

The Menace of Dowry Deaths in India: Manifestations, Legal Responses and Remedial Measures

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Abstract

Dowry has come to mean gifts given on the occasion of marriage, but in many of the societies of India, dowry has turned into a tool of force and exploitation. Dowry-related violence, such as harassment, cruelty, and bride burning and dowry death, is a grave violation of women's human rights. Though there have been laws in India, such as the Dowry Prohibition Act, 1961, Section 304B of the Bharatiya Nyaya Sanhita, 2023 and Section 498A of the IPC, Dowry Death cases continue to be a grave social and legal problem in our country. The objectives of this paper will be to discuss the causes, nature and consequences of dowry-related violence in India. It also analysed the NCRB statistics of dowry deaths in the past three years (2022-2024) and the relevant legal provision, pointed out recent judicial records and the necessary steps to deal with dowry deaths. The study method is descriptive, analytical and basically secondary sources.

Keywords: Dowry, dowry death, bride burning, social custom, cruelty, women's rights, legal remedies

1. Introduction

Dowry-related violence is one of the most severe types of gender based violence in India. The Constitution of India provides for equality before the law and its prohibition on discrimination based on sex, but women are still subjected to domestic violence, harassment and humiliation in the name of dowry. Gifts that were earlier considered voluntary in marriage are now, in many cases, a compulsory demand on the bride and her family.

Practice is found across caste, class, religion and region, although it may be more or less intense and take more or less form. Dowry demands often start during the negotiation of the marriage and can be made after marriage, including cash, vehicles,

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household items, property or jewellery. If this is not met, cruelty, mental trauma, physical assault, abandonment, suicide or murder may result. Dowry death should thus be viewed not simply as a stand-alone crime but as a culmination of a wider system of patriarchy and economic exploitation.

The paper tackles the problem of dowry death as a social problem and as a legal problem. It explores the conceptual meaning of dowry, theoretical explanations, the nature of the harassment that victims endure, recent statistics, legal action and possible remedies. The paper is structured around research goals, data analysis and legal analysis, but unlike an essay discussion, this is the general structure of the paper.

1.1 Objectives of the Study

The main aims and objectives of our study are-

- To explore the reasons why dowry-related violence is common in Indian society.
- To investigate the nature of harassment to which the victims of dowry violence are a victim.
- To analyze recent trend of dowry death in India based on NCRB data for 2022-24.
- To analyze significant laws and judicial decisions with respect to Dowry death.
- To suggest remedial measures for dowry deaths. The dowry system is a menace in India, and it needs to be brought under control.

2. Methodology:

The present research is descriptive and analytical. It is based primarily on secondary sources like books, journal articles, government reports, NCRB data, legal documents, case laws, newspaper reports and relevant web-based materials. No field survey or empirical study has been done. The analysis is confined to published sources available, particularly in recent years, for the period 2022-2024 and is focused on data emanating from official and reported sources.

2.1 Meaning and Definition of Dowry

Dowry, in common parlance, is defined as money, articles, jewellery, property or other valuables contributed at or before marriage by the bride's relatives to the bridegroom's or his family. Charles Winick says that dowry is the valuable that the relatives of either of the two persons contribute to the marriage. According to Max Radin, it's "the right a man has to receive from his wife or her family when he marries her.

Dowry is defined as any property or any valuable security that is gifted or agreed to be gifted, directly or indirectly, by a person to another person or by the parents of one person to the other person or by any person to one of the persons or to any person at or before or at any time after a marriage, in connection with the marriage. The statutory definition is significant since it sees both the gift and the receipt of the dowry as incorrect in cases where it is related to marriage arrangements or requests.

3. Theoretical Explanations of Dowry

3.1 Dowry as a gift:

It has been suggested that dowry is a component of the gift exchange system. Marcel Mauss considered gift exchange as a “total social fact” which embodies social, economic, and moral obligations. The term dowry has been associated with the Indian concept of kanyadaan, the giving of the daughter, and the accompanying gifts, by Louis Dumont. The practice has come a long way, though, from the days of voluntary ritual offerings and has frequently come to mean forced economic extraction.

3.2 Dowry as Female Pre-Mortem Inheritance:

Another theoretical cause of the dowry can be interpreted in the sense that traditionally, daughters don't have a share in parental property; dowry is actually a system to provide a share of property to the daughter who is otherwise excluded. Dowry is supported on the ground that it means compensating the girl for not getting her due share in her parental property.

