

Practice of Dowry in India and Criminal Justice System Critical Analysis

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Abstract

The dowry system remains one of India's most entrenched socio-cultural problems, continuing unabated despite the prohibitions introduced by the Dowry Prohibition Act, 1961, its subsequent amendments, and sustained public awareness initiatives. What originated historically as *stridhana*—a voluntary bestowal of gifts to women—gradually evolved into a compulsory and transactional transfer of wealth, shaped by patriarchal kinship structures, caste-based hierarchies, and economic conditions reinforced during the colonial period. Contemporary research indicates that the persistence of dowry practices is closely tied to structural socio-economic factors, including the marriage squeeze, processes of Sanskritization, widening income inequalities, commodification of grooms, and weak implementation of legal provisions. Although the Indian legal framework has expanded over time—through provisions such as Sections 304-B and 498-A of the Indian Penal Code, Section 113-B of the Indian Evidence Act, and the Dowry Prohibition Rules, 1985—conviction rates remain low. This is largely due to delayed reporting, coercion of victims, evidentiary challenges, and the pervasive social acceptance of dowry. International human rights instruments, including the Universal Declaration of Human Rights (1948), the Convention on the Elimination of All Forms of Discrimination Against Women (1979), and the Declaration on the Elimination of Violence Against Women (1993), recognize dowry-related abuse as a violation of human dignity, equality, bodily autonomy, and fundamental rights. Similarly, the Beijing Platform for Action (1995) and the Sustainable Development Goals call upon states to eliminate harmful cultural practices such as dowry. Thus, despite legislative progress, the continuing prevalence of dowry reflects a complex interplay of cultural norms, gender-based power inequalities, and socio-economic pressures. Meaningful eradication of the practice requires not only stronger enforcement mechanisms but also gender-equitable inheritance systems, the economic empowerment of women, and deeper transformative social change.

Keywords : Dowry system, Stridhana, Gender-based violence, Dowry Prohibition Act 1961, Marriage market, Sanskritization, Marriage squeeze, Patriarchal norms, Caste hierarchy, Dowry deaths, Human rights, CEDAW, UDHR, Beijing Declaration, Women's empowerment.

Introduction-

The nature of residence and inheritance systems, women's role in production, familial groups, relative availability of possible husbands, and socioeconomic stratification in society are some of the elements that have been theorized related to the practice of dowry in India.¹ Incidents of harassment, abuse, and

¹ Sonia Dalmia and Pareena G. Lawrence, 'The Institution of Dowry in India: Why It Continues to Prevail' (2005) 38(2) *The Journal of Developing Areas* 71–93 <https://www.jstor.org/stable/4192976> accessed 16 January 2026.

both mental and physical cruelty inflicted upon married women have been increasing at an alarming rate across the country. Such acts are frequently employed as coercive tools to compel women to procure additional wealth for the groom's family, ostensibly to enhance its financial standing. Despite the growing number of complaints filed against husbands and in-laws, societal attitudes toward married women remain largely unchanged. Consequently, for many women, the matrimonial home—traditionally regarded as a place of security—has instead become a site of heightened vulnerability. The rising volume of reported cases is deeply concerning, particularly given the existence of stringent legal provisions meant to curb such violence. As the Kerala High Court observed in *Dr. Sijo Rajan R.V. & Ors. v. State of Kerala & Ors.*, such practices demand urgent and permanent eradication.¹

Despite nearly a century of legislative reform efforts and sustained public awareness campaigns, the dowry system remains one of the most entrenched and pervasive sociocultural practices in India. This enduring custom continues to pose a major challenge to the nation's pursuit of social and economic justice—an aspiration embodied in the Directive Principles of State Policy. The continued prevalence of dowry highlights significant gaps between normative legal frameworks and actual social behaviour.² Articles 38 and 39 of the Directive Principles of State Policy mandate the State to promote social and economic justice. Yet, one of India's most persistent social shortcomings is the entrenched gender inequality and feminization of poverty, which continue to prevail despite decades of development. Cultural practices such as dowry significantly contribute to this disparity. Although the practice is widely criticized, particularly by the educated sections of society, it remains deeply ingrained and continues to be observed in both traditional and modern settings. Even today, dowry plays a central role in negotiations during arranged marriages. The items constituting the dowry are often conspicuously displayed at wedding venues, reinforcing its function as a marker of social prestige. Media reports frequently highlight cases of dowry-related deaths among newly married women, underscoring the seriousness of this issue. In many instances, dowry is viewed as compensatory payment for the financial investment a groom's family has made in his upbringing and education, thereby perpetuating a transitional approach to marriage.³

This paper has been devoted to critically analyse the practice of dowry in India and the legal framework regarding dowry. The data has been gathered from primary as well as secondary sources including constitution of India and secondary source articles, paper, reference books.

Concept of marriage in Hindu Civilization-

Hinduism is not a faith. It is a "Dharma"—a set of rules for behavior. Even though there are many different kinds of rituals that correspond with religious celebrations, Hindu Dharma is not limited to rituals alone. It talks about how the soul is exalted and that "Moksha" is the ultimate goal. Hindu marriage is therefore seen as a "Samaskara," Bhasya Sabra claims that "samaskara" literally means "making perfect" and that it is what makes a person or a thing exceptionally suitable for a given purpose. Twelve Samaskara have been discussed by Sir Henry Mayne, ranging from "Garbhadhana" to "antyeesti" and vivaha (marriage is one such significant Samaskara). Marriage was a well-established institution from the beginning of the Rigvedic era. The Rigveda's big and beautiful hymn, "Be, thou, mother of heroic

² Dr Sijo Rajan R V & Ors v State of Kerala & Ors, LiveLaw, "Kerala High Court Refuses Anticipatory Bail in Dowry Harassment Matter", available at <https://www.livelaw.in/news-updates/kerala-high-court-refused-anticipatory-bail-in-dowry-harassment-matter-177669> (accessed 07 November 2025, 10:23 IST).

³ P.K. Majumdar and R.P. Katariya, *Law Relating to Dowry Prohibition, Cruelty and Harassment 5* (3rd edn., Orient Publishing Company, New Delhi & Allahabad, 2014).

children, devoted to the Gods. Be, thou, queen of thy father-in-law's household," emphasizes the importance of marriage. May all the gods combine our two hearts into one." Given that marriage is idealistic and that dowries are inextricably linked to it. Manu claimed that ancient Hindu law acknowledged eight different kinds of marriage.

The Brahma rite is the gift of a daughter to a man of excellent character and knowledge of the Vedas, whom the father himself summons, after adorning her in costly attire and presenting her with jewelry.

The Daiva rite involves presenting a decorated daughter to a priest who will be officiating a sacrifice during its performance. The Arsharite happens when a parent fulfills the sacred need by giving away his daughter in line with the law after obtaining a cow and a bull, or two pairs, from the bridegroom.

