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TRANSCENDING PROHIBITION: INVESTIGATING THE ENDURANCE OF DOWRY IN MODERN INDIA

HARI PRIYAA M[1]

Assistant Professor of Law, Erode College of Law, Erode.

ABSTRACT

The Dowry Prohibition Act, 1961 and the associated dowry laws continue to be a social and legal conundrum even after more than half a century of their enactment. Though dowry has been outlawed and the acts associated with it criminalised, the practice of dowry is still a social evil today. And the usual demand for cash, gold and jewels as dowry has waned. The dowry also includes automobiles, real estate, electronic devices, lavish nuptials and monetary support. The essay deals with the long life of dowry through the study of the different forms of dowry, legal framework and the judiciary's response to the crimes related to dowry. The paper also discusses the gap between law and its enforcement and recommends legal literacy, gender equality, women empowerment and community participation to address the problems of Dowry.

***Keywords**: Bride Price, Dowry Prohibition Act, Marriage, Women, Social Tradition, Legal Implementation, Dowry Demands, India.*

1. INTRODUCTION

The Dowry Prohibition Act, 1961, is aimed at prohibiting the giving, receiving or soliciting of dowry and associated traditional activities. Indian culture has always regarded marriage as a social construct that is affected by family, society, culture and economic aspects. Gift exchanges have always been part of marriage ceremonies, but the nature of the gifts changes dramatically when dowry expectations are clearly stated. With the advance of culture, the liberation of women, the prosperity of the economy

and the rise of literacy rates, the institution of dowry persists in modern Indian culture. But dowry is no longer only made up of traditional assets such as cash, jewellery and gold. It can be property, cars, gadgets, posh weddings or financial help. [1]

Section 2 of the Dowry Prohibition Act, 1961 defines Dowry as any asset or valuable security given or pledged, directly or indirectly, by either spouse or by any third party, before, during or after the marriage. Furthermore, the penalties for giving or taking dowry and for soliciting dowry are provided under Sections 3 and 4 of the Dowry Prohibition Act, 1961. [2]

As per data from the National Crime Records Bureau, India, 2023, dowry-related offences include 15,489 cases of the prohibition of dowry and 6,156 dowry deaths. [3] But these figures represent only crimes that have been reported and recorded by police forces across the country and there is no question that the data will not reflect the true scale of the problem. There are documented cases of dowry and dowry deaths, although dowry is illegal and many legal actions have been taken against dowry-related offences. This raises more questions than it answers. Why is dowry still a prevalent social evil even when it is banned and penalised by Indian law?

2. THE CONCEPT AND CHANGING FACE OF DOWRY

The Dowry Prohibition Act, 1961 defined dowry as any property or valuable security given or agreed to be given either directly or indirectly by one or other of the parties to such marriage or by any other person, in connection with the marriage of the two parties, at any time before, during or after the marriage. Hence, dowry has a wide range of benefits, not only in the form of money, ornaments and gold. Dowry may also include real estate, automobiles, electronic equipment or beloved items given or promised to either spouse in the marriage. [4]

People often confuse dowry with voluntary gifts. Dowry as defined in Section 3 of the Dowry Prohibition Act 1961, does not include presents given voluntarily without any expectation or demand. Yet, it can be difficult to distinguish a gift from a dowry at times when a request is disguised as a gift or when anticipations are concealed by social conventions. A vehicle may be given

[1] Dowry Prohibition Act 1961 (Act 28 of 1961).
[2] Dowry Prohibition Act 1961, ss 2–4.
[3] National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs, Government of India 2025); Ministry of Home Affairs, Lok Sabha Unstarred Question No 5086, 24 March 2026. The MHA parliamentary response confirms 6,156 dowry deaths in 2023.
[4] Dowry Prohibition Act 1961, s 2.

as a gift, but a request for a vehicle may be disguised as a gift. Similarly, funds provided to purchase a residence may be classified as a gift, but they may also serve as a dowry request. [5]

In S Gopal Reddy v State of Andhra Pradesh, the Supreme Court has distinguished between dowry and a gift given voluntarily out of affection. The Court discussed the legal meaning of dowry and pointed out the necessity of the connection between the property or valuable security and the marriage. The Supreme Court says the primary test for deciding if a gift is a dowry is the relationship of the gift or the valuable property to the marriage. The circumstances of the giving act are therefore relevant in determining the nature of a present as a dowry. [6]

3. REGULATORY MECHANISM AGAINST DOWRY

Dowry Prohibition Act, 1961 in India deals with the issue of dowry. It provides for penalties for giving, taking or abetting dowry, which is prohibited under section 3 and demanding dowry under section 4 of the Act. Therefore, both the acquisition and provision of dowries are unlawful, and requests for dowries are punishable. [7]