3.3 Social custom and dowry:

One of the main causes of dowry is that giving dowry is a social custom, and it is very difficult to change customs all of a sudden. It has been practising from generation to generation. Some people resist it, but others want to go with traditional practices.

3.4 Hypergamous Marriage System: There is another system of marriage, called the ANULOMA system, according to which a girl belonging to a lower caste can be married in a higher caste. When boys belonging to higher castes marry girls of the lower castes, they demand high dowries.

4. Scenario of Dowry Related Issues in India:

The evolution of dowry is from a gift to a demand and commercialization. In modern times, women are being asked to pay a dowry regardless of the bride's family's ability to afford it. It is also no longer connected with the welfare of the bride; many articles are given in marriage, which are controlled by the husband's family. Dowry demands that are not met can result in ongoing harassment of the woman and, in extreme cases, can even cause her death.

Despite a decrease in reported cases, dowry deaths are still a serious issue, as recent statistics indicate. Data from the Crime in India, retrieved from the NCRB, showed 6,450 dowry deaths were registered in 2022 and 6,156 in 2023. The conviction rate was 33.4 per cent in 2022 and 35.0 per cent in 2023. As per the latest report of the NCRB 2024 published in the national media, 5,737 cases of dowry deaths have been recorded in 2024, and over 1.20 lakh cases of cruelty by husband or husband's relatives have been recorded in the same year. These statistics highlight the need for social and legal intervention in the issue of dowry-related violence, as shown in Table 1. Data from the NCRB Crime in India PIB for 2022-2023 and the NCRB Crime in India 2024 from The Print and The Times of India for 2024 were used as sources.

Table 1. Recent NCRB Data on Dowry Deaths in India, 2022-2024

Year	Cases registered	Trials completed	Cases convicted	Conviction rate
2022	6,450	3,689	1,231	33.4%
2023	6,156	4,284	1,501	35.0%
2024	5,737	Not available in the cited media report	Not available in the cited media report	Not available in the cited media report

5. Nature of harassment suffered by dowry victims:

Harassment for dowry can be of a physical, psychological, economic or social nature. They might be verbally humiliated, threatened, beaten, starved, denied medical attention, forcefully moved away, isolated from their family of origin, forced to give them money and pressured to give more gifts from their parents. Many times, the woman is not allowed to call her parents, leaving her without emotional and practical support.

Harassment is considered to be extreme if it involves severe assault, burning, poisoning, strangulation or staged accidents. Numerous dowry deaths are reported as suicide, stove burst or accidental deaths. This type of situation can make investigation challenging, particularly if evidence has been destroyed or witnesses are reluctant to give evidence. The emotional impact is just as serious – fear, depression, helplessness and suicidal tendencies can follow as a result of long periods of cruelty.

6. Legal Framework Relating to Dowry Death

Special legislation and general criminal law form a basis for the legal regime against dowry. The Dowry Prohibition Act, 1961, prohibits giving, taking and demanding dowry. A provision for dowry death under the Indian Penal Code was Section 304B, and cruelty by husband or relatives was Section 498A. Dowry death is covered under Section 80, and cruelty by husband or his relatives is covered under Section 85 after the coming into force of the Bharatiya Nyaya Sanhita, 2023. Presumptions have also been provided in the Indian Evidence Act, under Section 113A and 113B, which help the court in the case of a suicide and dowry death.

Table 2. Important Legal Provisions Relating to Dowry and Cruelty

Provision	Subject	Punishment/Effect	Nature of offence	Court/Legal relevance
Dowry Prohibition Act, 1961	Giving, taking or demanding dowry	Imprisonment and fine as prescribed by the Act	Statutory offence	Enforced through police and courts; appointment of Dowry Prohibition Officers is contemplated.
IPC Section 304B / BNS Section 80	Dowry death	Minimum seven years imprisonment, extendable to life imprisonment	Cognizable and non-bailable	Triable by the Court of Session