The "Pragapatya rite" is the gift a daughter gets from her father after he says "may both of you perform together your duties" and honors the bridegroom.

The Asura custom is when the husband offers the bride and her family as much money as he can afford prior to getting a virgin, in accordance with his own desires.

One must understand that the voluntary union of a maiden and her lover is the Gandharva rite, which is motivated by passion and involves sexual activity.

The Rakshasa rite is the forcible removal of a maiden from her home as she sobs and cries after (her kinsmen) have been killed or injured and (their houses) broken open.

The eighth and most heinous rite of the Pisakas is when a man seduces a sleeping, drunk, or unconscious girl in secret. Even while the term "dowry" does not directly exist, it is evident that the daughter received customary gifts upon her marriage with love and affection, as the Brahma marriage attests to. Therefore, it is evident that adorning the bride with expensive garments and decorations was a religious ceremony. Given that this is the case, it is acceptable to say that such adornment was a religious rite and that the dowry was a religious rite in Brahma marriage if we consider it a dowry.

Thus, there are three ways we can accept dowries:

- (i) The ritual is religious.
- (ii) Gifts to brides are symbols of affection and love.
- (iii) The bride is the owner of these present.⁴

However, some Smritis required the maiden to be decked with ornaments (i.e., with gold* or endowed with wealth); she also had to be honored by numerous valuable presents, such as jewels; and she had to wear new bangles. The dressing (endowment) had to be carried out according to the best ability of the person who was obligated to supply these ornaments (endow the girl).⁵

Concept of Streedhana in hindu civilization-

"Kanyadan" is linked to the ancient rites of the Vedic era. According to Dharamsastras, the bridegroom must receive a "dakshina" before the meritorious act of "Kanyadan" is considered accomplished. "Vardakshna," or the money or in-kind presents given to the bridegroom by the bride's parents or guardians, is linked to "Kanyadan." In addition to being a religious ritual connected to marriage, the "Vardakshna" was offered out of love. There was no coercion or compulsion behind it. In the Brahma style of marriage, certain sums had to be spent by the father or guardian, depending on the situation, before they could be given to the spouses. This sum, whether in cash or in kind, is where the

⁴ Suman Nalwa and Hari Dev Kohli, *Law Relating to Dowry Death, Cruelty to Women & Domestic Violence* (Universal Law Publishing Co Pvt Ltd, New Delhi) foreword by A S Anand.

⁵ Ibid.

dowry originated. Therefore, in order to better appreciate the idea of giving gifts to the bride and groom—a practice that society has dubbed dowry—it becomes vital to comprehend the concept of stridhana. According to Manu, "the six-fold separate property of a married woman is what was given before the nuptial fire (adhyagni), what was given on the bridal procession (adhyavahanika), what was given in token of love (pritidatta), and what was received from a brother, a mother, or a father." "The six-fold property of a woman is what was given before the nuptial fire, what was presented in the bridal procession, her husband's donation (bhartridaya), and what has been given by her brother, mother, or father," according to Narada.

Further indicates that, "Property given to her by her husband, through pure affection, she may enjoy at her pleasure after his death or may give it away, except land or houses."⁶

After studying the above literature, I can say that the dowry system did not exist in the Vedic period of Hindu civilization, as demand and coercion are essential elements of dowry, whereas texts like Manusmriti and Naradasmriti describe gifts given in marriage out of love and affection.

The origins of the dowry in India-

The question of whether the Shastras sanctioned or forbade the practice, whether it formed an intrinsic element of kanyādān, and how it is distinguished from strīdhan, has been widely debated by scholars. Dowry generally denotes the wealth transferred along with the bride—a form of property that does not legally belong to her but is given at the time of marriage to her husband's family. In contrast, strīdhan traditionally refers to a woman's own property, including jewellery, ornaments, clothing, and other assets that are exclusively hers to control and enjoy. The custom of giving dowry is closely associated with the patriarchal belief that a daughter is "parāyā dhan," or someone else's wealth, to be transferred from her natal family to her husband's home. This worldview is a major reason why some parents hesitate to allow daughters to inherit immovable property. Historically, although forms of strīdhan existed in ancient Hindu society—particularly among upper castes—these were voluntary gifts legally recognized as a woman's separate property. Over centuries, however, social stratification, patriarchal norms, and economic pressures transformed these voluntary offerings into compulsory payments, shaping the modern institution of dowry during the medieval and colonial periods. By the late nineteenth and early twentieth centuries, the giving of dowries had become a widespread practice, cutting across all economic and educational backgrounds. The exact origins of the dowry system are difficult to trace. Manu, the ancient lawgiver, observes that determining the beginnings of this custom is nearly impossible. He describes the Brahma form of marriage as "the gift of a daughter, adorned with fine garments and honoured with presents of dowry, to a man learned in the Vedas and of virtuous conduct, who has been personally invited by the father."

Manu states that a husband "receives his wife from the Gods, acting in accordance with divine will and doing what is pleasing to them," rather than marrying her solely by his own choice. The *Brahma* form of marriage illustrates that, in ancient tradition, affectionate gifts were bestowed upon the daughter at the time of her wedding. This indicates that such offerings were expressions of love, not a formalized system of dowry—there is no direct evidence of dowry as an obligatory institution in this context.⁷

⁶ Suman Nalwa and Hari Dev Kohli, *Law Relating to Dowry Death, Cruelty to Women & Domestic Violence* (Universal Law Publishing Co Pvt Ltd, New Delhi) foreword by A S Anand.

⁷ Manu IX,95. as referred in Suman Nalwa, Haridev Kohali, et.al., *Law Relating to Dowry, Dowry Death, Cruelty to Women and Domestic Violence* PAGE NO. 29 (Universal Law Publishing Co. Pvt. Ltd., New Delhi -India, 2nd edn., 1 JAN2013).

