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Dowry Death in India

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ABSTRACT

Dowry death refers to the tragic incidents where a woman is murdered or driven to suicide due to disputes over dowry, a system prevalent in some societies, particularly in India. The practice involves the bride's family providing substantial gifts or money to the groom's family as a condition of marriage. Despite being outlawed in India in 1961 under the Dowry Prohibition Act, dowry-related violence remains a pervasive issue, with dowry death being one of the most extreme consequences.

This phenomenon often involves physical and mental abuse, leading to severe psychological trauma and, in many cases, death. The socio-economic factors, gender inequality, and cultural pressures surrounding dowry contribute to this crisis. The government and various social organizations have made efforts to combat dowry-related violence through legal frameworks and awareness programs, yet many challenges remain in enforcement and changing societal attitudes.

The paper aims to explore the issue of dowry deaths, a deeply rooted social and legal problem in certain countries, particularly India. The study will examine the historical context of dowry practices, the prevalence of dowry-related violence, the legal frameworks in place to combat it, and the social and cultural factors that sustain this practice. The paper will also look at the effectiveness of current laws and recommend measures to address the issue of dowry deaths.

The phenomenon of dowry deaths, particularly focusing on the social, economic, and cultural causes that lead to such deaths. By examining legal frameworks, case studies, and statistical data, this paper highlights the impact of dowry practices on women's lives, the inefficiencies of law enforcement in addressing dowry-related crimes, and the role of societal norms in perpetuating gender inequality. The paper also suggests reforms to prevent dowry-related violence and ensure justice for victims.

I. INTRODUCTION

Dowry death is a term used to describe the unfortunate deaths of women that happen due to conflicts arising from the dowry system. In numerous cultures, particularly in regions of South Asia, the dowry system entails the bride's family offering gifts, funds, valuable assets or things like gold, silver or any property to the groom's family as part of the marriage agreement.

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Although the practice is intended to demonstrate reverence and appreciation, it has frequently been exploited and has resulted in grave repercussions, such as physical assault, intimidation, and even homicide. In India, the term "dowry death" specifically refers to a woman's death that occurs due to the cruelty or harassment inflicted by her husband or his family over dowry demands. These deaths can occur through various means, such as burning, poisoning, or other forms of violence, often disguised as suicides or accidents to avoid being held accountable.

The problem of dowry death has been a major social issue for many years, leading to legal changes and social activism aimed at ending the practice. Despite the passage of laws like the dowry prohibition act (1961) and section 304(b) of the Indian penal code (IPC) related to dowry deaths, the problem persists due to deep-rooted societal norms, economic factors, and lack of awareness or enforcement.

Dowry deaths bring attention to the larger problem of gender inequality, where women are often seen as possessions and their lives are valued based on the monetary value they contribute to their marriage. Tackling this issue necessitates not only legal intervention but also substantial changes in societal perspectives on marriage, gender roles, and the treatment of women.

Dowry death can be controlled through various means of like conducting of regular seminar, awareness programs, spreading knowledge by various means of communication such as Newspaper, Television, Internet etc. Through better education facilities and strong legal system is the way through which Dowry Death can be eliminated.

II. HISTORY BEHIND DOWRY SYSTEM

The dowry system owes its history from ancient time. Its origin can be traced in ancient Hindu customs, where it was meant to provide financial security to the bride in her new home. Back then, dowry was called Var Dakshina which was given in kanyadan. Over time, this practice morphed into a societal expectation, with dowry demands often escalating to hefty amounts which ultimately resulted into abuse against women. The woman is subjected to exploitation for meeting the greed of her in-laws often resulting in her death which is now termed as dowry death. This dowry system has now turned into societal demon.

III. IMPACT OF DOWRY DEATH ON SOCIETY

The term "dowry death" is primarily used to describe a woman's death caused by her in-laws' dissatisfaction with the dowry provided by her family. In many cases, this dissatisfaction is used as a pretext for violence, leading to physical and emotional abuse. If the woman cannot fulfil the dowry demands, she may be subject to severe physical harm, and in extreme cases,

she may be killed. The problem of dowry deaths has been a subject of much scholarly research due to its widespread nature and the severe consequences for women.

Dowry deaths are not isolated incidents but are symptoms of deeply ingrained social and cultural gender biases. A significant factor contributing to dowry deaths is the patriarchal structure of society, where women are often viewed as property and financial burdens. This leads to the normalization of violence against women, particularly in the context of dowry-related issues. Dowry death has a profound impact on society, perpetuating gender inequality and violence. It reflects deep-rooted patriarchal norms, where women are treated as property and financial burdens. These deaths cause emotional and psychological trauma to families, especially the victim's relatives, and erode trust in marital institutions. The persistent nature of dowry-related violence reinforces social stigma, discourages women's empowerment, and perpetuates a culture of abuse. Economically, it strains families, especially in poorer regions, as they struggle to meet dowry demands. Ultimately, dowry deaths hinder social progress by maintaining harmful traditions and undermining the rights and dignity of women.

IV. LEGAL FRAMEWORK AND EFFORT TO COMBAT DOWRY DEATH

The Indian government has enacted several laws to address dowry-related violence, most notably the Dowry Prohibition Act (1961) and the Criminal Law (Second Amendment) Act (1983), which introduced Section 304B in the Indian Penal Code, now under section 80 of Bharatiya Nyay Sanhita (2023) making dowry death a criminal offense. Despite these legislative measures, the enforcement of such laws has been inconsistent, with many cases going unreported or being poorly investigated. Scholars argue that while laws exist to curb dowry deaths, societal attitudes and inadequate implementation hinder their effectiveness.

