groom and his family would set conditions for marriage and pressure them to fulfill their demands. However, when the bride's family failed to fulfill these demands, their daughters were subjected to cruelty, harassment, and violence by their husbands and in laws for bringing insufficient dowry. This abuse eventually resulted in dowry deaths, which were often disguised as suicides or accidental kitchen fires.

The alarming rise in such incidents pushed the government to enact the Dowry Prohibition Act, 1961. Section 2 of the Act 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 parents or any other person to either party to the marriage, before, at, or any time after the marriage, in connection with the marriage."³ It is also important to note that genuine gifts given voluntarily and without

¹ M.K. Gandhi, *India of My Dreams* 213 (Rajpal & Sons 1959).

² Dowry Prohibition Act, No. 28 of 1961, India Code (1961) (India).

³ Dowry Prohibition Act, No. 28 of 1961, § 2, India Code (1961) (India).

any sort of pressure and which are often listed formally at the time of marriage are not included in the dowry. Section 3 of the Act makes both giving and taking dowry a punishable offence, and a person found guilty will face imprisonment, not less than five years, along with a fine of at least fifteen thousand rupees or the value of the dowry involved, whichever amount is higher.⁴ What makes this act even more effective is that the mere demand of dowry is also punishable irrespective of the fact whether it is fulfilled or not.⁵ Another important feature of the Act is its refusal to recognize dowry agreements as legally valid. Even if both the parties willingly agree to exchange gifts and money or any valuable assets as a condition of marriage, it has no legal sanctity.⁶ The Act also safeguards the bride's financial and economic interests by ensuring that any property or valuables intended for her benefit remain her rightful property. This provision is very important because, in many instances, gifts received during marriage are retained by the husband or his relatives, leaving the woman with little or no control over the valuables that were meant to provide her with financial security. This reduces any possibility of her financial exploitation by her husbands and in laws.⁷ The Act also discourages any sort of public advertisement and promotion of dowry or portraying marriage as a financial transaction. This shows that the legislation very well recognizes the mindset that treats marriage as an opportunity for financial gain.⁸ Overall, the Act reflects the legislature's intent to address not only the legal consequences of dowry but also the social attitudes that perpetuate it.

The Dowry Prohibition Act does not operate in isolation. It works alongwith several other laws designed to protect women within the institution of marriage such as The Protection of Women from Domestic Violence Act, 2005⁹ which protects women from any sort of domestic violence faced by them at their marital home and other State level Dowry Prohibition Rules that supplement the central act.

⁴ Dowry Prohibition Act, No. 28 of 1961, § 3, India Code (1961) (India).

⁵ Id. § 4.

⁶ Id. § 5.

⁷ Id. § 6.

⁸ Dowry Prohibition Act, No. 28 of 1961, § 4A, India Code (1961) (India) (inserted by the Dowry Prohibition (Amendment) Act, No. 43 of 1986).

⁹ Protection of Women from Domestic Violence Act, No. 43 of 2005, India Code (2005) (India).

Through various landmark judgments, the Supreme Court and High Courts have played a significant role by interpreting and clarifying the law. One of the most important judgments in this regard is *Appasaheb v. State of Maharashtra* (2007).¹⁰ In this case, the Supreme Court held that not every financial demand would amount to dowry unless it had a direct and proximate connection with the marriage. A demand made for domestic expenses, repayment of a loan, or other unrelated financial needs would not automatically fall within the definition of dowry. Another significant case is *Satbir Singh v. State of Haryana* (2021),¹¹ the Supreme Court adopted a broader interpretation while dealing with dowry death. The Court observed that the expression "soon before her death" should not be interpreted rigidly or mechanically. The courts must examine whether there was a continuous and proximate link between the dowry related harassment suffered by the woman and her subsequent death. The judgment recognised the fact that cruelty within a marriage often occurs over a period of time and is not just confined to a single incident immediately preceding the victim's death. The Court strengthened the protection available to victims and prevented offenders from escaping liability merely because the harassment had not occurred immediately before the death and emphasized that laws should not be applied mechanically. Over the years, the Act has been strengthened through legislative amendments and judicial interpretation, reflecting the State's determination to reduce dowry related offences and provide greater protection to women.

Over the years, legal experts, policymakers, and social reformers have consistently emphasized that eliminating dowry requires a combination of legal enforcement, institutional accountability, and social transformation. One of the most important steps is to increase public awareness regarding the legal and social consequences of dowry. Despite decades of legislation, many families continue to perceive dowry as a customary practice rather than a punishable offence. Demands are often disguised as *shagun*, wedding gifts, or family traditions, making them appear socially acceptable even though they may amount to dowry under the law. Large scale awareness campaigns through schools, colleges, community organisations, digital media, and public institutions can help challenge these misconceptions and encourage individuals to reject dowry in all its forms. Such initiatives are particularly important in rural and semi-urban areas, where the

¹⁰ *Appasaheb v. State of Maharashtra*, (2007) 9 S.C.C. 721 (India).

¹¹ *Satbir Singh v. State of Haryana*, (2021) 6 S.C.C. 1 (India).

practice continues to be deeply entrenched due to social pressure and long-standing customs. The justice delivery system must also be made more efficient by ensuring the timely disposal of dowry related cases. Victims frequently face lengthy investigations and prolonged trials, which often discourage them from pursuing legal remedies. Establishing dedicated fast-track courts for dowry-related offences and ensuring prompt investigation can reduce delays, strengthen public confidence in the legal system, and provide victims with timely justice. These remedies would provide victims with more effective and comprehensive access to justice. Ultimately, the way forward lies not only in strengthening laws but also in transforming societal attitudes, ensuring effective institutional support, and reaffirming that marriage should be a relationship built on equality, dignity, and mutual respect rather than financial expectations.

The Dowry Prohibition Act, 1961 was India's legal response to this social evil. The Act ensures the dignity and safety by criminalizing the giving, taking, or even demanding dowry. But legislation alone cannot transform a social evil such as this, which has been deeply embedded in the society. Laws can only punish the offenders, it is the society who needs to actively reject the practice of dowry. The financial independence and economic empowerment of women through education, employment, and financial independence in the society is also equally empowering so that they have the courage to walk out from an abusive and unhappy marriage. Eradicating dowry is not only just a legal responsibility but a moral and social obligation too. It requires a collective commitment from the society. The law has shown the direction, but it is society that must take the final step towards the eradication of dowry.