

Dowry Death in India: Legal Framework, Judicial Interpretation and Enforcement Challenges

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Abstract

Dowry has evolved to signify presents presented at marriage; nevertheless, in several Indian communities, it has transformed into an instrument of coercion and exploitation. Dowry-related violence, including harassment, abuse, bride burning, and killing, is a serious infringement of women's human rights. Despite the existence of legislation in India, including the Dowry Prohibition Act of 1961, Section 304B of the Indian Penal Code which is now under section 80 in Bharatiya Nyaya Sanhita of 2023, and Section 498A of the IPC which is now under section 85 in BNS dowry death cases persist as a significant social and legal issue in the nation. The practice of dowry, intricately linked to India's patriarchal culture, has reached worrisome levels in recent decades. In India, several instances of human rights violations against women occur, with dowry killing being a particularly egregious form of violence in which women are set ablaze for failing to provide sufficient dowry. The issue of dowry death is not a novel occurrence. Examining the historical progression of dowry death reveals a change in its structure from ancient India, through the mediaeval era, to contemporary India. Currently, the phrase dowry has deteriorated into a business transaction where monetary considerations take precedence. Currently, dowry is solicited and provided irrespective of the financial status and affluence of the bride's parents. Failure to fulfil these obligations leads in the mistreatment of brides, sometimes leading to situations where a woman feels compelled to commit suicide. This article elucidates the prevalence of dowry deaths in India and the corresponding corrective strategies.

Keywords - Dowry, Dowry Prohibition Act, Violence, Dowry Death, Marriage .

Introduction

Dowry-related violence is a grave kind of aggression inflicted against women within our society. Although our constitution ensures equal rights for men and women, women in our society endure pervasive abuse and criminal acts. Dowry has transformed into a societal affliction, a widespread danger impacting all ethnicities, religions, and social strata. In antiquity, there was no need to bestow gifts onto the groom's family; nevertheless, modern society enforces a dowry expectation, negatively affecting the woman and her family. The dowry system is a cultural institution that perpetuates the oppression, mistreatment, and murder of women in India. In communities where arranged marriages are common, the practice of dowry is expected as a traditional element of marriage. Violence may occur if the dowry or bride-price is deemed insufficient by the recipient. In India, despite the enactment of laws prohibiting the practice, little progress has been achieved during the last 65 years. In India, dowry is a culturally

significant practice integral to marriage, especially in the context of arranged unions. Entrenched cultural norms significantly contribute to physical and intimate partner violence against women. In India, women face victimization when the dowry or bride price is deemed insufficient by the groom and his family. Women in society exemplify strength and perseverance, however often encounter significant obstacles owing to ingrained patriarchal standards, particularly with "dowry death." This word denotes the severe reality of gender-based violence that women experience, especially in marriage, when dowry customs devalue their worth and sustain inequality. Initially designed for financial stability, dowry has transformed to mirror societal and economic demands, resulting in exploitation and violence. Dowry death" is the dubious fatalities of women shortly after marriage, associated with dowry demands, often including maltreatment by their spouses or in-laws. This troubling situation underscores the pressing need for legislative and cultural changes to address dowry-related violence and enhance women's rights and safety. Marriage is a significant personal, religious, and social occasion, leading to the institutionalization of gift exchange in India for ages. Historically, affluent and noble families not only presented the bride as a gift after marriage but also provided her with additional presents in the form of cash, property, or jewellery. In that era, these presents were not referred to as dowries, since they were given post-marriage, stemming from passion and devotion. Provided the dowry was voluntary, it did not constitute a financial impediment to marriage. Since the mediaeval era, dowry expectations have dramatically escalated in some regions of the nation. By the late nineteenth century, the practice of dowry payment had gradually disseminated to other castes and later evolved into a matter of status. Regrettably, since the beginning of the century, dowry demands have consistently escalated. Indeed, dowry payments are exorbitant among some castes. The dowry system has evolved into a stringent tradition that is rigorously followed, serving as a means for some families to exhibit and elevate their social standing and economic value.¹ The Dowry Prohibition Act was passed in 1961 to limit the practice of dowry. Some complications coming out of the content of the Act, especially the definition of the term 'dowry' itself, were responsible for the Act being regarded largely ineffectual. The Act was amended a few times but that was not enough and in the year 1983 Section 498A of the India Penal Code was introduced which criminalizes cruelty by the spouse and/or his family. The Protection of Women from Domestic Violence Act, 2005 was also adopted which has measures dealing with the crime of domestic abuse deriving from the problem of dowry. Other legal measures have also been introduced in this regard such as Section 304B of the Code dealing with dowry death and Section 113B of the Indian Evidence Act dealing with presumption as to dowry death.²