In India, cultural emphasis on dowry practices enhances the economic value of sons while diminishing that of daughters. Pronounced gender disparities across multiple human development indicators remain a defining characteristic of the country. Young girls, in particular, face disproportionate deprivation and significant inequalities in essential social services such as nutrition, healthcare, and child welfare. Gender bias also influences parental fertility choices. After the birth of a girl, many parents continue childbearing in the hope of having a son. These son-preferring fertility patterns—often described as gender-biased “stopping rules”—increase overall family size while simultaneously reducing the well-being and resource allocation available to daughters. The transfer of wealth from the bride’s family to the groom’s family at marriage continues to be a widespread practice. As a result, the birth of a boy is associated with an anticipated economic gain at the time of his marriage, whereas the birth of a girl is viewed as an expected financial burden.⁸

Understanding the social, economic, and cultural forces that have shaped the emergence and evolution of the dowry system is an important inquiry. Among the most frequently cited theories is the **Sanskritization hypothesis**, articulated by sociologist M.N. Srinivas in 1984. According to this view, dowry practices were originally confined to upper-caste families—particularly Brahmins and other elite groups. Over time, however, lower-caste communities began to emulate these practices in an effort to elevate their own social position, a process Srinivas termed *Sanskritization*. By adopting customs associated with higher castes, such as giving dowry, lower-status groups sought symbolic upward mobility. While this framework provides a compelling cultural explanation, emerging research challenges its adequacy in accounting for the widespread presence of dowry across India. Studies indicate that both upper- and lower-caste groups embraced dowry practices around the same historical period, suggesting that imitation of upper-caste behaviour cannot solely explain its diffusion. This insight exposes the limitations of Sanskritization as a singular explanatory model and calls for a more comprehensive analysis that includes demographic, legal, and economic factors contributing to the institutionalization of dowry. Another significant dimension of research examines how demographic patterns—particularly population dynamics—shape dowry prevalence and value. Scholars have shown that population growth and changing sex ratios influence marriage-market conditions. In many regions, men tend to marry later than women, creating age-structured marriage cohorts. As the population expands, this age gap results in a surplus of marriageable women relative to men, a demographic imbalance commonly referred to as the “**marriage squeeze**.” In this context, where the number of eligible grooms is relatively limited, families of brides may feel pressured to provide higher dowries to secure advantageous marriage alliances. This heightened competition for a smaller pool of prospective grooms not only fuels the persistence of dowry demands but also drives a steady increase in dowry amounts. Thus, demographic dynamics significantly shape the evolution of the dowry system, illustrating how broader population structures can influence deeply rooted social practices—extending the analysis beyond purely cultural or caste-based explanations. A significant economic explanation for the rise in dowry payments is offered by Anderson (2003), who proposes a matching model to account for dowry inflation within a modernizing, caste-based society. In this framework, dowry operates as an equilibrium payment made by the bride’s family to obtain a groom of a particular “value” in the marriage market. Brides and their families generally prefer upward mobility—seeking husbands who are wealthier or belong to higher-status castes—while grooms are assumed to be primarily influenced by the

⁸ Marco Alfano, The Effect of Marital Payments on Fertility Choices in India, *Journal of Development Economics* 125 (2017), <https://doi.org/10.1016/j.jdeveco.2016.11.004> (accessed Jul. 31, 2025).

size of the dowry offered. As India undergoes modernization and economic development intensifies wealth inequality, the variation in groom “value” expands. This greater economic disparity produces a wider spectrum of dowry payments, as families increasingly compete for desirable matches. Consequently, modernization does not necessarily reduce the practice of dowry; instead, it may exacerbate it by broadening the distribution of dowries across households and further embedding the custom. Anderson’s model therefore provides a persuasive economic lens linking social preferences, caste hierarchies, and wealth distribution to the persistence and even growth of dowry in contemporary India. If dowry is viewed as an equilibrium price in the marriage market—paid by the bride’s family to obtain a groom of superior economic or social standing—then grooms with higher incomes or higher caste status naturally command larger dowries. This interpretation helps explain how modernization has contributed to the expansion of dowry practices. During the 1930s and 1940s, India experienced substantial growth in male education and employment opportunities. As formal education and salaried jobs became more accessible, the number of “high-quality” grooms—men considered desirable due to their earning potential and upward mobility—increased. This rise in groom quality created greater stratification in the marriage market, prompting families of brides to compete for better-qualified men by offering progressively higher dowries. Thus, economic and educational advancements, which expanded the pool of upwardly mobile grooms, significantly contributed to dowry inflation and reinforced its role as a central mechanism in negotiating marriage alliances. This historical context demonstrates that structural economic development, instead of reducing dowry practices, may have unintentionally strengthened them by heightening competition for grooms with greater social and economic advantages.⁹

Cause of dowry in India-

Dowry in India did not emerge spontaneously; it evolved through a complex interplay of historical, legal, economic, and cultural forces. For a rigorous academic analysis, the underlying causes must be understood as structural rather than emotional or individual. Key structural determinants include:

Patriarchal Household Structure: Within traditional Indian family systems, women were positioned as dependents, while men were viewed as primary economic contributors and inheritors. Dowry functioned as a form of *premortem inheritance* transferred at the time of a daughter’s marriage.¹⁰

Son Preference and Gendered Property Rights: Historically, daughters received movable goods upon marriage, whereas sons inherited land and ancestral property. Even after reforms to the Hindu Succession Act, customary norms and weak enforcement ensured the continued marginalization of women’s property rights, sustaining dowry practices.¹¹

Marriage as a Market-Based Institution: Marriage negotiations often resemble market transactions in which grooms possess measurable “market value” determined by caste, education, occupation, and socio-economic status. Families of higher-status grooms commonly demand larger dowries, reinforcing transactional patterns.¹²

⁹ Chiplunkar, Gaurav and Jeffrey Weaver, *Marriage Markets and the Rise of Dowry in India*, IZA - Institute of Labor Economics, 2023, available at <http://www.jstor.org/stable/resrep67181> (last accessed 2 Aug. 2025).

¹⁰ Marco Alfano, The Effect of Marital Payments on Fertility Choices in India, *Journal of Development Economics* 125 (2017), <https://doi.org/10.1016/j.jdevco.2016.11.004> (accessed Jul. 31, 2025).

¹² Chiplunkar, Gaurav and Jeffrey Weaver, *Marriage Markets and the Rise of Dowry in India*, IZA - Institute of Labor Economics, 2023, available at <http://www.jstor.org/stable/resrep67181> (last accessed 2 Aug. 2025).

Caste Endogamy and Status Competition: Endogamous caste networks intensify inter-family competition. Dowry becomes a symbolic display of honor, status, and caste purity, functioning as a conspicuous consumption good within tightly bounded social groups.¹³

Wealth Transfer in the Absence of Social Security: Before the advent of modern financial systems, dowry served as a form of post-marital security for women. Over time, however, this protective rationale transformed into an exploitative mechanism of wealth extraction.¹⁴

Weak Implementation of Dowry Laws: Despite the Dowry Prohibition Act (1961) and criminal provisions under Sections 304-B and 498-A IPC, conviction rates remain low. Law enforcement agencies often treat dowry disputes as private family matters, reducing the deterrent effect.

Cultural Ritualization: Ritual practices—such as *shagun*, ceremonial gifts, *streedhan*, and *gauna*—blur the boundary between voluntary gifting and coercive extraction. Their ritual framing lends social legitimacy to practices that may otherwise constitute dowry.¹⁵

Material Aspirations and Economic Pressures: Urbanization and rising consumerism have increased the demand for cash, vehicles, property, and luxury goods. Marriage has become an event for accumulating assets, thereby intensifying dowry demands.

