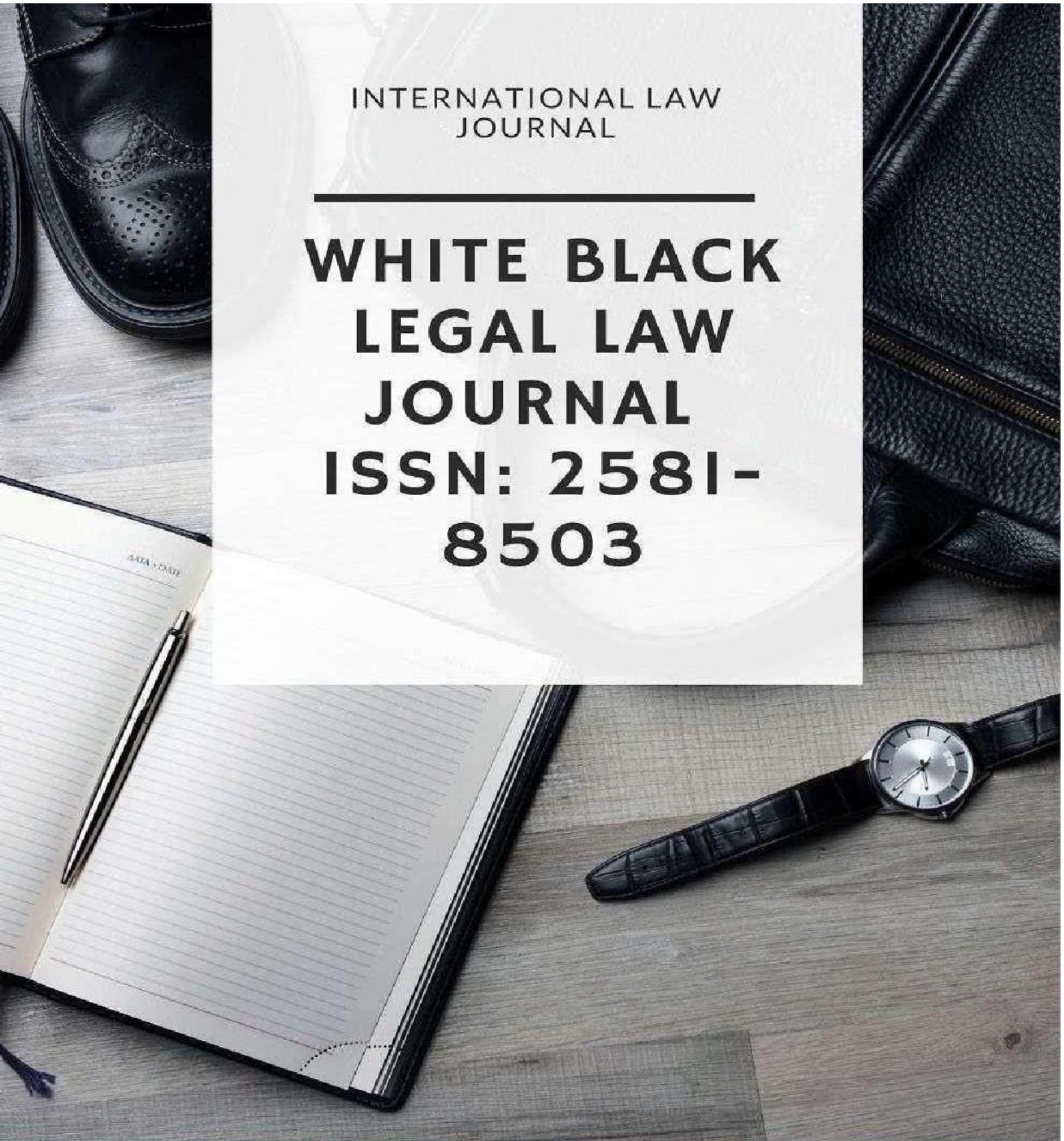




INTERNATIONAL LAW
JOURNAL

**WHITE BLACK
LEGAL LAW
JOURNAL**
**ISSN: 2581-
8503**

Peer - Reviewed & Refereed Journal

The Law Journal strives to provide a platform for discussion of International as well as National Developments in the Field of Law.