Origin of Dowry-

The dowry system (Dahej pratha) in India has a complicated history, evolving from a practice without documented evidence before the 16th century into a societal issue linked to the exploitation of women, domestic violence, emotional distress for brides' families, and even murder. In ancient India, marriage customs featured a 'Swayamvar' where women chose their spouses, contrasting sharply with the current

¹ Vinay Singh Moriya & Preeti Chaudhary, "Transposing the Significance: A Comparative Study on the Relocation of 'Dowry Death'", Manupatra Articles (Mar. 12, 2024), available at: [Manupatra Articles](https://www.manupatra.com/articles/transposing-the-significance-a-comparative-study-on-the-relocation-of-dowry-death/) (last visited July 11, 2026).

² Sriranjani, "Anti-Dowry Laws in India: The Unceasing Controversy", 4(3) *International Journal of Law Management & Humanities* 4512–4515 (2021), available at: <https://ijlmh.com/paper/anti-dowry-laws-in-india-the-unceasing-controversy/> (last visited July 14, 2026).

dowry system that undermines women's status. This raises the question of how the significance once attributed to women became a tool for their exploitation.³

According to Manu- "The husband receives his wife from the Gods (he does not wed her) according to his own Will;doing what is agreeable to the Gods."⁴

During Vedic times, the primary marriage procedures were Kanyadan followed by Vardakshina. This results in the erroneous belief that the malevolence of dowry originates from that viewpoint. Kanyadan was designated to bestow the bride. According to the dharmashastras, the act of endowment is incomplete without a generous dakshina. Kanyadan is thus linked to Vardakshina, which refers to the monetary or material gifts provided to the groom by the bride's parents or guardians. However, aside from Brahmins, no other Hindu sect practices Vardakshina. Historically, this rite encompassed clothing and jewellery that the bride's parents could afford, presented as the bride's property. Vardakshina was given out of affection and did not imply any obligation or transaction related to the marriage. Thus, it constituted a voluntary donation. There was no coercion or duress. Therefore, 'Vardakshina' cannot be classified as 'dowry'. Conversely, 'dowry' is theoretically and culturally obtained by pressure, coercion, force, and persuasion.⁵ Dowry is defined as precious gifts or goods showered onto the bride during marriage. There was a concepts of streedhan. **Manu** lists the following six types of **stridhana**:- "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,are considered as the six-fold separate property of a married woman".

Definition of Dowry?

Dowry refers to the "wealth" or property that a bride contributes to the marriage, including cash, jewellery, home items, and similar assets. The dowry system in India is an age-old tradition, originating centuries ago and grounded on Hindu mythology and religion. Historically, Indian women were prohibited from owning immovable property, such as land or buildings; hence, a dowry of moveable items constituted a portion of a woman's marital inheritance, to be shared with her husband and inherited by her children.⁶

The meaning of dowry given in law of **Lexicon of British India 19th edition** is " Dowry or Dote (Dos Mulieris) was in ancient times applied to that which the wife brings to her husband in marriage. Otherwise called maritagium or marriage goods but these are termed more of property goods given in marriage. "⁷

Dowry often denotes the monetary assets, gifts, or possessions that a woman presents to her husband upon marriage. Charles Winick defines dowry as "assets that relatives of either side in a marriage donate

³ Mahir Bhatt, "The Cultural Legacy of a Social Evil: Dowry", *American India Foundation*, July 20, 2019, available at: <https://aif.org/the-cultural-legacy-of-a-social-evil-dowry/> (last visited July 12, 2026)

⁴ 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).

