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## **DOWRY LAWS AROUND THE WORLD: ARE THEY EFFECTIVE?**

### **ABSTRACT**

Dowry practices refer to socio-cultural traditions where the bride's family gives money, goods, or real estate to the husband's family on marriage. Initially, paying a dowry was meant to provide for the bride. However, with time, such practices gave rise to harsh repercussions both socially and economically. In many regions, for example South Asia, the demands for dowry have increased tremendously, which has caused financial difficulties and domestic abuse, as well as deaths related to dowry. There are legal provisions in different nations, for instance India's Dowry Prohibition Act of 1961, intended to stop these practices, but enforcement is difficult because of entrenched customs and societal standards. It is contended that dowry continues to exist, albeit in surreptitious form, and is disguised as gifts during wedding ceremonies or disguised as benevolence. While more educated, employed women do tend to mitigate dowry issues, it still persists in some communities. Solving dowry problems necessitate a comprehensive strategy including laws, education, and socio-economic change. This article focuses on the historical roots and socio legal analysis and implication of the dowry system while offering solutions to ensure continual monitoring and formulation of policies to combat this problem.

**KEYWORDS:** Dowry, Domestic abuse, Societal Standards, Legal Provisions

## **INTRODUCTION**

Dowry refers to a social custom whereby the family of the bride gives money or in in form of goods or property to the groom and his family as a form of securing a marriage. It is a well established practice from ancient times in different communities of the world for the purpose of safeguarding a woman's economic well-being in case of separation. Nevertheless, dowry has become a contentious issue, particularly in societies where it has resulted in financial difficulties, gender bias, and violence against women.

Countries such as India, Pakistan, Bangladesh and some regions of Africa and the Middle Eastern countries practice dowry. Although dowry was originally intended as an optional love gift from the bride's family, in many societies it has now become an obligatory burdening expectation to the bride's family. In extreme cases, failure to meet dowry expectations has resulted in cases of stalking, domestic violence, and even deaths associated with dowry.

Even with dowry laws in place in many countries, it is still practiced due to deeply ingrained customs and social practices. Various governments and charity groups are trying to eliminate the practice of dowry by enacting legal provisions, awareness programs, and women empowerment schemes. Combatting dowry is not purely a legal matter, but encompasses efforts that deal with transforming societal norms.

For removing the practice of dowry, the participation of the entire community is imperative.

**CONCEPT OF DOWRY IN INDIA'S SCRIPTURE PURANA:** The Indian dowry system has its history rooted in ancient texts like Puranas, which detail the socio-economic and dental practices of the era. In ancient Indian society, dowry was not a demand, but a gift (stri-dhana) given to a bride by the family, providing her with some financial independence within her marital home. The Puranas, Manusmriti, and Vedas provide information regarding the evolution of Stri-dhana.

Marriages in Hindu mythology and Puranic lore detailed various forms of marriages, one of them being Brahma Vivah, where a father willingly married his daughter, gifting her wealth, jewellery, or even land. This was viewed as a gesture of benevolence instead of force. The Bhagavata Purana offers accounts of the marriage of Gods and Kings, where gifts were

exchanged and often served symbolic purposes, relying on the groom's worth instead of demand-based motives.

The meaning of dowry has changed with time. Later Puranic tales showcase examples where wealth during marriage was expected. For instance, in the Mahabharata (not a purana, but is considered as one), Draupadi's Swayam Vara ceremony was held with underlying wealth expectations.

By the time of the Middle Ages, dowry was a stricter tradition based on social stratification and caste system, and in most cases, became exploitative. Although marriage is stressed by the Puranas as moral and ethical, with subsequent interpretation and social development, dowry turned into a duty and not a voluntary donation.

Therefore, although the Puranas did not encourage dowry in its contemporary coercive structure, they were a product of an era where transfer of property was traditional in marriage, which later influenced subsequent dowry practices within India.

## **VIOLATION OF HUMAN RIGHTS CAUSED BY DOWRY AND ITS REMEDIES**

The practice of dowry, as part of marriage, is a practice that creates serious concern in the social realm and infringes on humanitarian laws in different ways particularly against women. During a marriage, the bride's family is obligated to give money, property or presents to the groom's family. It is outlawed in most nations, yet it still exists and gives rise to inequality, violence, and misdeeds in different societies.

### **DOWRY RELATED VIOLENCE:**

**1. Violence and Abuse:** Women not only suffer from domestic violence but also harassment and murder in cases where their dowry is deemed unsatisfactory. Violence caused by dowry includes physical, emotional and psychological abuse too.

**2. Gender Discrimination:** It reinforces the belief that women are economic encumbrances. This practice does not only violate the right to equality but also one's dignity.

**3. Loss of Life and Safety:** Death due to dowry, where women are killed or coerced into suicide, is part of reality.

**4. Economic Exploitation:** The poor families of brides are placed under enormous financial strain, which often leads them into debt and poverty.

**5. Denial of Freedom and Rights:** Numerous women are kept in abusive marriages with no hope to get a divorce or an education or job due to the dowry system.