There are many provisions in the existing criminal laws which provide for punishment for dowry harassment and allied offences. Section 80 of the Bharatiya Nyaya Sanhita (BNS), 2023, addresses the problem of dowry death and states that if a woman dies within seven years of marriage and has been subjected to cruelty or harassment by her husband or his relatives in connection with dowry, the offender shall be punishable with a minimum of seven years' imprisonment, which may extend to life imprisonment. [8]

Moreover, Section 85 of the BNS, 2023, relating to ill-treatment by the husband or his relatives, adds to the punishment for dowry-related harassment. Moreover, the Bharatiya Sakshya Adhiniyam, 2023 creates a legal framework to fight dowry by creating a statutory presumption in cases of dowry-related deaths under Section 118 of the Bharatiya Sakshya Adhiniyam, 2023. If the essential circumstances are found to be true, the Court will presume that the death was caused by dowry-related abuse or maltreatment, the clause says. Therefore, the provision mitigates the evidence

[5] Dowry Prohibition Act 1961, s 3(2).
[6] *S Gopal Reddy v State of Andhra Pradesh* (1996) 4 SCC 596.
[7] Dowry Prohibition Act 1961, ss 3–4.
[8] Bharatiya Nyaya Sanhita 2023, s 80

requirement in dowry death cases after the basic facts are established. [9]

Thus, the judiciary of India takes a stern stand on the issues relating to dowry. It not only prohibits the exchange of dowries but also penalises the asking for dowries and related harassment, cruelty and fatalities. To summarise, India's legislative framework on dowry approaches the issue from many angles and addresses many dimensions of the dowry-related problems.

4. WHY DO WE STILL HAVE DOWRY?

4.1 SOCIAL ACCEPTANCE AND NORMALISATION

Normalisation of dowry in Indian culture is one of the factors leading to its continued prevalence. The dowry concept has become very common, and it incorporates variations like the bride's family compensating the groom's family, the bride remunerating the groom, or the families collaboratively covering the marriage expenses. It has become so much of a norm that it is difficult to imagine a wedding without dowry.

4.2 SOCIAL STATUS AND MARRIAGE

Marriage is very important in Indian culture and parents try to find the best match for their son or daughter. Families try to select a bride or groom on the basis of the prospective mate's social status, profession, earnings and educational qualifications[10]. This is related to the expectation of a large dowry from the bride's family, which is linked to the groom's perceived higher social status, job, income and credentials.

4.3 GENDER EQUITY DISCREPANCY

The social practice of dowry is closely related to gender inequality and the idea that men are superior to women. Parents believe that a girl will leave the family after marriage but a boy is expected to stay with them after his marriage. It is a natural thing that the daughter should give something to the son on her marriage. However, the son is required by social norms to give the bride a bigger share during the wedding ceremony as she will be becoming part of his family.

4.4 THE EVOLUTION OF CONSUMERISM AND THE SHIFTING PREFERENCES

[9] Bharatiya Sakshya Adhiniyam 2023, s 118

[1010] Siwan Anderson, 'The Economics of Dowry and Bride price' (2007) 21(4) *Journal of Economic Perspectives* 151–174

The increasing consumerist society has led to changing expectations of dowry. In the past, dowry was cash, presents, jewellery and gold, but nowadays dowry expectations include cars, real estate, electrical appliances, expensive weddings and financial support for the groom's education or career advancement.[11] Thus, dowry can no longer be seen in its traditional setting, as it has undergone considerable changes over time under the influence of social and economic dynamics.

4.5 SOCIAL REPERCUSSIONS AND ANXIETY

Parents fear that unmet dowry expectations could lead to the annulment of the marriage, social stigma, or problems in the future marriages of either the bride or groom and their children. Hence, the family will be socially stigmatised if the dowry demands are not fulfilled or are insufficient. Hence, one of the shortcomings of the present dowry-related legal system, which only addresses dowry demands coming from the husband's family, is its inability to free the bride's family from the pressure of extracting money from the groom's family.

5. MODERN DAY MANIFESTATIONS OF DOWRY

Today, dowry demands can be for money, gold and jewellery, cars, property, household appliances and furniture, electronics, financial help for business and education and lavish weddings. The objects that constitute the dowry are different depending on the social and economic status of the families involved in the marriage. But dowry demands can arise after marriage. Dowry, as defined in Section 2 of the Dowry Prohibition Act, 1961, refers to "property or valuable security given or agreed to be given either directly or indirectly by one party to the marriage to the other party to the marriage, or to the parent of either party at or before or at any time after the marriage in connection with the marriage". Hence, dowry does not include gifts given after marriage unless they are related to the union. The time of the dowry is not important as long as it is given in connection with the marriage. A dowry gift, therefore, is to be regarded as one single transaction, not a series of transactions. [12]

In some cases, the demand for dowry may be linked to harassment, brutality and other

[11] Padma Srinivasan and Gary R Lee, 'The Dowry System in Northern India: Women's Attitudes and Social Change' (2004) 66(5) *Journal of Marriage and Family* 1108–1117

[12] Dowry Prohibition Act 1961, s 2

forms of ill-treatment and may continue throughout the marriage.