⁵ P.K. Majumdar and R.P. Katariya, *Law Relating to Dowry Prohibition, Cruelty and Harassment* page no 84 (Orient Publishing Company, New Delhi * Allahabad, 3rd edn., 2014).

⁶ Priya R. Banerjee, "Dowry in 21st-Century India: The Sociocultural Face of Exploitation", (2014) 15(1) *Trauma, Violence, & Abuse* 34–40, DOI: 10.1177/1524838013496334, available at: <https://journals.sagepub.com/doi/full/10.1177/1524838013496334> (last visited on 11 July 2026).

⁷ Bhagyashree Das, "Dowry in Indian Marriages: A Socio-Legal Study with Reference to the Custom of Joutuk in Assam", *SSRN Electronic Journal*, 14 February 2024, available at: [SSRN](https://ssrn.com/abstract=4388888) (last visited on 11 July 2026).

to the union. Max Radin described it as “the property that a man acquires from his wife or her family at the time of marriage.”⁸

According to the Dowry Prohibition Act 1961, the definition of “Dowry”-

“Dowry” refers to any property or valuable security provided or agreed to be provided, either directly or indirectly— (a) by one party to a marriage to the other party; or

(b) by the parents of either party or by any other individual, to either party or to any other person; at or before or any time after the marriage in relation to the marriage of the aforementioned parties, but excludes dower or mahr for individuals governed by Muslim Personal Law (Shariat).

Explanation II.—The term “valuable security” is defined according to its interpretation in section 30 of the Indian Penal Code (45 of 1860).⁹

Amendments to the Act (1984 and 1986) incorporated provisions regarding penalties for dowry demands, established minimum and maximum penalties for the giving or receiving of dowries, prohibited advertisements soliciting monetary offers related to marriage, and delineated permissible gifts to be presented to the bride or groom during the marriage ceremony, among other stipulations.¹⁰

DOWRY IN THE MODERN ERA

In contemporary India, dowry remains a widespread custom, often including the transfer of cash or gifts from the bride's family to the groom's family at the time of marriage. There are some deviations from settlement pervasiveness due to geography and classification. Northern states are likely to show interest in the dowry system across all social levels, with settlements expected to be tangible and easily transferable assets. In the south, the value system of the woman of the hour is more prevalent and is more associated with land or other inherited assets. This approach is aligned with the societal framework of marriage, which confines marriage to familial interactions.

The dowry system varies according to economic strata in India. Affluent households are likely to engage in the endowment system more than those from the lower class. This may be restricted due to women's financial exclusion from the labour market in affluent cultures.¹¹

The most substantial financial transaction for Indian families happens at marriage. Dowry payments, which are transfers from the bride's family to that of the groom, are practically ubiquitous in modern India and generally surpass a year's worth of household income. Throughout the last century, several elements of Indian weddings, like the prevalence of parent-arranged unions and the restricted occurrence of inter-caste marriages, have remained relatively unchanged; nevertheless, dowry payments have escalated significantly throughout the 20th century. Dowry has evolved into a significant financial

⁸ Bikash Kumar Bora & Sujata Deka, "The Menace of Dowry Deaths: Its Manifestations and Remedial Measures", 4 Social Science Journal of Gargaon College 95–104 (Jan. 2016)

⁹ The Dowry Prohibition Act, 1961 (Act No. 28 of 1961), Ministry of Women and Child Development, Government of India, available at: India Code (last visited on 11 July 2026).

