

A Universal Study on Dowry System in India

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Abstract:-

The dowry system, which was once seen as a traditional custom meant to give women financial support when they married, has now become a widespread social problem that keeps women from being equal and often leads to violence against them in India. This article looks closely at how the dowry system has changed over time, the culture and economy behind it, and how it hurts women's rights, respect, and overall well-being. It also studies the laws that deal with dowry-related issues, including the Dowry Prohibition Act of 1961, parts of the Indian Penal Code from 1860 (and the related sections in the Bharatiya Nyaya Sanhita from 2023), and how courts have handled cases of dowry harassment, cruelty, and dowry deaths. The article also looks at the ongoing problems with enforcing these anti-dowry laws, like people not reporting cases, society still accepting dowry, weak enforcement of the laws, and worries about laws being misused. Through a detailed legal and economic review, the study shows how the dowry system goes against the basic principles of equality, respect, and fairness in the Indian Constitution and helps maintain old, male-dominated beliefs.

Keywords:- Dowry System, Women's Rights, Gender Equality, Dowry Prohibition Act, Dowry Death, Domestic Violence, Women's Empowerment,

Introduction

The dowry system, once seen as a traditional practice meant to give women financial support when they married, has now become a widespread social problem in India. It continues to support gender inequality and harm women. This article looks closely at how the dowry system has changed over time, the cultural and economic reasons behind it, and how it hurts women's rights, dignity, and overall well-being. It discusses the legal rules surrounding dowry-related issues, including the Dowry Prohibition Act of 1961, parts of the Indian Penal Code of 1860 (and the corresponding parts of the Bharatiya Nyaya Sanhita of 2023 where relevant), and how courts have handled cases of dowry harassment, cruelty, and dowry-related deaths. The article also looks at the ongoing problems in enforcing anti-dowry laws, like underreporting, societal acceptance of dowry, weak enforcement, and worries about legal provisions being misused. Through a legal and economic analysis, the study shows how the dowry system weakens constitutional values of equality, dignity, and justice, and keeps up traditional patriarchal beliefs.

Historical Background

The dowry system in India has a long and complicated history that has changed a lot over time. In its early form during the Vedic period (around 1500 to 500 BCE), dowry wasn't something

that the groom's family had to pay. Instead, it was voluntary gifts, known as Stridhan, given by the bride's parents to their daughter at the time of marriage. These gifts, which included jewelry, clothes, household things, animals, and sometimes land, were meant to give the bride financial security and independence in her new home. Since women had limited rights to inherit property, Stridhan was a way for them to have their own wealth, which legally belonged to them. As Indian society changed, especially during the later Vedic and medieval periods, the nature of dowry began to change. The growing influence of patriarchal social structures, caste-based marriage practices, and the desire to show off wealth transformed dowry from a voluntary tradition into something expected. Marriage became connected to social status, and rich families often gave expensive gifts to show their wealth. Over time, these gifts turned into forced transfers of money or property from the bride's family to the groom's family. During the medieval period, political instability, feudal traditions, and strict caste systems made the dowry system stronger. The practice of hyper gamy, where daughters married into higher social classes, encouraged parents to offer more expensive dowries to get better marriages. As women's inheritance rights decreased and traditional norms became more powerful, daughters were seen more as economic burdens while sons were valued as financial assets. The colonial era (1757 to 1947) also shaped how the dowry system is today. British rule introduced new economic and legal changes that affected traditional family structures and inheritance practices. While the British government passed several laws to improve women's rights, they didn't fully get rid of dowry. In fact, the growth of education and jobs for women created a "marriage market" where educated and employed men demanded higher dowries. This made dowry more like a business deal connected to the groom's economic position. After India gained independence in 1947, the government started to realize the harm dowry was causing and introduced laws to stop the practice. The Dowry Prohibition Act of 1961 made it illegal to give, take, or ask for dowry. Later, more laws were added, like Section 498A and Section 304B of the Indian Penal Code, to deal with harassment and deaths linked to dowry. Recently, many parts of the Indian Penal Code have been updated under the Bharatiya Nyaya Sanhita, 2023, but laws against dowry-related crimes are still in place under the new criminal law. Even with these legal changes, the dowry system is still common in many parts of India. Fast-growing economy, rising consumerism, and social competition have, in some cases, made dowry demands bigger instead of smaller. Now, dowry usually includes money, cars, electronics, homes, and other valuable things. The continued existence of this practice shows how deep patriarchy, gender inequality, and social pressure still are, especially in communities where marriage is seen as a family matter rather than a shared partnership. The history of the dowry system shows how a tradition meant to help women has changed into a system that causes economic harm and unfair treatment of women. Understanding this change is important for dealing with today's problems and for making better legal, social, and educational efforts to stop the dowry system and support gender equality.