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DOWRY DEATHS IN INDIA: A SOCIO-LEGAL ANALYSIS OF LAW, JUSTICE, AND REFORM

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Abstract

Although India has enacted several stringent statutory safeguards over the last four decades, the continued occurrence of dowry deaths reveals a troubling gap between legislative intent and social reality. This paper undertakes a doctrinal and socio-legal examination of that gap. It begins by tracing how dowry was transformed from a customary form of bridal property into a coercive pre-condition for marriage, before turning to the statutory architecture built around Sections 304B and 498A of the Indian Penal Code, Sections 113A and 113B of the Indian Evidence Act, and the Dowry Prohibition Act, 1961 – each of which is also mapped onto its successor provision under the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023. The paper then critically reviews the body of Supreme Court decisions – from *Shanti v State of Haryana* through to *Satbir Singh v State of Haryana* – that have shaped the interpretation of the phrase ‘soon before her death’ and the operation of the statutory presumption, arguing that the jurisprudence, while broadly protective, has not been wholly consistent in practice. Statistical material drawn from National Crime Records Bureau data is used to test the proposition that legal reform has translated into a measurable decline in dowry-related fatalities. The analysis then moves outward to the sociological, economic and psychological dimensions of the problem, the contested debate over the misuse of Section 498A, and the practical obstacles – investigative, evidentiary and attitudinal – that continue to blunt the law’s effect. A comparative section situates India alongside Pakistan, Bangladesh and Nepal, while a human rights section locates the issue within India’s obligations under CEDAW. The paper concludes with a set of reform proposals that are deliberately modest: not a wholesale rewriting of the law, but a sustained programme of institutional, evidentiary and community-level change.

Keywords: Dowry Deaths, India, Section 304B IPC, Section 80 BNS, Section 498A IPC,

Section 113B Evidence Act, Dowry Prohibition Act 1961, Gender Inequality, CEDAW, NCRB Data, Judicial Interpretation.

I. Introduction

The Social and Legal Setting

India's dowry system, known in Hindi as *dahej*, is a custom whose meaning has shifted considerably since it first took shape. In its earliest articulation it was closely tied to the idea of *stridhan* – a woman's personal property – comprising jewellery, clothing and movable assets handed over by a bride's family at the time of marriage, intended to give her some independent means in a society that otherwise restricted women's claims to inheritance. Over time this voluntary gesture hardened into a precondition for marriage: a set of expectations, and frequently explicit demands, placed on the bride's family by the groom's side. The financial strain this created has, in its most extreme form, been linked to harassment, cruelty and death – a phenomenon that Parliament eventually addressed through a dedicated statutory category, the 'dowry death' ¹.

Defining 'Dowry Death'

A dowry death, as defined in Section 304B of the Indian Penal Code (now Section 80 of the *Bharatiya Nyaya Sanhita*, 2023), is the death of a married woman – by burns, by other bodily injury, or in circumstances that are not 'normal' – occurring within seven years of marriage, where the evidence shows that she had been subjected to cruelty or harassment by her husband or his relatives 'soon before' her death in connection with a demand for dowry ². The provision did not emerge in a vacuum: it was the direct legislative response to a recommendation of the Law Commission of India, which had concluded that the existing criminal law was simply not designed to deal with deaths of this kind ³.

Why This Subject Still Demands Attention

Four decades after Parliament first legislated specifically against dowry-related violence, the persistence of the problem raises an uncomfortable question: is the difficulty one of drafting,

¹The Indian Penal Code, 1860, s 304B (inserted by the Criminal Law (Second Amendment) Act, 1986); the corresponding provision under the new criminal code is s 80 of the *Bharatiya Nyaya Sanhita*, 2023.

²The Indian Penal Code, 1860, s 304B (inserted by the Criminal Law (Second Amendment) Act, 1986); the corresponding provision under the new criminal code is s 80 of the *Bharatiya Nyaya Sanhita*, 2023.

³Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

of enforcement, or of the underlying social order that the law was meant to change? This paper proceeds on the view that it is, in different measures, all three. Each reported dowry death is the visible endpoint of a much larger pattern of coercion that, in most cases, never reaches a court at all. Studying the issue is therefore not simply a doctrinal exercise in statutory interpretation – although that forms a substantial part of what follows – but also a way of testing whether India’s legal commitments to gender equality, both domestic and international, translate into protection that women can actually rely on.