### **SOLUTIONS TO ERADICATE DOWRY:**

**1. Strict Legal Enforcement:** Governments ought to enforce anti-dowry laws, along with the Dowry Prohibition Act, with severe penalties for violators.

**2. Education and Awareness:** Educating groups, specially ladies, approximately their rights can assist exchange societal attitudes.

**3. Economic Empowerment of Women:** Promoting girl training, employment, and monetary independence can reduce reliance on dowry.

**4. Social Campaigns:** Mass focus campaigns and community applications can assist dispose of the social popularity of dowry.

**5. Encouraging Dowry-Free Marriages:** Promoting and rewarding marriages that reject dowry can set nice examples.

Eliminating dowry requires collective efforts from society, prison authorities, and people to make sure a destiny where women's rights are reputable and guarded.

### **EFFECTIVENESS AND CHALLENGES OF DOWRY CASES AROUND THE WORLD:**

Dowry is a deeply rooted socio-cultural practice in many nations, specially in South Asia, the Middle East, and parts of Africa. While laws have been enacted to combat dowry-associated crimes, their effectiveness varies extensively because of legal, cultural, and enforcement challenges.

#### **Effectiveness of Dowry Laws:**

##### **1. Legislative Measures:**

Countries like India, Pakistan, Bangladesh, and Nepal have enacted strict anti-dowry laws.

Example: India's Dowry Prohibition Act (1961) criminalizes dowry demands, even as Section 85 of the **Bharatiya Nyaya Sanhita** penalizes harassment related to dowry.

Bangladesh has the Dowry Prohibition Act (1980) and Pakistan has legal guidelines below the Dowry and Bridal Gifts (Restriction) Act (1976).

## **2. Increased Awareness and Reporting:**

Awareness campaigns by way of governments and NGOs have encouraged more victims to record cases.

Media insurance has helped reveal high-profile dowry deaths, leading to criminal

## action. **3. Judicial Interventions:**

Courts in a few nations have taken a strict stance on dowry-related harassment and killings.

Landmark judgments have reinforced felony provisions, placing precedents for destiny instances.

## **4. Decline in Dowry Deaths in Some Areas:**

In a few urban regions, there may be a decline in dowry-associated violence because of schooling, ladies's empowerment, and financial independence.

## **CHALLENGES IN ADDRESSING DOWRY CASES:**

### **1. Weak Enforcement of Laws:**

Despite strict laws, enforcement stays susceptible because of corruption, police state of being inactive, and prolonged legal court cases.

Many instances do not result in convictions, discouraging victims from searching for

### justice. **2. Social and Cultural Norms:**

In many societies, dowry is visible as a subculture in place of a crime, making it tough to eliminate.

Women often face stress to stay silent due to circle of relatives and societal expectancies. **3. Misuse of Dowry Laws:**

Some cases involve fake accusations, main to issues over misuse of laws like Section 85 of Bharatiya Nyaya Sanhita in India.

This has brought about debates on balancing felony protection with preventing wrongful prosecution.

#### **4. Underreporting of Cases:**

Fear of social stigma, economic dependence, and threats from the husband's family save you many women from reporting dowry harassment.

#### **5. Judicial Delays:**

Legal cases associated with dowry harassment and deaths can take years to clear up, main to frustration amongst sufferers and their households.

#### **6. Rural vs. Urban Divide:**

While city regions see greater prison interventions and cognizance, rural regions regularly lack get right of entry to to justice and support systems.

### **CASE LAWS RELATING TO DOWRY:**

The issue of dowry has been a long-standing social evil in India, often leading to domestic violence, harassment, and even deaths of women. The legal framework surrounding dowry is primarily governed by the Dowry Prohibition Act, 1961, along with provisions in the **Bharatiya Nyaya Sanhita (BNS)** and **Bharatiya Nagarik Suraksha Sanhita (BNSS)**. Courts in India have played a significant role in shaping dowry-related laws through various landmark judgments. This article discusses important case laws that have influenced dowry legislation and its interpretation.

#### **1. Inder Raj Malik & Others v. Sunita Malik (1986 AIR 156, 1986 SCR (2) 53)**

This case reaffirmed that demanding dowry is a punishable offense under the Dowry Prohibition Act, 1961. The court held that any direct or indirect demand for property or

valuable security from a bride's family constitutes dowry and is illegal. The ruling clarified that even customary gifts, if given under coercion, would be considered dowry.

## **2. State of Punjab v. Iqbal Singh (1991 AIR 1532, 1991 SCR (3) 370)**

In this case, the Supreme Court upheld the conviction of the accused under **Section 80 BNS** (Dowry Death). The ruling emphasized that if a woman dies under unnatural circumstances within seven years of marriage, and there is evidence of dowry harassment, the husband and in-laws can be held liable. This case reinforced the concept of "presumption of dowry death", shifting the burden of proof to the accused.<sup>1</sup>

## **3. Pawan Kumar v. State of Haryana (1998 (3) SCC 309)**

This landmark judgment clarified the meaning of "soon before" in **Section 80 BNS**. The Supreme Court held that for an offense to qualify as dowry death, the harassment or cruelty related to dowry should occur soon before the woman's death, though there is no fixed time

<sup>1</sup> - Bharatiya Nyaya Sanhita, 2023

frame. The judgment strengthened the protection of women by broadening the scope of dowry related offenses.