Gender Inequality in the Labour Market: Persistent disparities in female employment and wages lead families to view dowry as a compensatory payment for perceived lower earning potential of daughters—justified through cultural narratives.^{16]}

Inter generational Replication: Families that pay dowry for their daughters often expect to recover similar payments when their sons marry. This cyclical logic perpetuates the system across generations.

Escalating Wedding Expenditures:

Social pressures to host elaborate weddings and exchange expensive gifts contribute to rising financial expectations. Community-level comparison, gossip, and competitive display further normalize extravagant spending and dowry transfers.

Strengthening the Fight Against Dowry: The Evolution of India's Dowry Prohibition Law : Legal Framework in India-

India has multiple laws addressing dowry-related offenses: The Dowry Prohibition Act, 1961—enacted in response to rising concerns over dowry-related deaths and the systemic harassment of married women—criminalises the giving, taking, and demanding of dowry before or at the time of marriage.

Definition of Dowry-

Definition according to the Dowry Prohibition Act 1961- Section 2 of the Act provides the definition of *dowry*. It refers to any property or valuable security that is given or agreed to be given, whether directly or indirectly—

(a) by one party to the marriage to the other; or

(b) by the parents of either party, or by any other person, to either party to the marriage or to any other individual—

¹³ Marriage Markets and the Rise of Dowry in India Author(s): Gaurav Chiplunkar and Jeffrey Weaver IZA - Institute of Labor Economics (2023) Stable URL: <https://www.jstor.org/stable/resrep67181>

¹⁴ Sonia Dalmia and Pareena G Lawrence, 'The Institution of Dowry in India: Why It Continues to Prevail' (2005) 38(2) The Journal of Developing Areas 71–93 <http://www.jstor.org/stable/4192976> accessed 18 January 2026.

¹⁵ Sonia Dalmia and Pareena G Lawrence, 'The Institution of Dowry in India: Why It Continues to Prevail' (2005) 38(2) The Journal of Developing Areas 71–93 <http://www.jstor.org/stable/4192976> accessed 18 January 2026.

¹⁶ *ibid*

at, before, or any time after the marriage, provided it is connected with the marriage. However, this definition expressly excludes *dower* or *mahr* in the case of individuals governed by Muslim Personal Law (Shariat).¹⁷

The Supreme Court overturned the High Court's acquittal and upheld the husband and mother-in-law's conviction, noting that dowry is a "cross-cultural evil" that exists not only in Hindu society but also in other communities, such as Islam, where dowry demands frequently weaken the protective role of "mehr."¹⁸

The Dowry Prohibition Act, 1961 defines dowry as any property or valuable security given or agreed to be given—whether by either party to the marriage, by their parents, or by any other person—to one of the parties to the marriage or to any other individual. Such a transfer may occur before, during, or after the marriage, so long as it is made in connection with the marriage. The emphasis on the phrase “in connection with the marriage” is crucial, as it widens the ambit of the definition to include not only pre-marital or ceremonial gifts but also post-marital demands and transfers that arise due to the marital relationship.

The Act further excludes *dower* or *mahr* from the definition of dowry. Under Muslim Personal Law (Shariat), *mahr* is a compulsory marital obligation and operates as a legally recognized right of the wife, rather than an unlawful, coercive demand. This exclusion reflects the legislature’s intention to distinguish legitimate religious or customary obligations from the exploitative and discriminatory practice of dowry, which the statute aims to eliminate.

The expression “in connection with the marriage” is pivotal yet inherently vague. Courts have often grappled with determining how closely the giving or receiving of property must relate to the marriage itself. Judicial interpretations have varied, with some decisions treating the phrase as:

Broad and expansive, thereby including post-marital demands that arise from marital expectations; and **Narrow and restrictive**, especially where the transfer involves voluntary gifts or customary post-marital offerings.

This lack of clarity enables defence claims that certain transactions were merely “voluntary gifts,” thereby weakening the Act’s intended deterrent effect. The potential for subjective judicial interpretation remains significant, particularly in regions where dowry practices are deeply embedded in social norms

Limitations arising from the focus on property and valuable security-

The statutory definition focuses on “property” and “valuable security,” thereby prioritising tangible and measurable transfers. However, contemporary dowry practices in India often extend far beyond these traditional categories and now include:

High-cost lifestyle expectations, Regular financial contributions to the husband’s family, Funding for education, migration, business ventures, or property acquisitions.

These forms of economic extraction do not always fit neatly within the limited legal notions of “property” or “valuable security,” which makes prosecution challenging unless courts adopt a broader, purposive interpretation aligned with the law’s objective.

¹⁷ Dowry Prohibition Act, 1961, Act No. 28 of 1961 (20 May 1961), available at India Code

https://www.indiacode.nic.in/bitstream/123456789/5556/1/dowry_prohibition.pdf (accessed on 19 November 2025, 3:35 PM IST).

¹⁸ *State of U.P. v Ajmal Beg* (Criminal Appeal Nos 132–133 of 2017, Supreme Court of India) 2025 LiveLaw (SC) 1209, accessed 18 January 2026

Exclusion of dower/mahr — justified but socially complex-

The explicit exclusion of dower or mahr under Muslim Personal Law serves to differentiate legally mandated religious obligations from dowry. However, this exemption carries two important implications:

Practical complexity: In many Muslim communities, mahr is frequently set at a nominal amount, while informal dowry-like practices continue alongside it. This creates gaps in protection, leaving women exposed to exploitation without sufficient legal recognition or remedy.

Dual treatment: It introduces a conceptual divide between personal law and statutory law, making it more difficult to ensure consistent enforcement of anti-dowry provisions across different communities.

The distinction, though legally coherent, does not reflect the socio-cultural reality that dowry practices often continue alongside mahr. Moreover, the law places excessive emphasis on the act of giving rather than on the coercive context in which such transfers occur. The definition concentrates on tangible asset transfers, without directly addressing the structural forces that make dowry a pervasive form of gendered oppression. It overlooks factors such as: Inequalities embedded in marriage markets, Familial and community pressures, Women's economic dependence, and The expectation of "status matching" through dowry.

Because of this narrow legal framing, successful prosecution often hinges on proving specific instances of transfer or demand, even though dowry as a social practice is continuous, relational, and frequently psychological in nature.

"The Court held that even if no dowry was demanded before or during the marriage, any subsequent demand made thereafter is sufficient to fall within the definition of dowry under Section 2 of the Dowry Prohibition Act, 1961."¹⁹

Section 3 prescribes a minimum imprisonment of five years and a fine of at least ₹15,000 or the value of the dowry for giving or taking dowry. Section 4 penalises the act of demanding dowry, while Section 6 requires that any dowry received must be transferred to the woman for whom it is intended, and failure to do so results in criminal liability.