II. Research Methodology

Approach and Scope

This paper adopts a doctrinal, library-based methodology, supplemented by a socio-legal reading of the statistical and sociological material. The doctrinal component involves a close reading of the relevant provisions of the Indian Penal Code, the Indian Evidence Act, the Dowry Prohibition Act, 1961, and the Protection of Women from Domestic Violence Act, 2005, together with their successor provisions under the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023. Wherever a provision has been re-numbered or re-worded by the 2023 codes, this paper identifies the corresponding section so that the analysis remains usable under both the old and the new regimes during the transitional period.

The case-law component proceeds chronologically, beginning with *Shanti v State of Haryana* (1991) ⁴ and concluding with *Satbir Singh v State of Haryana* (2021) ⁵, in order to trace how the judicial reading of the phrase ‘soon before her death’ and the operation of the presumption under Section 113B of the Evidence Act have developed – and where they have not developed as consistently as the statutory language might suggest.

Sources of Data and Their Limits

The empirical component relies primarily on data published by the National Crime Records Bureau in its annual Crime in India series ⁶. It is important to be candid about the limits of this data at the outset: NCRB figures record cases registered under Section 304B, not the number of women who actually die in circumstances connected with dowry, and a substantial body of academic and activist literature has long argued that under-reporting is significant. The statistics used in this paper should therefore be read as a conservative floor rather than as a

⁴*Shanti v State of Haryana*, AIR 1991 SC 1226 : (1991) 1 SCC 371.

⁵*Satbir Singh v State of Haryana*, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

⁶National Crime Records Bureau, Crime in India 2024, Ministry of Home Affairs, Government of India.

complete picture, a point that is revisited in the section on statistical analysis below.

Secondary literature – including the Law Commission’s 91st Report ⁷, standard treatises on the Indian Penal Code ⁸, and journal literature on the social dimensions of dowry ⁹ – is used to construct the literature review that follows and to support the sociological, economic and psychological analysis in later sections. A comparative method is used in the section dealing with Pakistan, Bangladesh and Nepal, drawing on published comparative studies of South Asian dowry legislation ¹⁰. No primary fieldwork, surveys or interviews were conducted for this paper; the analysis is confined to published statutory material, reported judgments, official statistics and secondary scholarship.

III. Literature Review

The Foundational Document: The 91st Law Commission Report

Any literature review of this subject has to begin with the Law Commission of India’s 91st Report on ‘Dowry Deaths and Law Reform’ (1983), which remains the single most important document in the field ¹¹. The Commission examined the Dowry Prohibition Act, 1961 as it then stood and concluded that it suffered from an inadequate definition of dowry, penalties that were too weak to deter, and – most importantly for present purposes – no mechanism for dealing with the criminal consequences of dowry harassment that ended in death ¹². Its recommendation that a specific offence of ‘dowry death’ be created, accompanied by a statutory presumption shifting the burden of proof onto the accused once certain foundational facts were shown, was substantially adopted in the Dowry Prohibition (Amendment) Act, 1986, which inserted Section 304B into the IPC and Section 113B into the Evidence Act ¹³. Much of the subsequent literature – including this paper – is, in effect, an extended commentary on how faithfully courts

⁷Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

⁸Ratanlal & Dhirajlal, The Indian Penal Code, ed. Justice K.T. Thomas and M.A. Rashid (LexisNexis, latest edn), commentary on ss 304B and 498A.

⁹IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

¹⁰ResearchGate, “Comparative Study on Dowry System,” 6 May 2026.

¹¹Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

¹²Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

¹³Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

and investigating agencies have implemented that 1986 design.

Doctrinal Commentary

Standard commentaries on the Indian Penal Code treat Sections 304B and 498A as a linked pair, the latter providing the broader offence of cruelty and the former addressing the specific and graver consequence of death ¹⁴. This literature is useful for establishing the elements of each offence with precision, but it tends – understandably, given its purpose – to be doctrinally descriptive rather than critical of how the provisions function in practice. Casebook literature aimed at students similarly catalogues the leading decisions on ‘soon before her death’ without always engaging with the question of why courts have, on the facts of individual cases, reached results that are difficult to reconcile with one another ¹⁵.

Socio-Legal and Empirical Literature

A second strand of literature approaches dowry deaths less as a problem of statutory drafting and more as a symptom of broader patterns of gender inequality. Diwan’s treatise on dowry, bride-burning and related offences situates the legal provisions within this wider social context, treating the 1986 amendments as a necessary but insufficient response to a problem whose roots lie in patriarchal family structures, the economics of marriage, and the social meaning attached to daughters ¹⁶. More recent journal literature has continued this line of analysis, documenting how the practice has persisted – and in some respects adapted – across caste, class and regional lines despite forty years of criminal prohibition ¹⁷.

