

# **Dowry Deaths: A reality of many**

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## **Introduction**

Dowry death is one of the most inhumane practices known to humankind that results in causing severe, lingering impact on the family of victims as well as society in general. It is a century-old practice that is, sadly, still a part of our Indian society and comes under the bracket of one of the most heinous crimes committed against women in society since the beginning of ages.

Interestingly, India reports an alarming number of dowry deaths; as per the data by NCRB, more than 6500 women were victims of this crime in 2021. Within the territory of India, the highest number of dowry deaths were committed in the state of Uttar Pradesh, as per the data provided on the NCRB website.

The crime of dowry death is one of the offenses against the human body, as mentioned under the Bharatiya Nyaya Sanhita, 2023<sup>1</sup>. The term ‘dowry death’ is constituted with the amalgamation of two words, ‘dowry’ and ‘death’, where dowry is defined under section 2 of the Dowry Prohibition Act, 1961<sup>2</sup> And the offense of causing death under the pretext of a dowry-related crime is punishable under section 80 of the Bhartiya Nyaya Sanhita, 2023<sup>3</sup>.

## **Legislation Against Dowry Death**

The Indian judicial system has implemented a number of legislations with the main objective of tackling the grave issue of dowry death cases taking place all over India. For the purpose of criminalizing the offence, the lawmakers have defined the term ‘dowry’, under section 2 of the Dowry Prohibition Act, 1961, as following-

*” any property or valuable security given or agreed to be given either directly or indirectly—*

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<sup>1</sup> The Bhartiya Nyaya Sanhita, 2023.

<sup>2</sup> The Dowry Prohibition Act, 1961, sec. 2.

<sup>3</sup> The Bhartiya Nyaya Sanhita, 2023, sec. 80.

*(a) by one party to a marriage to the other party to the marriage; or*

*(b) by the parent of either party to a marriage or by any other person, to either party to the marriage or to any other person,*

*at or before or any time after the marriage in connection with the marriage of the said parties, but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.”<sup>4</sup>*

In its essence, a dowry is termed as the giving of any property or valuable security by one party to the other in marriage. Additionally, it is of extreme importance to highlight that the giving of Mahar or any customary payment does not fall within the ambit of the definition of dowry as mentioned under section 2 of the given act.

In addition to that, the demand of dowry that results in the death of the victim is a punishable offense under section 80 of the BNS, 2023. In order for it to attract the penalty under the section, it must have five essential ingredients, as mentioned below-

1. Firstly, death should have taken place by burns, bodily injury, or under other than normal circumstances.
2. Secondly, the concerned death should have occurred within 7 years of marriage.
3. Thirdly, it should be due to the cruelty or harassment faced at the hands of the husband or his relatives.
4. Fourthly, such cruelty or harassment should be in connection with the dowry.
5. Fifthly, such cruelty or harassment should have taken place soon before the death of the victim.

In reference to the above, the presumption of dowry death is established against the accused if it is observed by the court that the woman was subjected to cruelty or harassment shortly before her death under section 118 of the Bharatiya Sakshya Adhiniyam, 2023<sup>5</sup> as it reads,

*“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 had been subjected by such person to cruelty or*

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<sup>4</sup> *Supra* note 2.

<sup>5</sup> The Bharatiya Sakshya Adhiniyam, 2023, sec. 118.

*harassment for, or in connection with, any demand for dowry, the Court shall presume that such person had caused the dowry death.”*<sup>6</sup>

Additionally, in the case law of **Shanti v. State of Haryana**,<sup>7</sup> The Supreme Court decided that Sections 304B<sup>8</sup> and 498A<sup>9</sup> are not mutually exclusive. The Court has ruled that in order to convict someone accused of causing dowry death, the prosecution must present evidence proving that acts of harassment and cruelty accompanied the dowry demand.

### **Important Case Laws**

Some of the landmark cases related to the crime of dowry death are listed as follows: -

#### **1. Satvir Singh v. State of Punjab**<sup>10</sup>

In this significant ruling, the court determined that there are three occasions related to dowry. The first occurs before the marriage, the second takes place during the marriage ceremony, and the third can happen at any point after the marriage. The third occasion may seem to extend indefinitely. However, the essential point relates to the marriage of the involved parties. This indicates that the provision or promise of any property or valuable asset at any of these three stages must be linked to the marriage of the individuals. There may be various other instances concerning financial exchanges or property transfers between spouses.

For instance, customary payments associated with the birth of a child or other rituals are common in different cultures. These payments, however, do not fall under the definition of dowry. Therefore, the dowry referred to in Section 304B must be any property or valuable asset given or promised in relation to the marriage.