The introduction of the Domestic Violence Act in 2005 and the enactment of stricter punishments for dowry-related offenses are seen as efforts to combat dowry death, but challenges persist. A 2019 study indicated that dowry death cases continue to rise, particularly in rural areas, where social pressures and traditional practices are more prevalent. The **Protection of Women from Domestic Violence Act, 2005** also complements these provisions by providing civil remedies for women facing dowry-related harassment.

The provisions under the Indian Criminal system regarding dowry death are as follows

Section 304B IPC now Section 80 BNS – Dowry Death:

1. Definition of Dowry Death (Section 304B):

- **Dowry death** refers to the death of a woman caused by any burns, bodily injury, or

other unnatural causes, within **7 years** of marriage, where it is shown that the woman was subjected to cruelty or harassment by her husband or in-laws, in connection with the demand for dowry.

- **Punishment for Dowry Death:**

If a woman dies under such circumstances, the husband or in-laws are punishable with **imprisonment for a minimum of 7 years** which may extend to **life imprisonment**. In extreme cases, the punishment can be **death**.

Section 498A IPC now Section 85 and 86 BNS - Cruelty by Husband or Relatives:

- This section criminalizes **cruelty** by the husband or his relatives towards a woman, which includes harassment for dowry. **Cruelty** is defined as:
 - Any act of physical or mental harm.
 - Any conduct that forces the woman to commit suicide or endure grave mental distress.
- **Punishment:** The offender can be punished with **imprisonment** for up to **3 years** and/or a fine.

Section 113B of the Indian Evidence Act now Section 113 of Bharatiya Saksha Adhiniyam (2023) - Presumption of Dowry Death:

- Under this section, in cases where a woman's death occurs within **7 years** of marriage and it is shown that she was subjected to cruelty or harassment for dowry, the court may presume that the death was a result of dowry harassment unless the husband or his relatives prove otherwise.

Judicial Interpretation and Landmark Cases

Several landmark cases have helped shape the understanding and interpretation of dowry death laws in India:

State of Uttar Pradesh v. Sanjeev Nanda (2007) This case clarified the applicability of Section 304B of the IPC and emphasized that even if there is no direct evidence of cruelty, circumstantial evidence can be sufficient to convict the accused.

Kaliyaperumal v. State of Tamil Nadu (2003) In this case, the Supreme Court held that if a woman dies under unnatural circumstances and there is evidence of dowry-related harassment, the burden of proof shifts to the accused to prove that they did not cause her death.

Shanti v. State of Haryana (2001) The court highlighted that a presumption of dowry-related harassment leading to death can be made if the woman's death occurs within seven years of marriage and there is evidence of cruelty.

Challenges in the Implementation of Dowry Death Laws

Despite the legal framework in place, the implementation of laws to prevent dowry deaths has faced numerous challenges:

1. **Underreporting and Social Stigma** Dowry deaths are often underreported due to social stigma, fear of backlash, and a reluctance to bring dishonor to the family. This hampers effective investigation and prosecution.
2. **Weak Investigation and Legal Proceedings** There are frequent delays in the investigation process and weak evidence collection, which undermine the prosecution's case. Inadequate forensic evidence and slow-moving judicial proceedings result in acquittals or lenient sentences for the accused.
3. **Corruption and Influence of Powerful Families** In some cases, the influence of powerful families, including the wealthy and politically connected, has led to cases being dismissed or watered down. The lack of political will to address dowry deaths also plays a significant role.
4. **Ambiguity in the Law** The law regarding dowry deaths presumes the guilt of the accused, but the presumption is often contested. The burden of proof being shifted to the accused has led to legal challenges in courts.
5. **Cultural Resistance** There is deep-rooted cultural resistance against the eradication of dowry practices. Many families still view dowry as an integral part of the marriage process, which leads to continuous pressure on women and their families.

Recommendations for Reform

To combat the problem of dowry deaths more effectively, the following reforms are recommended:

1. **Stronger Enforcement of Existing Laws** Law enforcement agencies must be trained to deal with dowry-related crimes, and there should be stringent measures to ensure timely investigations and trials.
2. **Public Awareness Campaigns** Social awareness programs and community-based interventions can play a crucial role in changing attitudes toward dowry and gender-

based violence. Efforts should be made to sensitize both men and women about the harmful effects of dowry.

3. **Stricter Penalties** The penalties for those convicted of dowry deaths should be more stringent to serve as a deterrent. The law should provide for capital punishment in extreme cases where it is clear that the victim was subjected to severe violence and harassment.
4. **Protection for Victims and Witnesses** There should be stronger protections for victims and witnesses who report dowry harassment, including police protection and legal aid. This will help reduce the fear of reprisal.
5. **Judicial Reforms** Courts should work toward faster adjudication of dowry-related cases. Specialized courts that deal exclusively with such cases could be an effective way to speed up the process.

V. CONCLUSION

The issue of dowry death is a tragic reflection of gender inequality, patriarchal norms, and a deeply rooted cultural practice that devalues women's lives. Legal measures, such as the Dowry Prohibition Act and stringent laws against dowry-related violence, have been put in place to protect women. However, there is still much work to be done in terms of societal change, awareness, and enforcement of these laws. Educational initiatives, stronger law enforcement, and community engagement are necessary to address the root causes of dowry deaths and to promote gender equality and women's rights. In order to combat this grave issue, both legal and cultural transformations are essential for creating a safer and more equitable environment for women. Dowry death remains a major challenge in many societies, particularly in India. Although the legal framework has evolved to address this issue, challenges in law enforcement, cultural resistance, and underreporting continue to hinder progress. Comprehensive legal reforms, coupled with social change, are necessary to combat this pervasive evil. By strengthening legal mechanisms and addressing the root social causes of dowry violence, dowry deaths can be significantly reduced, leading to a more just society where women's rights are respected and upheld.

VI. REFERENCES

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