Legislative Aspect

The dowry system still exists in India, so the government has made many laws to stop this practice and protect women from harm, such as harassment, cruelty, and violence. Even though giving or taking dowry is illegal, it still happens a lot, showing that the laws are not properly followed or enforced. The Indian legal system aims to not only stop the giving and receiving of dowry but also punish those who do it and help the victims of such abuse.

1. The Dowry Prohibition Act, 1961

The Dowry Prohibition Act, 1961 is the main law in India that stops the practice of giving dowry. It started on 1 July 1961 with the goal of ending dowry and stopping the mistreatment of women.

Section 2 of the Act defines dowry as any property, money, or valuable thing given or promised to be given either directly or indirectly by one side of the marriage to the other, or by the parents or any other person connected with the marriage. The Act says:- Giving, taking, or asking for dowry is a crime.- Any agreement to give or take dowry is not legal.- Any dowry received for the bride must be given to her within a certain time.- Violating this law can lead to jail time and money fines. The law has been changed a few times, especially in 1984 and 1986, to make the punishments stronger, improve enforcement, and make the crime more serious.

2. Protection Against Cruelty

Dowry-related abuse often involves physical and mental harm from the husband or his family. To deal with this, Indian criminal law has certain protections. Earlier, Section 498A of the Indian Penal Code made it a crime for a husband or his relatives to be cruel or harass someone for dowry. Now, with the new criminal law, Bharatiya Nyaya Sanhita, 2023, has similar protections that allow legal action against those who cause harm because of dowry demands.

3. Dowry Death One of the worst results of the dowry system is when a woman dies due to dowry-related issues. Previously, Section 304B of the Indian Penal Code dealt with cases where a woman died under unnatural circumstances within seven years of marriage after being treated cruelly or harassed for dowry. This provision still exists under Bharatiya Nyaya Sanhita, making such acts punishable under current criminal law. If the evidence shows the deceased was subjected to dowry-related cruelty just before her death, the court can assume the husband or his relatives were responsible, based on the evidence.

4. Indian Evidence Law

To help in the prosecution of dowry-related crimes, Indian evidence laws provide certain assumptions in favor of the victims. In the past, Section 113B of the Indian Evidence Act, 1872 required courts to assume that the husband or his relatives were responsible for a dowry death

when certain conditions were met. With the new evidence laws, similar assumptions are still in place, helping the authorities prove responsibility in the right cases.

5. Protection of Women from Domestic Violence

The Protection of Women from Domestic Violence Act, 2005 offers legal help to women facing domestic abuse, including abuse related to dowry. The law covers physical, emotional, verbal, sexual, and economic abuse. It provides various forms of protection, such as protection orders, the right to live in a home, financial support, custody orders, and other remedies.

6. Challenges in Enforcement

Even though there are many laws against dowry, they are not always properly enforced. Many victims are afraid to report abuse because of social pressure, family influence, financial reliance, fear of reprisal, and long court processes. Lack of public awareness, poor investigation, and delays in the legal system also weaken the impact of these laws. Courts have also noticed that some laws are sometimes misused in cases, so there's a need to ensure fair investigations and that real victims get quick help and justice. India has made a wide range of laws, including criminal, civil, and evidence-based, to fight against the dowry system and protect women's rights. The Dowry Prohibition Act, along with other criminal and domestic violence laws, shows the government's effort to stop dowry-related abuse and violence but just having laws isn't enough to completely remove this old and harmful practice. To make these laws work, there needs to be strong enforcement, more people knowing about the laws, education that respects gender equality, giving women better economic opportunities, and changing the way society thinks about women. It takes a team effort from the legal system, schools, community groups, and local people to build a society where marriage is based on equality, respect, and partnership, not money.

Judicial Perspective

The Indian courts have been important in understanding and applying laws against the dowry system. With key court rulings, they have helped protect women from harassment, cruelty, and even death related to dowry. The courts have made it clear what the laws mean, set rules for when someone is responsible for a crime, and stressed the importance of equality, dignity, and justice as basic rights.

1. Judicial Approach to Dowry Laws

The courts have consistently recognized dowry as a serious social evil that violates the fundamental rights of women. While interpreting the Dowry Prohibition Act, 1961 and related criminal laws, the judiciary has adopted a purposive approach to protect women from exploitation and violence. At the same time, courts have emphasized that criminal proceedings must be based on credible evidence and conducted in accordance with the principles of natural justice.

2. Landmark Judicial Decisions

(a) Satbir Singh v. State of Haryana (2021)

In this landmark judgment, the Supreme Court clarified the meaning of the phrase "soon before her death" in dowry death cases. The Court held that there must be a proximate and live connection between the cruelty or harassment for dowry and the woman's death. The judgment reinforced the objective of protecting women while ensuring that each case is decided on its own facts.

(b) Kans Raj v. State of Punjab (2000)

The Supreme Court observed that dowry-related violence had become a grave social menace. It emphasized that while guilty persons should be punished, courts must avoid implicating distant relatives without sufficient evidence. This judgment highlighted the importance of careful investigation and proof in dowry cases.