#### **2. Rajbir Singh v. State of Haryana**<sup>11</sup>

Under this judgment, the petitioner was found guilty of murdering his pregnant wife, Sunita, for demanding a cash amount barely 6 months after their marriage. He was awarded a life sentence under section 304 B, IPC, apart from sentences under other sections. Furthermore, the Punjab &

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<sup>6</sup> *Ibid.*

<sup>7</sup> Shanti v. State of Haryana, 1990.

<sup>8</sup> The Indian Penal Code, sec. 304B.

<sup>9</sup> The Indian Penal Code, sec. 498A.

<sup>10</sup> Satvir Singh And Ors vs State Of Punjab, AIR 2001 SC 2828.

<sup>11</sup> Rajbir Singh vs. State of Haryana, AIR 2011 SC 568.

Haryana High Court has reduced the sentence to 10 years of rigorous imprisonment. Petitioner No.2(mother of Rajbir) was awarded two years of rigorous imprisonment

### **3. Bhoora Singh v. State of UP**

In the case of Bhoora Singh v. State of UP,<sup>12</sup> The judgment given by the Allahabad High Court upheld the convictions of Raju and Champa Devi under Section 302 but reduced their sentences from death to life imprisonment. The court set aside their convictions under Section 304B, reasoning that the provisions of Section 304B, added to the Indian Penal Code by the Dowry Prohibition (Amendment) Act of 1986, were not retrospective and thus not applicable to the case. However, their convictions under Section 498A and Section 4 of the Dowry Prohibition Act were maintained. Similarly, the conviction and sentence of Bhoora Singh under Section 498A and Section 4 of the Dowry Prohibition Act were upheld.

This judgment underscores the judiciary's stance against dowry-related harassment and violence, emphasizing that demands for dowry and subsequent cruelty can lead to severe legal consequences, including convictions for murder when such actions result in the death of the victim.

### **4. Arjun Dhondiba Kamble v. State of Maharashtra**

In Arjun Dhondiba Kamble v. State of Maharashtra<sup>13</sup>, the court held that, “Dowry” in the sense of the expression contemplated by Dowry Prohibition Act is a demand for property of valuable security having an inextricable nexus with the marriage, i.e., it is a consideration from the side of the bride’s parents or relatives to the groom or his parents and/or guardian for the agreement to wed the bride-to-be. But where the demand for property or valuable security has no connection with the consideration for the marriage, it will not amount to a demand for dowry.

## **Conclusion**

Despite the presence of strict legal regulations and court rulings, dowry deaths persist as a significant issue in Indian society, revealing the ongoing challenges in eliminating this vicious practice. While legal reforms like the Dowry Prohibition Act of 1961 and strict penalties under the

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<sup>12</sup> Bhoora Singh v. State of U.P., 1991 SCC OnLine All 1109.

<sup>13</sup> Arjun Dhondiba Kamble And Ors. v. The State of Maharashtra, 1992 SCC OnLine Bom 80.

Bhartiya Nyaya Sanhita, 2023<sup>14</sup> aim to criminalize dowry-related offenses, their enforcement often falls short due to systemic gaps, societal pressures, and insufficient implementation at the local level. The alarming frequency of dowry deaths, especially in states such as Uttar Pradesh, highlights the pressing need for enhanced legal measures and broad social reforms.

A significant challenge in addressing dowry deaths is the deep-rooted social acceptance of dowry in many parts of India. Despite legal restrictions, the practice continues in various forms, such as gifts or financial assistance to the groom's family, making it difficult to prove cases of dowry harassment and associated violence in court. Victims and their families are often deterred from reporting these crimes due to a fear of societal stigma and a general lack of legal knowledge, which exacerbates the issue. Additionally, delays in judicial processes can prolong the suffering of victims' families and may, in some cases, allow offenders to evade justice.

The judiciary has been instrumental in fortifying the legal framework against dowry deaths by establishing critical legal precedents, as demonstrated in landmark cases like *Satvir Singh v. State of Punjab*<sup>15</sup> and *Bhoora Singh v. State of UP*<sup>16</sup>. Nevertheless, legal actions alone cannot eliminate this crisis. A comprehensive approach that encompasses strict law enforcement, expedited trials, victim support, and extensive awareness initiatives is vital.

In addition to legal and governmental measures, social transformation is essential to eradicate dowry deaths. Educating communities, empowering women, and shifting societal attitudes toward marriage and the financial obligations related to it are crucial steps. Families must unequivocally reject dowry customs, and individuals need to actively contribute to a cultural shift that respects women beyond their monetary value.

Ultimately, ensuring justice for victims and preventing dowry-related offenses calls for collective action from law enforcement agencies, the judiciary, policymakers, and society as a whole. Only through a unified and continuous effort can India aspire to eliminate the scourge of dowry deaths and foster a safer, fairer society for women.

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<sup>14</sup> *Supra* note 1.

<sup>15</sup> *Supra* note 10.

<sup>16</sup> *Supra* note 12.