6. LEGAL REJOINDER

The court has interpreted and enforced the various provisions of law relating to dowry to a great extent. The courts have looked into and explained different issues such as the concept of dowry, the difference between gifts and dowry demands, cruelty and harassment on dowry and proof in dowry deaths. So, dowry gifts have been considered as an integral part of dowry by the judicial bodies. The Court further held that the facts have to be proved in light of the particular legislative provisions, and the context of the case is very important to determine whether a transaction or demand is dowry or not, as dowry demands can also be indirect and implicit[13].

The Supreme Court in S Gopal Reddy v. State of Andhra Pradesh has clarified that there is a difference between dowry and voluntary gifts sent by way of token of love and affection which is not treated as dowry.

Bharatiya Sakshya Adhiniyam, 2023, Section 118, presumes Dowry Death on proof of essential facts. The Court therefore uses criminal statutes in relation to dowry to protect women from dowry abuse. Thus, the court has adopted a strict construction of the law on dowry matters so as to ensure the punishment of dowry-related offences.

7. THE DISCREPANCY BETWEEN LAW AND SOCIAL NORMS

This gap between social norms and legal structures is illustrated by the persistence of dowry. Even after the Dowry Prohibition Act of 1961, which made dowries illegal in India, dowry-related incidents continue to be reported and recorded.

The data compiled by the National Crime Records Bureau indicates the incidence of dowry-related offences reported to law enforcement, but such figures need to be interpreted with caution. The extent of dowry-related offences in India is not known, as the documented and registered incidents are only a small fraction of the actual incidents. Societal stigma, economic constraints, fear of divorce, and concerns about their children's future might make victims or their families reluctant to report dowry demands or harassment to law enforcement. Moreover, the correct penalties for dowry-related offences depend on a thorough and competent

[13] *S Gopal Reddy v State of Andhra Pradesh* (1996) 4 SCC 596

investigation as per legal procedures and an accurate determination of the offence. [14]

The gap between the legal provisions and the social realities may be bridged by ensuring effective investigation into dowry-related crimes by the law enforcement agencies and effective prosecution and punishment of the offenders. Thus, the existence of dowry-related legislation indicates progress in the elimination of dowry, but the successful implementation of these laws is also important to reduce dowry-related offences.

8. OVERCOMING THE BAN: WHY SOCIETY NEEDS TO CHANGE

The continued existence of dowry demonstrates that legal prohibitions are insufficient to resolve the problems of dowry in Indian culture. Hence, social change is needed to eliminate dowry-related offences by increasing legal awareness, empowering women and mobilising communities against dowry practices.

Legal consciousness should be created before marriage so that young couples know that asking for dowry and receiving dowry are illegal and punishable. Further, empowerment of women through education, employment, financial independence and property rights would help their equality with men and reduce the likelihood of their acceptance of dowry or being subjected to dowry demands. Similarly, families should understand that dowry is not a must in marriage and that the idea that the bride's family should support the groom's family at the time of marriage is wrong. Educational institutions and community organisations can be instrumental in creating social change by raising awareness about dowry issues.[15] Furthermore, legal safeguards are not sufficient to prevent dowry-related offences. It is important that victims and their families report to authorities, so that law enforcement agencies carry out thorough investigations and properly prosecute and punish the offenders. Hence, the law must be implemented strongly at the institutional level to prevent dowry offences

9. CONCLUSION

The continued practice of dowry shows that legislation alone cannot abolish social customs and behaviours. The practice of

[14] National Crime Records Bureau, *Crime in India 2023* (Ministry of Home Affairs, Government of India 2025).

[15] Siwan Anderson, 'Why Dowry Payments Declined with Modernisation in Europe but Are Rising in India' (2003) 111(2) *Journal of Political Economy* 269–310

dowry in its different forms has continued in Indian culture even after the enactment of the Dowry Prohibition Act, 1961 and several other legislations aimed at dowry-related offences. However, dowry-related issues are still addressed through legislation like the Dowry Prohibition Act of 1961, the Bharatiya Nyaya Sanhita of 2023, and the Bharatiya Sakshya Adhiniyam of 2023, which prohibit giving and taking dowry, the demand for dowry, and penalties for dowry-related harassment, cruelty, and death. [16]

But dowry is not limited to money, jewels, and gold anymore; it has changed and now includes a number of other treasures and benefits. Moreover, cultural advancement has led to the rise of various dowry-related crimes such as dowry harassment, cruelty and dowry-related deaths. However, legal awareness, gender parity, women's empowerment and community engagement are important in eliminating dowry-related issues. Therefore, the goal should be to develop a culture against giving, taking and demanding dowry rather than merely punishing the offences relating to dowry.

[16] Dowry Prohibition Act 1961, ss 2–4; Bharatiya Nyaya Sanhita 2023, ss 80, 85; Bharatiya Sakshya Adhiniyam 2023, s 118.

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