¹⁰ Ministry of Law and Justice, *The Dowry Prohibition Act, 1961*, PARI (People's Archive of Rural India) Library, available at: <https://ruralindiaonline.org/en/library/resource/the-dowry-prohibition-act-1961/> (last visited July 14, 2026).

¹¹ Dr. Sumitra, "Dowry System in Modern Era and its Related Penalties in India", in Proceedings of the International Conference on Advances in Social Sciences and Humanities (ICASH-2), Conference World, pp. 191–196, available at: <https://data.conferenceworld.in/ICASH2/27.pdf> (last visited on 11 July 2026).

transaction for the majority of Indian families.¹² Currently, more than 90% of weddings have been planned by the parents of the individuals involved, consistent with past practices. Marriages are localised within certain geographical regions. Marriages are localised within certain geographical regions. Marriages occur between persons of the same jati (sub-caste group).¹³ The dowry system undoubtedly fulfilled several beneficial functions for the families and community concerned. It offered an opportunity for individuals to enhance their self-esteem through lavish banquets and exhibitions of material possessions, to forge alliances with families of comparable status, to mitigate the fragmentation of familial assets, to secure advantageous marriages for daughters, and to provide their daughters with a degree of social and economic stability. In many instances, youngsters and their parents see dowry payments as a valid means to attain elevated social standing. The dowry system, either directly or indirectly, has contributed to an increase in the marriage age among poorer and middle-class families, as they must wait to find a mate for their daughters whose dowry expectations align with their financial means. The dowry has compelled several parents to surpass their caste affiliations and seek husbands from alternative subcastes and other castes.¹⁴

Anti- Dowry Laws in India-

Specialized laws and general criminal law provide the foundation for the legal framework addressing dowry. The Dowry Prohibition Act of 1961 forbids the giving, receiving, and solicitation of dowry. Section 304B of the Indian Penal Code addresses dowry death, whereas Section 498A pertains to abuse by a spouse or family. Dowry death is addressed in Section 80, whereas cruelty by the husband or his family is addressed in Section 85, after the enactment of the Bharatiya Nyaya Sanhita, 2023. The Indian Evidence Act includes presumptions in Sections 113A and 113B, which assist the court in cases of suicide and dowry death.¹⁵

Dowry Prohibition Act of 1961,

Section 3 of the Dowry Prohibition Act of 1961,

Penalty for the giving or taking dowry- This Act penalizes any person involved in giving, taking, or abetting dowry with a minimum imprisonment of five years and a fine of at least fifteen thousand rupees or the dowry's value, whichever is higher. However, exceptions exist for presents given to the bride or groom at the time of marriage without prior demand, provided these are documented in accordance with the rules established under the Act. Presents should also be customary and not excessive relative to the giver's financial status.

Section 4 of the Dowry Prohibition Act of 1961,

Penalty for demanding dowry- If any person demands, directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable

¹² Gaurav Chiplunkar & Jeffrey Weaver, "Prevalence and Evolution of Dowry in India", *Ideas for India*, June 24, 2019, available at: <https://www.ideasforindia.in/topics/social-identity/prevalence-and-evolution-of-dowry-in-india> (last visited July 12, 2026).

¹³ Gaurav Chiplunkar & Jeffrey Weaver, "Prevalence and Evolution of Dowry in India", *Ideas for India*, June 24, 2019, available at: <https://www.ideasforindia.in/topics/social-identity/prevalence-and-evolution-of-dowry-in-india> (last visited July 12, 2026).

¹⁴ Bhagyashree Das, Dowry in Indian Marriages: A Socio-Legal Study with Reference to the Custom of Joutuk in Assam (SSRN, 14 February 2024), available at: <https://ssrn.com/abstract=4759004> (last visited on 11 July 2026).