Provision	Subject	Punishment/Effect	Nature of offence	Court/Legal relevance
IPC Section 498A / BNS Section 85	Cruelty by husband or relatives	Imprisonment up to three years and a fine	Cognizable and non-bailable	Triable by Magistrate of the First Class
Indian Evidence Act, Section 113A	Presumption as to the abetment of suicide by a married woman	The court may presume abetment if cruelty is shown and suicide occurs within seven years of marriage	Evidentiary rule	Supports prosecution where cruelty and suicide are connected
Indian Evidence Act, Section 113B	Presumption as to dowry death	The court shall presume dowry death if cruelty or harassment for dowry is shown soon before death.	Evidentiary rule	Strengthens cases under the dowry death provisions

7. Important Judicial Decisions

7.1 “Soon Before Death” and Proximate Link

In dowry death cases, courts have repeatedly emphasized the expression “soon before her death”. The prosecution must show a proximate and live link between the cruelty or harassment for dowry and the death of the woman. The interval between cruelty and death need not be immediate, but it should not be so remote as to break the connection.

7.2 Baldev Singh v. State of Punjab, AIR 2009 SC 913

In *Baldev Singh v. State of Punjab*, the bride committed suicide within four months of marriage. Evidence showed that the husband and his relative demanded a tape recorder and cash and subjected the woman to beating and harassment for insufficient dowry. The Court treated such conduct as relevant to dowry-related cruelty and abetment of suicide.

7.3 Sahebrao v. State of Maharashtra, AIR 2006 SC 2002

In *Sahebrao v. State of Maharashtra*, the victim died within six months of marriage, and her body was found in a well. Evidence from the villagers and family members established the demand and payment of dowry. The Court held that minor discrepancies in testimony did not destroy the prosecution's case where the overall evidence supported dowry demand and cruelty.

7.4 State of Karnataka v. M. V. Manjunathgowda, AIR 2003 SC 809

The decision highlights that courts must examine the circumstances surrounding the death of a married woman, especially where cruelty or harassment in connection with dowry is alleged. Such decisions show the importance of careful investigation, reliable witness testimony and proper preservation of evidence.

8. International Perspective

Dowry and marriage-related economic exchanges are not confined to India. Variants of the practice are found in Bangladesh, Pakistan, Iran and Turkey, though the social form

and legal response differ across countries. In Bangladesh, the earlier practice of bride price has, in many areas, been replaced by dowry known as joutuk. Dowry-related violence may include stabbing, poisoning, burning or acid attack. Pakistan also faces a serious problem of dowry demands, often referred to as jahez, and cases of “stove deaths” have been reported. In Iran, dowry or zahiz may include furniture, jewellery, cash and household items given by the bride’s family. In Turkey, ceyiz is traditionally displayed before marriage, though its meaning differs from coercive dowry demands. These examples show that dowry-related practices must be studied within their cultural and legal contexts.

Remedial Measures

To minimize dowry death and dowry-related violence, the following measures are needed:

- Strict implementation of the Dowry Prohibition Act, 1961 and effective working of the Dowry Prohibition Officers.
- Brisk investigation and speedy trials of dowry death cases, and prevention of damage to evidence and pressure on witnesses.
- Specialized police units and gender training for investigation officers, prosecutors and medical officers.
- Proper Complaint registration and Victim protection for victims of Dowry harassment.
- Awareness campaigns on law and legal actions in the event of cruelty to women.
- Embracing women's education, employment and inheritance rights to encourage economic independence.
- Increased involvement of NGOs, self-help groups, educational institutions and community groups in anti-dowry campaigns.
- Public boycott of dowry negotiations for marriage and social pressure for dowry-free marriage.
- Promoting the de-normalization of dowry and domestic violence through media and digital platforms.

Conclusion

Dowry death is not only a legal issue, but it is a deep-rooted social issue which is related to patriarchy, gender inequality, social status and economic pressure. While several laws have been passed in the country to punish dowry demand and cruelty and dowry death, thousands of such incidents continue to be reported annually in India. According to the NCRB data released in the past few years, between 2022 and 2024, there has been a slight drop in the number of dowry deaths that are reported, but the figures are still alarming.

It is not a legal solution that can solve the problem. Fully implementing the law, judicious handling of cases and a sensitive approach to policing, raising awareness amongst the population, women's education, and economic empowerment, and equal inheritance rights all need to play a role. The fight against dowry must be based on the following premises: women are equal human beings with equal dignity, rights, and access to education, employment and property. The threat of dowry deaths can only be damped down by the combination of legal and social change in India.

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