The Supreme Court has reiterated that dowry or customary gifts given at the time of marriage cannot be presumed to be entrusted to the bride's parents-in-law, and therefore do not fall within the scope of Section 6 of the Dowry Prohibition Act, 1961.²⁰

The Act also authorises State Governments to appoint Dowry Prohibition Officers, who are empowered to investigate complaints, initiate prosecutions, and undertake preventive measures.

Judicial decisions have consistently clarified that dowry encompasses not only cash payments but any form of property or valuable security sought as a condition of marriage.

Section 304-B of the IPC deals with *dowry death*, which occurs when a married woman dies under unnatural circumstances within seven years of marriage and has been subjected to cruelty or harassment "soon before her death" in connection with dowry demands. The offence is cognizable and non-bailable, carrying a minimum sentence of seven years' imprisonment, extendable to life. Supreme Court reiterated

¹⁹ Kiran Kumar S v. State of Kerala & Anr., 2022 LiveLaw (Ker) 649,

Available at: <https://www.livelaw.in/news-updates/even-dowry-not-demanded-before-time-of-marriage-subsequent-demand-sufficient-attract-dowry-prohibition-act-kerala-high-court-216613>

(Last visited on 11 November 2025, 12:00 PM IST).

²⁰ Mulakala Malleshwara Rao & Anr. v. State of Telangana & Anr., 2024 LiveLaw (SC) 621, available at

<https://www.livelaw.in/top-stories/dowry-traditional-presents-given-at-time-of-marriage-arent-presumed-to-be-entrusted-to-brides-parents-in-law-supreme-court-268064> (accessed 07 Nov 2025, 10:23 IST).

the essentials for a conviction: (a) death by burns or bodily injury, (b) occurring otherwise than under normal circumstances, (c) within 7 years of marriage, (d) where the woman was subjected to cruelty/harassment by the husband or his relative "soon before her death," and (e) such cruelty was in connection with a dowry demand.²¹

This provision has been retained in the Bharatiya Nyaya Sanhita, 2023 as Section 80, without any substantive changes in its elements or punishment. Judicial understanding of "cruelty" continues to draw from established precedents under Sections 498-A and 304-B IPC.

In *Jai Shankar Shukla v. State of U.P.*, the Allahabad High Court rejected the "cooking fire theory" advanced by the defence and upheld the husband's conviction for dowry death, noting that there were "no signs" indicating that the deceased attempted to save herself."²²

Cruelty in Connection with Dowry: Section 498-A, IPC and Section 85, BNS

Section 498-A of the Indian Penal Code, introduced through the Criminal Law (Second Amendment) Act, 1983, was enacted in response to the growing incidence of dowry-related domestic abuse. The provision criminalises both mental and physical cruelty inflicted by a husband or his relatives when such conduct is tied to unlawful dowry demands. The statutory explanation specifies that "cruelty" includes wilful behaviour likely to drive a woman to a desperate state or cause serious harm to her life, limb, or mental or physical health, as well as harassment aimed at coercing the fulfilment of dowry demands. The offence is cognizable and non-bailable, carrying a punishment of up to three years' imprisonment along with a fine.

Indian courts have consistently emphasised that prosecution under this section requires a demonstrable link between the harassment and dowry demands, as routine marital discord does not amount to criminal cruelty. In *Gurnaib Singh v. State of Punjab*, (2013) 7 SCC 108, the Supreme Court reiterated that the harassment must be *with the intention of coercing* the woman or her family to meet dowry demands.

Following the repeal of the IPC, the Bharatiya Nyaya Sanhita, 2023 preserves this offence in Section 85, retaining its wording, purpose, and penalties, thereby ensuring continuity in both jurisprudence and the legislative objective of curbing dowry-motivated abuse..²³

Presumption of Dowry Death – Section 113-B (Indian Evidence Act, 1872) and Section 119 (Bharatiya Sakshya Adhinyam, 2023)

Indian jurisprudence on dowry death recognises that domestic violence and coercive dowry demands usually occur within the private sphere of the home, where direct evidence is scarce and victims are often unable to report harassment prior to their death. To address these evidentiary challenges, Parliament introduced a statutory presumption in Section 113-B of the Indian Evidence Act, 1872—retained as Section 119 of the Bharatiya Sakshya Adhinyam, 2023.

²¹ *State of U.P. v Ajmal Beg* (Criminal Appeal Nos 132–133 of 2017, Supreme Court of India) 2025 LiveLaw (SC) 1209, accessed 18 January 2026

²² *Jai Shankar Shukla v. State of U.P.*, 2025 LiveLaw (AB) 271, available at <https://www.livelaw.in/high-court/allahabad-high-court/allahabad-high-court-cooking-fire-theory-upholds-husband-conviction-1991-dowry-death-case-299130> (accessed 07 Nov 2025, 10:23 IST).

²³ *Gurnaib Singh v. State of Punjab*, Criminal Appeal No. 744 of 2013, decided on **10 May 2013**, reported in **(2013) 3 SCC 563 = ILR (2013) 3 SCR 563**.

Available at: [https://hcph.gov.in/storage/ilr/50/english/Faridkot%20\(9%20judgments\)/English/J144E\(2013-3-SCR-563\)P-26.pdf](https://hcph.gov.in/storage/ilr/50/english/Faridkot%20(9%20judgments)/English/J144E(2013-3-SCR-563)P-26.pdf)

(last accessed on 05 November 2025, 18:15 IST).

Under Section 113-B, when the prosecution shows that:

- (1) a woman died under unnatural circumstances (such as suicide, burning, poisoning, or strangulation)
- (2) within seven years of her marriage, and
- (3) she had been subjected to cruelty or harassment for dowry by her husband or his relatives “soon before her death”

(4) the court *shall presume* that the accused caused the dowry death. The use of the phrase “shall presume” creates a mandatory, not discretionary, presumption. Once the foundational facts are established, the burden of proof shifts to the accused to rebut the presumption with a credible explanation or evidence. This framework acknowledges the inherent difficulty of proving domestic offences where witnesses may be family members who are unwilling, intimidated, or unavailable.

The Supreme Court has clarified that the presumption does not operate automatically. In *Baijnath v. State of Madhya Pradesh*, (2017) 1 SCC 101, the Court held that the prosecution must first establish a prima facie link between the alleged cruelty and the dowry demand. The expression “soon before her death” denotes a requirement of proximity, though it does not demand immediacy. Once these elements are shown, the presumption under Section 113-B becomes applicable, shifting the evidentiary burden to the accused. Courts routinely apply this presumption alongside Section 304-B IPC (now Section 80 BNS), creating an integrated substantive and evidentiary framework for dowry-death prosecutions.²⁴

Transition to the Bharatiya Sakshya Adhiniyam, 2023 (BSA)

The Indian Evidence Act, 1872 has been replaced by the Bharatiya Sakshya Adhiniyam, 2023, as notified in the Gazette of India in December 2023. The statutory presumption contained in Section 113-B has been carried forward without substantive alteration and now appears as Section 119 of the new legislation.