(c) Rajbir @ Raju v. State of Haryana (2010)

The Supreme Court directed trial courts to ordinarily consider charges relating to murder, where appropriate, in cases involving dowry deaths, in addition to charges under the law relating to dowry death. The judgment reflected the seriousness with which the judiciary viewed suspicious deaths of married women.

(d) Rajesh Sharma v. State of Uttar Pradesh (2017)

The Court acknowledged concerns regarding allegations of misuse of provisions relating to cruelty by husbands or their relatives. It initially issued guidelines intended to prevent arbitrary arrests and encourage fair investigation. However, some of these directions were later reconsidered to ensure that genuine victims continued to receive effective legal protection.

(e) Social Action Forum for Manav Adhikar v. Union of India (2018)

The Supreme Court modified certain directions issued in Rajesh Sharma and reaffirmed that courts should not create procedural barriers that weaken statutory protections for women. It emphasized balancing safeguards against misuse with the need to protect victims of domestic violence and dowry-related cruelty.

3. Constitutional Perspective

The judiciary has repeatedly linked anti-dowry laws with the constitutional guarantees of equality and dignity under the Constitution of India. Dowry-related violence has been recognized as inconsistent with:

- ☐ Article 14 – Equality before the law.
- ☐ Article 15 – Prohibition of discrimination on the grounds of sex.

- Article 21 – Protection of life and personal liberty, including the right to live with dignity.

Through constitutional interpretation, courts have emphasized that women have the right to live free from violence, coercion, and discrimination within marriage.

4. Judicial Challenges

Even though courts have started to take a more progressive view, there are still several real issues to deal with: - Cases related to dowry take a long time to investigate and try.- It is hard to get reliable evidence, especially when crimes happen in the private setting of a married home.- Many cases go unreported because of social shame and pressure from the family.- It is important to protect real victims while also making sure innocent people are not wrongly accused. Because of this, the courts have emphasized the need for fair investigations, quicker trials, and being sensitive to victims while still protecting the rights of the accused. The Indian judiciary has made a big effort in fighting against the dowry system by better understanding and applying anti-dowry laws. They have also supported the idea of equal rights, respect, and justice. Important court decisions have helped women by making it clearer what is needed to report dowry-related crimes, and they have tried to find a fair balance between protecting victims and making sure that justice is done. However, just having the courts act is not enough to end the dowry system. True change needs better law enforcement, more awareness, equal treatment of men and women, and a shared effort to change the cultural beliefs that support this harmful practice.

Conclusion

The dowry system, once seen as a kind and voluntary tradition to help the bride financially, has now changed into a practice that often leads to financial exploitation, gender inequality, and violence against women. This study shows that the transformation of dowry from a cultural tradition into a forced social institution reflects the deep-rooted patriarchal systems and discriminatory attitudes towards women in Indian society. Even with modernization, higher education, urbanization, and economic growth, the practice still exists across different social, economic, and educational backgrounds. Looking at the history, the concept of Stridhan, or a woman's personal property, used to protect women but has now become linked with demands from the groom's family. This change has placed heavy financial pressure on families with daughters and has caused problems such as domestic violence, dowry harassment, dowry deaths, female foeticide, child marriage, and discrimination against women. The continued presence of these issues shows that dowry is more than just a cultural practice; it is a violation of women's dignity, equality, and basic human rights. India has laws like the Dowry Prohibition Act, 1961, along with laws against domestic violence and dowry-related crimes, reflecting the government's effort to end this social problem. Judges have also helped by interpreting these laws in ways that protect victims while making sure justice is fair and follows proper procedures. However, these legal measures are not working well enough because of underreporting, social shame, poor enforcement, slow court processes, and lack of public

awareness. Laws alone cannot change a practice deeply rooted in social customs and cultural expectations. Many countries around the world have dealt with similar problems related to unfair marriage traditions. International rules, like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), say that governments must stop harmful customs and support equal treatment for everyone. Different countries show that real and lasting change comes from a mix of strong laws, better education for women, giving women more control over money, equal rights to own property, help from the community, and ongoing efforts to spread awareness. Getting rid of the dowry system needs a joined-up effort involving government, courts, police, schools, groups that help people, religious and community leaders, and families. It's not enough to just have strict rules against dowries; there also needs to be education that treats everyone fairly, campaigns to raise awareness, and help women become financially independent. There should also be equal chances for women in all areas of life. Society needs to stop seeing marriage as just an economic deal and instead think of it as a relationship built on respect, fairness, choice, and shared responsibility. Removing the dowry system is important not only to protect women from harm and unfair treatment but also to help achieve the basic values of fairness, justice, and respect for every person. Real change needs both better laws and a shift in how people think and act. Only by working together and staying committed can India move from a society where dowry causes a lot of harm to one where all women have the same rights, freedom, dignity, and the chance to live without facing discrimination or violence.

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