Gaps in the Existing Literature

Three gaps in the existing literature are worth flagging, because they shape the structure of this paper. First, doctrinal commentary on Sections 304B and 498A is rarely read alongside the comparative material on Pakistan, Bangladesh and Nepal, even though all four jurisdictions share a common legal ancestry and similar enforcement difficulties ¹⁸. Second, the misuse debate around Section 498A is often treated in isolation from the protective purpose of the

¹⁴Ratanlal & Dhirajlal, *The Indian Penal Code*, ed. Justice K.T. Thomas and M.A. Rashid (LexisNexis, latest edn), commentary on ss 304B and 498A.

¹⁵K.D. Gaur, *Criminal Law: Cases and Materials* (LexisNexis, latest edn), chapter on offences against women.

¹⁶Paras Diwan and Peeyushi Diwan, *Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing, latest edn).

¹⁷IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

¹⁸ResearchGate, “Comparative Study on Dowry System,” 6 May 2026.

provision, producing literature that argues either wholly for or wholly against reform, rather than engaging with the genuine tension between the two concerns¹⁹. Third, very little of the doctrinal literature engages directly with the transition from the Indian Penal Code and the Indian Evidence Act to the Bharatiya Nyaya Sanhita, 2023 and the Bharatiya Sakshya Adhiniyam, 2023 – an omission this paper attempts, in a modest way, to begin correcting.

IV. Historical Evolution of Dowry Practices

From Stridhan to Coercive Demand

The historical record does not support the assumption that dowry has always been a coercive practice. In its original conception it was closely associated with stridhan – property belonging to the woman herself rather than to her husband's family – functioning as a form of pre-mortem inheritance in a society that otherwise restricted women's claims to ancestral property²⁰. Some accounts go further still, suggesting that during earlier periods of Indian history women retained more substantial property rights, and that what we now recognise as a coercive dowry demand was, at most, a marginal feature of marriage rather than its central transaction²¹. What this history suggests is that the practice this paper is concerned with is not an unbroken 'tradition' in the sense the word is often used – it is, in significant part, a more recent transformation of an older custom into something considerably more damaging.

The Mechanics of the Transformation

The shift from voluntary gift to coercive demand did not happen all at once, and the literature does not offer a single, tidy explanation for it²². What can be said with more confidence is that, over time, the groom's family increasingly came to set conditions – specific sums of cash, consumer goods, vehicles or property – as a precondition for the marriage proceeding at all, turning the negotiation into something closer to a commercial transaction in which the bride's worth was measured against what her family could deliver²³. For families on the receiving end of escalating demands, the consequences could be severe: years of savings exhausted, loans

¹⁹Arnesh Kumar v State of Bihar, (2014) 8 SCC 273.

²⁰Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

²¹Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

²²IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

²³IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

taken at punishing rates, and in some cases the sale of land or other assets²⁴. Where demands could not be met – or continued even after the wedding – the result was frequently harassment and, in the cases this paper is concerned with, death.

The Post-1961 Paradox

Parliament's first legislative response, the Dowry Prohibition Act, 1961, banned the giving, taking and demanding of dowry outright²⁵. What followed is, in many respects, the central puzzle of this entire field: rather than declining, the practice not only persisted but, by the Law Commission's own assessment two decades later, had in some respects intensified²⁶. Rising consumer aspirations and a growing emphasis on visible markers of social mobility appear to have pushed dowry from a private family arrangement into something closer to a public marker of status – precisely the period during which the 91st Report concluded that the 1961 Act, as drafted, was simply not equal to the task²⁷. This gap between legislative prohibition and social practice is not unique to dowry, but it is unusually stark here, and it is the gap that the 1986 amendments – and every reform proposal discussed later in this paper – have been trying, with only partial success, to close.

V. The Concept of 'Dowry Death' Under Section 304B

Statutory Elements

Section 304B(1) of the Indian Penal Code – now Section 80 of the Bharatiya Nyaya Sanhita, 2023 – provides that where the death of a woman is caused by burns or bodily injury, or occurs otherwise than under normal circumstances, within seven years of her marriage, and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or his relatives in connection with a demand for dowry, that death shall be called a 'dowry death', and the husband or relative concerned shall be deemed to have caused it²⁸. Breaking this down, the prosecution must establish: that the victim is a woman; that her death was caused by burns,

²⁴Paras Diwan and Peeyushi Diwan, *Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing, latest edn).