¹⁵ Bikash Kumar Bora, "The Menace of Dowry Deaths in India: Manifestations, Legal Responses and Remedial Measures", 2(2) Anubodhan 25–31 (2026), DOI: 10.65885/anubodhan.v2n2.2026.055.

with imprisonment for a term which shall not be less than six months, but which may extend to two years and with fine which may extend to ten thousand rupees: Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

Section 4A of the Dowry Prohibition Act of 1961,

Ban on advertisement.—If any person— (a) offers, through any advertisement in any newspaper, periodical, journal or through any other media, any share in his property or of any money or both as a share in any business or other interest as consideration for the marriage of his son or daughter or any other relative, (b) prints or publishes or circulates any advertisement referred to in clause (a), he shall be punishable with imprisonment for a term which shall not be less than six months, but which may extend to five years, or with fine which may extend to fifteen thousand rupees: Provided that the Court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than six months.

Section 5 of the Dowry Prohibition Act of 1961,

Agreement for giving or taking dowry to be void.—Any agreement for the giving or taking of dowry shall be void.

Section 7 and 8 Provision regarding Cognizance and Trial - Courts subordinate to Metropolitan Magistrates or Judicial Magistrates (first class) are barred from adjudicating crimes under this Act. Courts may only take cognizance of offences based on their own knowledge or a law enforcement complaint. A grievance lodged by the affected individual, their family members, or an accredited welfare organization. Metropolitan Magistrates or Judicial Magistrates (first class) are authorized by this Act to impose punishments on guilty offenders. Recognized welfare institutions" refer to those endorsed by Central or State Governments. Chapter XXXVI of the Code of Criminal Procedure, 1973 is inapplicable to offences punished under this Act. Assertions made by the aggrieved individual do not result in prosecution under this Act. Offences under this Act are classified as cognisable for investigative purposes, with the exception of certain issues specified in section 42 of the Code. All offences under this Act are designated as non-bailable and non-compoundable.¹⁶

Dowry Death-

Women in society exemplify strength and perseverance, however often encounter significant obstacles owing to ingrained patriarchal standards, particularly with "dowry death. This word denotes the severe reality of gender-based violence that women experience, especially in marriage, when dowry customs devalue their worth and sustain inequality. Initially designed for financial stability, dowry has transformed to mirror societal and economic demands, resulting in exploitation and violence. Dowry death" is the dubious fatalities of women shortly after marriage, associated with dowry demands, often including maltreatment by their spouses or in-laws. This troubling situation underscores the pressing need for legislative and cultural changes to address dowry-related violence and enhance women's rights and safety. Dowry death" denotes a severe outcome associated with dowry-related matters. It concerns instances in which a lady perishes under dubious or unnatural conditions within a few years after marriage. The death is determined to be a consequence of violence or harassment inflicted by her husband or his family in relation to dowry demands. These fatalities are profoundly concerning

¹⁶ The Dowry Prohibition Act, 1961 (Act No. 28 of 1961), India Code, available at: http://www.indiacode.nic.in/bitstream/123456789/5556/1/dowry_prohibition.pdf (last visited July 14, 2026).

examples of gender-based violence, reflecting a terrible convergence of cultural standards, economic influences, and imbalanced power relations inside marriages. The word underscores the grave nature of these crimes, which lead to the loss of human life as a consequence of detrimental dowry-related behaviours. The legal and cultural reactions to dowry killings highlight the need for extensive measures to tackle the practice of dowry and the wider problem of violence against women in the context of marriage.¹⁷

In the Indian legal system, "dowry death" is classified as a distinct offence, separate from marriage-related offences, despite occurring within the marital context, as it entails a grave crime resulting in the loss of a woman's life due to dowry-related conflicts and marital demands. This offence underscores the severity of violence and abuse that may be inflicted against women inside the institution of marriage.

Within the framework of the Indian Penal Code (IPC), "dowry death" is delineated in Section 304B, which falls under the sub-chapter "Of Offences Affecting Life. This section addresses instances of dowry-related fatalities.