## **4. Satbir Singh & Another v. State of Haryana (2021 SCC OnLine SC 404)**

In this recent case, the Supreme Court ruled that courts must adopt a pro-women approach when dealing with dowry death cases. The judgment reiterated that **Section 118 of the Bharatiya Sakshya Adhiniyam, 2023**<sup>2</sup>, presumes the guilt of the husband and in-laws when a woman dies under suspicious circumstances within seven years of marriage. The case set a precedent for strict interpretation of dowry-related laws.

## **5. Shanti v. State of Haryana (1991 AIR 1226, 1991 SCR (2) 638)**

The Supreme Court in this case emphasized the importance of proving cruelty under **Section 85 BNS (Cruelty to Married Women)**. It held that continuous harassment for dowry and cruelty leading to the victim's death were essential elements in dowry-related crimes. The ruling underscored that mental cruelty is also a punishable offense.

## **6. Rajbir v. State of Haryana (2010 (15) SCC 116)**

The Supreme Court directed all trial courts to add Section 103 BNS (Murder), along with **Section 106 BNS**,<sup>3</sup> in cases where the woman's death appeared suspicious. This judgment ensured that accused persons do not escape with lesser punishments if there is direct evidence of murder in dowry death cases.

#### **7. Arnesh Kumar v. State of Bihar (2014 (8) SCC 273)**

This case addressed the issue of misuse of anti-dowry laws, particularly **Section 85 BNS**. The Supreme Court held that arrests under **Section 85 BNS** should not be automatic and must be based on proper investigation. The ruling provided guidelines for the police to prevent false cases while ensuring genuine victims receive justice.

#### **8. Premchand v. State of Maharashtra (2023 SCC Online SC 53)**

In this case, the Supreme Court reinforced that demanding dowry at any stage of marriage—before, during, or after—is an offense. The judgment clarified that even post-marriage demands for money or property from the bride's family amount to dowry harassment.

<sup>2</sup> Bharatiya Sakshya Adhiniyam 2023

<sup>3</sup> Bharatiya Nyaya Sanhita 2023

### **RECOMMENDATION**

Dowry incidents can be stopped only through rigorous legal enforcement. Strict penalties for violators should help the government to see to it that statutes like the Dowry Prohibition Act are followed severely. Dowry-related cases can be efficiently managed if fast-track courts are put up. One should start awareness campaigns to inform people on the damaging consequences of dowry. Active participation by media, colleges, and schools should support gender equity and discourage dowry customs. Removing dowry depends much on women's empowerment. Promoting education, economic autonomy, and even job opportunities for women will lower reliance on dowry as a means of security. Instead of saving for dowry, families should be pushed to back their daughters' education. Dowry should be actively frowned upon by social and religious leaders and small, frugal weddings should be pushed. Family members can resist cultural pressure to provide or receive dowry with community help. Legal help, helplines, and counseling should be made available to victims of dowry harassment. Affected women should be given protection and encouragement by government

divisions and non-governmental organizations. Dowry cases can be greatly minimized by means of a mix of legal measures, education, and social reforms, therefore setting society where marriages are based on mutual respect rather than financial exchange.

## **CONCLUSION**

Dowry is a deep-rooted social issue that continues to affect many societies, particularly in South Asia. Despite laws and awareness campaigns, the practice persists, often leading to severe consequences such as domestic violence, financial burdens, and even loss of life. Dowry not only commodifies marriage but also undermines gender equality by treating women as financial liabilities rather than individuals with equal rights. While dowry laws exist in many countries, their effectiveness is often undermined by weak enforcement, cultural norms, and lack of awareness. Legal measures alone cannot eradicate dowry practices unless accompanied by a broader societal transformation. Addressing dowry-related issues requires a combination of strict legal enforcement, education, women's empowerment, and societal change. Only when people reject the practice at a cultural level will dowry laws achieve their intended impact, ensuring that marriage is based on mutual respect and equality rather than financial transactions. To eradicate dowry, strict enforcement of laws is crucial, along with widespread education to change societal attitudes. Families must recognize that marriage is a union of equals, not a transaction. Empowering women through education and financial independence can also play a significant role in reducing dowry-related pressures. Social stigma against those who demand dowry should be strengthened, and communities must work together to celebrate marriages free from such expectations. While progress has been made, achieving a dowry-free society requires a collective effort from individuals, families, and authorities. By promoting gender equality, economic independence for women, and cultural shifts in marriage practices, we can hope to eliminate this outdated and harmful tradition. The fight against dowry is ultimately a fight for justice, dignity, and a future where marriage is based on love and respect, not financial exchange.