Section 119, Bharatiya Sakshya Adhiniyam, 2023

Section 119 retains the same mandatory presumption: where a woman dies within seven years of marriage, under unnatural or suspicious circumstances, and it is shown that she faced dowry-related cruelty or harassment “soon before her death,” the court must presume that the husband or his relatives caused the dowry death. The scope of protection remains fully intact, mirroring the earlier Section 113-B, thereby maintaining continuity in judicial interpretation and evidentiary standards.²⁵

A major criticism of the Dowry Prohibition Act, 1961 was the insufficiency of its legal framework. The Act lacked robust enforcement mechanisms and precise provisions necessary to protect victims and enable effective prosecution. Consequently, dowry demands and related abuse continued largely unchecked. To address these shortcomings, the Government of India introduced the Dowry Prohibition Rules in 1985, designed to strengthen the Act and enhance its practical enforcement. The dowry system, a deeply rooted social practice in India, has historically been linked to gender-based violence and economic exploitation. To address this harmful custom, the Government of India enacted the Dowry Prohibition Act in 1961, criminalising both the giving and receiving of dowry. Yet, despite this statutory prohibition, the practice persisted, and successful prosecutions under the law remained infrequent.

²⁴ *Baijnath & Others v. State of Madhya Pradesh*, Criminal Appeal No. 1097 of 2016, decided on 18 November 2016 (Supreme Court of India), available at:

<https://www.casemine.com/judgement/in/5833221853bee73114398121>
(last accessed on 05 November 2025, 18:12 IST)

²⁵ *Baijnath & Ors. v. State of Madhya Pradesh*, (2016) 10 SCC 473 (Criminal Appeal No. 1097 of 2016, Decided: 18 Nov 2016) – (Referencing Section 113-B, Evidence Act, 1872). casemine.com

important reforms in Dowry Prohibition Act 1961-

Mandatory Documentation of Gifts: The Rules require both the bride and the groom to maintain a written record of all gifts exchanged during the marriage, including a description of each item and its approximate value. The bride must list the gifts she receives, and the groom must do the same for his. This provision was introduced to clearly differentiate lawful, voluntary gifts from prohibited dowry transactions. But in reality it is not followed.

Stricter Penalties: The revised rules strengthened the punishment framework by mandating a minimum sentence of five years' imprisonment and a fine of ₹15,000 for individuals found guilty of accepting or assisting in the acceptance of dowry.

Reversal of Burden of Proof: An important procedural change was the shifting of the burden of proof. Anyone accused of receiving dowry is now required to establish that the money or items obtained were not part of a dowry arrangement.

For proving a dowry demand, it must be established that a demand was in fact made, that such demand was intrinsically linked to the marriage, and that the transfer of property or valuable security occurred under coercion or pressure. Notably, **the Dowry Prohibition Act does not incorporate any statutory presumptions in favour of the victim with respect to dowry demands—unlike Section 113-B of the Indian Evidence Act**, which provides a presumption in cases of dowry death. This absence of evidentiary presumptions creates a significant gap, thereby undermining the practical effectiveness of the statutory definition when prosecuting offences related to dowry

Non-bailable offence: With subsequent amendments, offences under the Dowry Prohibition Act were classified as non-bailable, thereby preventing accused individuals from obtaining bail as a matter of right and subjecting them to stricter judicial scrutiny during investigation and trial.

Legal Principles regarding Dowry at International Stage-

It is anticipated that the criminal justice system will provide victims with justice. Holding criminals accountable is its main goal in order to lessen impunity and help reduce crime. The legal system pertaining to dowry death, abetment of suicide, and different forms of sexual abuse has made significant progress, but there are still a number of issues that need to be resolved. Legal regimes forbid dowry practices because they go against basic legal and human rights norms. They are acknowledged as acts of aggression against women and brutality that is comparable to torture. A woman's physical integrity and dignity are also violated by dowry demands. Even if certain legal arguments make reference to ideas like a woman's honor being violated or how her father's property is treated, these arguments are increasingly seen as improper and at odds with modern international best practices

The definition of dowry demands, dowry-related deaths, cruelty, and similar forms of violence as violations of human rights is firmly supported by the Universal Declaration of Human Rights (UDHR). Article 1 states that "all human beings are born free and equal in dignity and rights," while Article 2 guarantees that these rights be enjoyed "without distinction of any kind," including on the basis of sex. Women's autonomy, equality, and dignity are directly threatened by dowry demands and the variety of dowry-related violations, which seriously compromise these guarantees.²⁶

²⁶ Walby, Sylvia et al., Law and the Criminal Justice System, in Stopping Rape: Towards a Comprehensive Policy, 1st ed., Bristol University Press, 2015, pp. 111–172, available at: <http://www.jstor.org/stable/j.ctv4g1rd0.9> (last visited July 26, 2025).

Dowry-related violence is specifically acknowledged within the definition framework of the Declaration on the Elimination of Violence Against Women (1993). According to Article 2(a), "violence against women" includes, among other things, family-based physical, sexual, and psychological abuse. This includes destructive customs including female genital mutilation, dowry-related violence, marital rape, assault, and sexual abuse of girls."²⁷

According to Article 16(2) of the 1948 Universal Declaration of Human Rights (UDHR), marriage must be based on the free and full consent of the intended spouses. It also states that people of all ages have the freedom to be married and start a family without facing discrimination on the basis of their race, nationality, or religion.

Additionally, the UDHR ensures that both partners have equal rights before, during, and after marriage. It also acknowledges the family as the essential and natural unit of society, deserving of protection from the government and the larger community. When taken as a whole, these clauses highlight the crucial roles that equality, autonomy, and consent play in marriages and provide the fundamental framework for contemporary international human rights and family law.²⁸

But dowry-related coercion essentially undermines these ideals. Dowry demands frequently put women and their families under a great deal of stress, which undermines the bride's autonomy and the voluntariness of her assent. These behaviors often result in various forms of abuse, such as financial, emotional, and bodily harm, and they reinforce long-standing gender disparities.²⁹

Similarly, Article 16(1) of the 1979 Convention on the Elimination of All kinds of Discrimination Against Women (CEDAW) requires States to end all kinds of discrimination against women in matters pertaining to marriage and family relations. The dowry system intrinsically encourages discriminatory standards and behaviors that violate the rights and dignity of women. When combined, these international legal instruments highlight how important it is for states to acknowledge dowries as a form of discrimination based on gender and to implement social and legal policies that effectively end them.