This is the definition-

The Indian Penal Code 1860 - Section 304B: Dowry Death:

"Section 304B. Dowry death.-(1) Where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage, and it is shown that soon before her death, she was subjected to cruelty or harassment by her husband or any relative of her husband for, or in connection with, any demand for dowry, such death shall be called 'dowry death', and such husband or relative shall be deemed to have caused her death. Explanation.-For the purposes of this sub-section, 'dowry' shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961 (28 of 1961).

(2) Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life."

The Indian Penal Code, 1860 (IPC) has been repealed by the Bharatiya Nyaya Sanhita (BNS), 2023 and the serious crime of dowry death is dealt by Section 80. Earlier, this provision was included in Section 304-B of the IPC but it reflects the will of the legislature to continue to fight against the horrific practice of dowry linked violence against women. The section defines and punishes dowry death and provides a legal framework to deal with this social evil which is persistent.

Essential Ingredients for Dowry Death -

1. Death of woman should be caused by burns or bodily injury nor otherwise under normal conditions.
2. Her death should have occurred within seven years of her marriage.
3. The woman must have suffered cruelty or harassment at the hands of her spouse or a relative of her husband.
4. Such abuse or harassment should be part of or in association with any dowry demand.
5. Such cruelty or harassment should have occurred prior to her death.

¹⁷ Vinay Singh Moriya & Preeti Chaudhary, "Transposing the Significance: A Comparative Study on the Relocation of 'Dowry Death'," Manupatra Articles (12 Mar. 2024), available at: <https://articles.manupatra.com/article-details/Transposing-the-Significance-A-Comparative-Study-on-the-Relocation-of-Dowry-Death> (last visited Jul. 12, 2026)

6. If a woman dies as a result of the foregoing circumstances, the husband and his relatives are considered to have caused dowry death and are accountable for the offences, unless proven otherwise.

In relation to dowry deaths, the circumstances showing the existence of cruelty or harassment to the deceased are not restricted to a particular instance but normally refer to a course of conduct. Such conduct may be spread over a period of time. If the cruelty or harassment or demand for dowry is shown to have persisted, it shall be deemed to be 'soon before death' if any other intervening circumstance showing the non existence of such treatment is not brought on record, before the alleged such treatment and the date of death. It does not, however, mean that such time can be stretched to any period. Proximate and live link between the effect of cruelty based on dowry demand and the consequential death is required to be proved by the prosecution. The demand of dowry, cruelty or harassment based upon such demand and the date of death should not be too remote in time which, under the circumstances, be treated as having become stale enough.¹⁸

Smt. Shanti & Anr. v. State of Haryana [AIR 1991 SC 1226] held that:

"...where the death of a woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within seven years of her marriage and it is shown that soon before the death of the woman she was subjected to cruelty or harassment by her husband or his relations for or in connection with any demand for dowry, such death shall be called 'dowry death' and the husband or relatives shall be deemed to have caused her death and shall be punishable with imprisonment for a minimum of seven years but which may extend to life imprisonment."¹⁹

Tulsi Prasad v. State of Chhattisgarh, Supreme court held that-

Section 113B of the Evidence Act is also relevant for the case at hand. Both Section 304B IPC and Section 113B of the Evidence Act were inserted as noted earlier by the Dowry Prohibition (Amendment) Act 43 of 1986 with a view to combat the increasing menace of dowry deaths. Section 113B reads as follows:-

"113B: Presumption as to dowry death- When the question is whether a person has committed the dowry death of a woman and it is shown that soon before her death such woman has been subjected by such person to cruelty or harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.

Explanation - For the purposes of this section 'dowry death' shall have the same meaning as in Section 304-B of the Indian Penal Code (45 of 1860)."²⁰

The necessity for insertion of the two provisions has been amply analysed by the Law Commission of India in its 21st Report dated 10th August, 1988 on 'Dowry Deaths and Law Reform'. Keeping in view the impediment in the pre-existing law in securing evidence to prove dowry related deaths, legislature thought it wise to insert a provision relating to presumption of dowry death on proof of certain essentials. It is in this background presumptive Section 113B in the Evidence Act has been inserted. As per the definition of 'dowry death' in Section 304B IPC and the wording in the presumptive Section 113B of the Evidence Act, one of the essential ingredients, amongst others, in both the provisions is that the

¹⁸ Kans Raj v. State of Punjab & Ors., Criminal Appeal Nos. 688–690 of 1993 (Supreme Court of India, decided on 26 Apr. 2000), available at: <https://indiankanoon.org/doc/1263837/> (last visited Jul. 12, 2026).

¹⁹ Ibid.

²⁰ Indian Evidence Act 1972 .

concerned woman must have been "soon before her death" subjected to cruelty or harassment "for or in connection with the demand of dowry". Presumption under Section 113B is a presumption of law. On proof of the essentials mentioned therein, it becomes obligatory on the Court to raise a presumption that the accused caused the dowry death. The presumption shall be raised only on proof of the following essentials:

1. The issue before the Court is whether the accused is guilty of the offence of dowry death of a lady. [This assumption is to be made only in cases when the offender is prosecuted for the offence under Section 304B IPC]
2. The lady has been subjected to abuse or harassment by her husband or by his family.
3. Such abuse or harassment occurred on account of, or in conjunction with, any demand for dowry.
4. Such brutality or harassment occurred shortly before her death.

A conjoint interpretation of Section 113B of the Evidence Act and Section 304B IPC reveals that there should be evidence to prove that shortly before her death the victim was exposed to cruelty or harassment. In order for it to fall within the 'death happening otherwise than in usual circumstances' prosecution needs to rule out the possibility of a natural or accidental death.²¹ Section 113B of the abolished Indian Evidence Act, 1872 is now Section 118 of Chapter VII of the Bharatiya Sakshya Adhiniyam.

The National Crime Records Bureau (NCRB) gathers statistical data on crimes as reported to it by the States/UTs and publishes the same in its yearly edition "Crime in India". The most recently released study is for the year 2023. Details of cases recorded, Cases in which Trials Completed, Cases Convicted and Conviction Rate under Dowry Death State/UT wise Details of cases registered under Section 304B of Indian Penal Code (currently Section 80 of Bhartiya Nyaya Sanhita) over the years 2019 to 2023 are given in Annexure in Crime in India. The Ministry of Home Affairs has instructed all State Governments and Union Territory Administrations to implement the following measures:- Cases pertaining to dowry must be resolved promptly to prevent further harassment of women. ii. Designation of Dowry Prohibition Officers and promulgation of the Regulations according to the Dowry Prohibition Act, 1961.²²

Dowry death from "Of Offences Affecting Life" to "Of Offences Relating to Marriage"

The removal of "dowry death" from "Of Offences Affecting Life" to "Of Offences Relating to Marriage" in the legal code demands a careful evaluation of its impact. The reclassification seeks to underline the connection between the crime and marriage but might lead to negative views of severity, the propagation of gender stereotypes and legal interpretation. The original classification under 'Offences Affecting Life' recognizes the unique and grave character of the offence, its lethal consequences and aim. At the end of the day, the difficulty in placing dowry killing in the legal environment is to strike the correct balance between knowing its origins and preserving it as a severe form of gender-based violence in the broader social and legal context. The phrase "dowry death" is part of a wider category of "offences relating to marriage", but it is vital to assess the potential consequences and to guarantee that the severity,

²¹ Tulsi Prasad v. State of Chhattisgarh, CRA No. 1039 of 2002, decided on 15 September 2022 (Chhattisgarh High Court), available at: [Indian Kanoon](https://www.indiankanoon.org/doc/1039/2002/) (last visited July 12, 2026).

²² Ministry of Home Affairs, Government of India, Lok Sabha Unstarred Question No. 5086: Dowry Deaths, answered on 24 March 2026, available at: <https://www.mha.gov.in/MHA1/Par2017/pdfs/par2026-pdfs/LS24032026/5086.pdf> (last visited July 14, 2026)

distinctive character and social context of dowry-related violence are adequately addressed within the judicial system.