Discrimination against women is defined by CEDAW as "any distinction, exclusion, or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment, or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil, or any other field."³⁰

States Parties must take all necessary steps to end discrimination against women in all facets of marital and family relationships, according to Article 16 of the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), 1979. It upholds the equal rights of men and women to marry, to freely select a spouse, and to give their complete and free consent. With the best interests of the child serving as the guiding principle, the Article assures equal rights and obligations both during and after marriage, as well as equal parental rights regardless of marital status. In addition, it guarantees women's equal rights in subjects like guardianship and adoption, access to reproductive health care, and

²⁷ Declaration on the Elimination of Violence against Women, 1993, art. 2(a), available at: https://www.un.org/en/genocideprevention/documents/atrocity-crimes/Doc.21_declaration%20elimination%20vaw.pdf (last visited July 26, 2025).

²⁸ United Nations, *Universal Declaration of Human Rights*, 1948, available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited Jul. 28, 2025).

²⁹ *Universal Declaration of Human Rights*, 1948, art. 16(2), available at: <https://www.un.org/en/about-us/universal-declaration-of-human-rights> (last visited July 26, 2025).

³⁰ *Convention on the Elimination of All Forms of Discrimination Against Women*, 1979, art. 16(1), available at: <https://www.un.org/womenwatch/daw/cedaw/> (last visited July 26, 2025).

decisions about the number and spacing of children. The clause also protects both spouses' equal personal rights, such as the ability to select a career and family name, as well as equal rights with regard to property ownership, acquisition, and management. Importantly, Article 16(2) requires States to set a minimum legal age for marriage and guarantee mandatory marriage registration, and it states that child marriage and betrothal shall have no legal effect. When taken as a whole, these rules aim to remove undesirable practices such as forced marriage, underage marriage, and discrimination related to dowries, as well as to provide genuine gender equality within the family.³¹

A thorough definition of "violence against women" is provided in the Declaration on the Elimination of Violence Against Women, which was approved by the UN General Assembly on December 20, 1993, through Resolution 48/104. Any gender-based act that causes or is likely to cause physical, sexual, or psychological injury or suffering to women is described as such violence in Article 1. Threats, coercion, and arbitrary deprivation of liberty—in both public and private contexts—are also included in this description.

Article 2 provides a more thorough explanation of the circumstances that can result in violence. Examples of physical, sexual, and psychological abuse that takes place within the family include female genital mutilation, dowry-related violence, marital rape, battering, and other detrimental customs. The Declaration enumerates crimes that take place in the community, such as forced prostitution, rape, sexual abuse, intimidation and harassment at work and in schools, and people trafficking.

It also recognizes violence committed or accepted by the government in any context. The Declaration highlights dowry-related violence's systemic aspect and reaffirms states' obligations to stop, confront, and correct these breaches of women's rights by specifically mentioning it.

The duty of states to categorically denounce all forms of violence against women is emphasized in Article 4. It declares that no religious practice, custom, or tradition may be used as an excuse for the State's delay or evasion of its obligations. The clause demands the swift approval and execution of all-encompassing policies and initiatives meant to end violence against women. This article emphasizes the necessity of state accountability and proactive engagement in defending the rights and dignity of women and vehemently condemns cultural relativism as a defense for gender-based violence.³²

A significant step toward acknowledging gender-based violence as a breach of women's human rights and a type of discrimination forbidden by the Convention was taken with the CEDAW Committee's General Recommendation No. 19 (1992). Dowry-related violence is specifically recognized by the Recommendation as a type of gender-based violence that prevents women from equally enjoying their rights and liberties. It makes clear that "gender-based violence – that is, violence directed against a woman because she is a woman, or violence that disproportionately affects women" is included in the definition of discrimination found in Article 1 of the Convention. Threats, coercion, and other types of loss of liberty are included in this interpretation, as are acts that result in bodily, mental, or sexual injury

³¹ Convention on the Elimination of All Forms of Discrimination Against Women, 1979, available at: <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women> (last visited July 28, 2025).

³² Declaration on the Elimination of Violence against Women, 1993, available at: https://www.un.org/en/genocideprevention/documents/atrocities-crimes/Doc.21_declaracion%20eliminacion%20vaw.pdf (last visited July 28, 2025).

or suffering. Crucially, the Committee points out that even in cases where the Convention's precise provisions do not specifically address gender-based violence, it may nevertheless be a violation.³³

In paragraphs 11, 23, and 24(i) of General Recommendation No. 19, dowry-related violence is specifically included. In paragraph 11, it is noted that many forms of violence and coercion, such as forced marriage, dowry deaths, acid assaults, female circumcision, and domestic abuse, are rooted in traditional beliefs that confine women to rigid gender roles or place them in inferior positions. These cultural norms normalize violence as a way to enforce compliance and strengthen control over women.

The fact that family violence is one of the most common and harmful types of abuse in all countries is further highlighted in paragraph 23. It points out that many women continue to live in dangerous situations because of their reliance on the economy, and that "traditional attitudes" continue to support many types of family-based violence, including sexual assault and physical and psychological abuse. According to the Recommendation, "men who fail to fulfil family responsibilities may be engaging in coercion and violence," which puts women's health and wellbeing at risk and restricts their capacity to fully engage in social and familial life.

The Committee makes specific recommendations in paragraph 24, urging States Parties to enact strong, all-encompassing policies to prevent gender-based violence in both public and private domains. It recommends that: (a) States should take appropriate and effective measures to address all forms of gender-based violence, regardless of whether such acts are committed by private individuals or public authorities; and (b) States must make sure that laws pertaining to family violence, abuse, rape, sexual assault, and other forms of gender-based violence adequately protect all women and fully uphold their integrity and dignity.

In order to guarantee the successful implementation of the Convention, the Recommendation further underscores the need for easily accessible support services for victims and stresses the significance of gender-sensitive training for judges, law enforcement officers, and public authorities. This all-encompassing strategy acknowledges that addressing dowry-related violence necessitates both legislative change and a more significant shift in institutional procedures and societal norms.³⁴

Adopted during the Fourth World Conference on Women, which took place in Beijing from September 4–15, 1995, the Beijing Declaration and Platform for Action is a crucial international commitment to promoting gender equality, development, and peace. The Declaration outlines the international community's commitment to protecting and advancing women's rights and well-being in all areas of life, with a foundation in the common interests of humanity. It honors the generations of women whose battles have made progress possible while acknowledging the diversity of women's experiences, roles, and circumstances throughout cultures and societies. Drawing inspiration from the aspirations of young people around the world, the Declaration recognises that, despite notable improvements in the status of women during the preceding decade, these advancements have been uneven and remain insufficient. Persistent gender inequalities continue to affect women globally, with far-reaching implications for societies at large.

The Universal Declaration of Human Rights, the United Nations Charter, and important human rights treaties are among the fundamental international legal documents that give the Declaration its legitimacy.

³³ CEDAW Committee, General Recommendations, available at:

<https://www.un.org/womenwatch/daw/cedaw/recommendations/recomm.htm> (last visited July 28, 2025).

³⁴ United Nations Committee on the Elimination of Discrimination Against Women, CEDAW General Recommendation No. 19: Violence against women, 11th Sess., U.N. Doc. A/47/38 (1992), available at <https://www.refworld.org/legal/resolution/cedaw/1992/en/96542> (last visited Jul. 29, 2025).

These include the Declaration on the Elimination of Violence Against Women, the Convention on the Rights of the Child, the Declaration on the Right to Development, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW). Collectively, these frameworks uphold the intrinsic dignity and equal rights of men and women and serve as the normative foundation for the pledges made in Beijing.³⁵

The Beijing Declaration and Platform for Action (1995) urges states to adopt swift, coordinated, and all-encompassing action, identifying violence against women as a significant barrier to attaining gender equality, sustainable development, and world peace. The Declaration states that violence against women is a violation of human rights and severely limits women's ability to fully participate in both public and private life under Strategic Objective D.1. The fact that this kind of violence affects women in all socioeconomic, cultural, and geographic situations and is both a cause and an effect of women's general subordinate socioeconomic status is emphasized in paragraph 112.

Paragraph 113 provides an inclusive definition of “violence against women,” characterizing it as any gender-based act that results in, or is likely to result in, physical, sexual, or psychological harm or suffering to women. This definition also encompasses threats, coercion, and arbitrary deprivation of liberty, whether occurring within the family, the community, or the public sphere. The Declaration classifies violence against women into three broad categories:

- (a) violence within the family, including battering, sexual abuse of girl children, dowry-related violence, marital rape, female genital mutilation, and other harmful traditional practices;
- (b) violence within the community, such as rape, sexual harassment, trafficking, and forced prostitution; and
- (c) violence perpetrated or condoned by the State, in any context.

The persistence of such violence is attributed in paragraph 118 to systemic institutional flaws, such as insufficient education, weak enforcement mechanisms, and inadequate legal change, as well as deeply ingrained gender inequality and discriminatory cultural practices. The Declaration specifically calls on governments to enact, reinforce, and successfully implement legislation that criminalize dowry-related violence and guarantee women's meaningful access to justice. In order to combat dowry-related abuse and its broader social acceptance, it also emphasizes the importance of educational initiatives, public awareness campaigns, and extensive support services for victims.³⁶

In order to prevent dowry-related violence and protect women's access to justice, the Beijing Declaration and Platform for Action (1995) calls on states to enact and strictly enforce legal measures. It also emphasizes the significance of preventive measures including public awareness campaigns, education, and the provision of all-encompassing support services for women who are victims of dowry abuse or harassment.

In a similar vein, the Sustainable Development Goals (SDGs) 2015–2030 prioritize empowering all women and girls and advancing gender equality. In particular, Goal 5 aims to eliminate systemic gender inequality. Target 5.1, which recognizes discrimination against women and girls as a major barrier to inclusive and sustainable development, requires the eradication of all forms of discrimination against them. By demanding the eradication of all forms of violence against women and girls in both public and private domains, including human trafficking, sexual exploitation, and other abuses that compromise

³⁵ Beijing Declaration and Platform for Action, 1995, adopted at the Fourth World Conference on Women (Beijing, China, 4–15 September 1995), available at: <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (last visited July 26, 2025)

³⁶ Fourth World Conference on Women, Beijing Declaration and Platform for Action, Beijing, China, Sept. 4–15, 1995, available at <https://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf> (last visited Jul. 29, 2025).

women's dignity and fundamental rights, Target 5.2 broadens this mandate. Target 5.3 also seeks to end harmful customs such as female genital mutilation and child, early, and forced marriage.

According to this perspective, dowry-related customs—which frequently take the form of violence, coercion, and economic exploitation—are becoming more widely acknowledged as detrimental traditions that need to be addressed and eradicated in order to achieve meaningful gender equality.³⁷

Regional Human Rights Instruments

According to Article 6 of the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), detrimental marriage rituals that compromise or undermine women's rights and dignity, such as payments or dowries, must be eliminated.³⁸

Conclusion

In India, dowries are still widely practiced as a deeply ingrained sociocultural institution that frequently leads to violence, discrimination, and exploitation of women. Even with robust legal frameworks like the Dowry Prohibition Act, Section 498-A, and Section 304-B IPC, the criminal justice system suffers from poor enforcement, postponed trials, social pressure, and insufficient victim support. This discrepancy between law and practice demonstrates that such a deeply ingrained cultural practice cannot be eliminated by legal means alone. Similar detrimental marriage-payment practices are prevalent throughout the world, and dowry-related violence is recognized as a type of gender-based abuse by international human rights agreements as the UDHR, CEDAW, and the Beijing Platform for Action. These frameworks require states to use social transformation, education, and legislation to stop, penalize, and eradicate such acts. Effective criminal justice responses, gender-sensitive police, judicial accountability, public awareness, women's economic empowerment, and cultural change are all necessary to solve dowries. India can only eliminate the dowry and guarantee women's equality, safety, and dignity in both domestic and international contexts by implementing an integrated legislative and social policy.

Suggestions

In order to bolster the case, the conclusion can briefly emphasize the necessity of a more comprehensive socio-legal strategy, stressing improved dowry law enforcement through skilled law enforcement, expedited courts, and survivor-centered services including safe havens, counseling, and legal help. It might also point out that in addition to stringent criminal justice policies, community awareness, gender education, and women's empowerment are necessary for long-term reform. The international aspect will be strengthened by connecting India's responsibilities to CEDAW and the Beijing Platform for Action, as well as by making a comparative reference to comparable detrimental practices in South Asia and Africa. Lastly, highlighting the persistent implementation gap—between robust legislation and lax enforcement at the local level—will improve the overall conclusion and provide analytical clarity.

³⁷ United Nations, *Sustainable Development Goal 5: Achieve gender equality and empower all women and girls*, available at <https://www.un.org/sustainabledevelopment/gender-equality/> (last visited Jul. 29, 2025).

³⁸ African Union, Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol), adopted 11 July 2003, entered into force 25 November 2005, available at "Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol)", OHCHR, <https://www.ohchr.org/sites/default/files/Documents/Issues/Women/WG/ProtocolontheRightsofWomen.pdf> (accessed 21 November 2025)