The categorization of "dowry death" within the legal framework is not only a matter of terminology; it has significant implications for women's rights and their societal status. It highlights the ongoing struggle against gender-based violence and the entrenched patriarchal norms that perpetuate such abuse. This section must prioritise women's safety and rights, clearly indicating that marital abuse will be addressed with the full force of the law, regardless of societal norms. This is a significant aspect of the broader struggle for gender equality and the eradication of violence against women.²³

Section 498A of Indian Penal Code read with section 85 and 86 of BNS -

498A. Husband or relative of husband of a woman subjecting her to cruelty.Whoever, being the husband or the relative of the husband of a woman, subjects such woman to cruelty shall be punished with imprisonment for a term which may extend to three years and shall also be liable to fine.

Explanation.— For the purpose of this section,

“cruelty” means—any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health (whether mental or physical) of the woman; or harassment of the woman where such harassment is with a view to coercing her or any person related to her to meet any unlawful demand for any property or valuable security or is on account of failure by her or any person related to her to meet such demand.

To mitigate dowry fatality and dowry-related violence, the following actions are requisite:

- Stringent implementation of the Dowry Prohibition Act of 1961 and effective functioning of the Dowry Prohibition Officers.
- Timely investigations and swift resolution of dowry death cases, ensuring the preservation of evidence and the protection of witnesses against intimidation.
- Specialised law enforcement units and gender sensitivity training for investigating officers, prosecutors, and medical professionals.
- Proper submission of grievances and protection of victims of dowry harassment. Initiatives to promote knowledge of legal provisions and actions related to violence against women.
- Advocating for women's education, employment, and inheritance rights to enhance economic independence.
- Augmented involvement of NGOs, self-help groups, educational institutions, and community organisations in anti-dowry activities.
- Public denunciation of dowry discussions for marriage and cultural pressure for dowry-free partnerships.
- Promoting the de-normalization of dowry and domestic abuse via media and digital platforms.

Conclusion

Dowry is the principal cause of most of the violence against married women in India. The dowry system and other cultural practices have demoted women to a secondary status and are leading to other issues

²³ Vinay Singh Moriya & Preeti Chaudhary, "Transposing the Significance: A Comparative Study on the Relocation of 'Dowry Death'", Manupatra Articles, Mar. 12, 2024, available at: [Manupatra Articles](https://www.manupatra.com/articles/transposing-the-significance-a-comparative-study-on-the-relocation-of-dowry-death) (last visited July 12, 2026).

including female infanticide and feticide. Financial reliance, lack of property rights, and marriages arranged for parental interests all perpetuate the subordinate position of women. One of the reasons women remain in abusive relationships (either because of family pressure or because they choose to) is the stigmatization of women who are separated or divorced. This practice has caused many young women to live under constant tyranny in their married households and has often made their lives intolerable. If there is no mortality, survivors may need significant and complicated surgical rehabilitation. But the law alone is not adequate to remedy this situation. Dowry is legally banned in India since 1961 but is nevertheless a key element of many Indian weddings in open contempt of the law and continues to marginalize women. This system makes lots of young ladies commit suicide. “This system has made the lives of poor guardians of young girls miserable. They believe that unless they provide a big dowry, it is impossible or extremely difficult for them to get respectable young men to marry their tiny daughters. Such underhandedness drives a great many underprivileged young ladies to live a single existence. The arrival of the young daughter of the home puts an enormous pressure on the guardians. You can tell how awful their lives are. From time to time they will have to borrow and will have to keep paying off debts for the rest of their lives. Some guardians obtain money via unscrupulous means for their daughters’ weddings. Some guardians are pushed to marry their daughters to elderly men or widows. Abuse of the under-privileged lady. They’re outraged and sometimes assaulted and murdered.