²⁵The Dowry Prohibition Act, 1961 (Act 28 of 1961), as amended by the Dowry Prohibition (Amendment) Act, 1986.

²⁶Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

²⁷Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

²⁸The Indian Penal Code, 1860, s 304B (inserted by the Criminal Law (Second Amendment) Act, 1986); the corresponding provision under the new criminal code is s 80 of the Bharatiya Nyaya Sanhita, 2023.

bodily injury, or occurred in circumstances otherwise than normal; that the death occurred within seven years of marriage; that she had been subjected to cruelty or harassment by her husband or his relatives; that this cruelty or harassment was for, or in connection with, a demand for dowry; and that it occurred ‘soon before’ her death ²⁹. On proof of these foundational facts, Section 113B of the Evidence Act – now Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 – directs the court to presume that the accused caused the dowry death, reversing the ordinary burden of proof ³⁰.

The Interpretive Crux: ‘Soon Before Her Death’

Of these elements, the phrase ‘soon before her death’ has generated by far the most litigation, precisely because the statute does not define it. The Supreme Court has consistently held that the phrase cannot be read as ‘immediately before’; what it requires is a ‘live’ and proximate link between the cruelty or harassment and the death, such that the incident of cruelty has not become ‘stale’ by the time death occurs ³¹. This is, on one level, a sensible accommodation – a husband who tortures his wife for months cannot escape Section 304B merely because the final, fatal incident followed a few days of apparent calm. On another level, however, it leaves trial courts with a genuinely difficult line-drawing exercise, and the case law – discussed further in the section on judicial analysis – does not speak with one voice on exactly where that line falls.

Punishment, and the Question of Proportionality

The punishment prescribed for dowry death is severe by the standards of Indian criminal law: imprisonment for a term not less than seven years, extendable to life ³². This mandatory minimum reflects the legislature’s view, expressed in the 91st Report, that ordinary homicide provisions were not producing convictions in cases of this kind, in part because of the evidentiary difficulties discussed below ³³. Whether a mandatory minimum of this severity, combined with a reversed burden of proof, strikes the right balance between deterrence and the rights of the accused is a question this paper returns to in the section on the misuse debate; for

²⁹Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

³⁰The Indian Evidence Act, 1872, s 113B (presumption as to dowry death); the corresponding provision under the new evidence law is s 118 of the Bharatiya Sakshya Adhiniyam, 2023.

³¹Mustafa Shahadal Shaikh v State of Maharashtra, (2012) 11 SCC 397 : AIR 2013 SC 851.

³²The Indian Penal Code, 1860, s 304B (inserted by the Criminal Law (Second Amendment) Act, 1986); the corresponding provision under the new criminal code is s 80 of the Bharatiya Nyaya Sanhita, 2023.

³³Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

now it is sufficient to note that the severity of the punishment is itself part of why the presumption under Section 113B has attracted so much appellate scrutiny – a court asked to apply a mandatory minimum sentence on the basis of a presumption, rather than direct proof, is rightly cautious about how that presumption is triggered.

VI. The Wider Legal Framework

Section 498A IPC: The Provision That Does the Earlier Work

Section 498A, inserted into the IPC in 1983 – three years before Section 304B – is in some ways the more consequential provision, because it operates before a situation has escalated to the point of death. It punishes any wilful conduct by a husband or his relatives likely to drive a woman to suicide or to cause grave injury to her health, as well as harassment intended to coerce her or her family into meeting an unlawful demand for property or valuable security³⁴. Under the Bharatiya Nyaya Sanhita, 2023, this offence is split across two sections: Section 86 now defines ‘cruelty’ for this purpose, while Section 85 prescribes the punishment – imprisonment of up to three years together with a fine³⁵. Sections 304B and 498A are not mutually exclusive; the same facts can support charges under both, and a number of dowry death prosecutions proceed on exactly that basis³⁶.

Section 113A of the Evidence Act: Suicide and Discretionary Presumption

Where a married woman dies by suicide, rather than in the more ambiguous circumstances covered by Section 304B, Section 113A of the Evidence Act – now Section 117 of the Bharatiya Sakshya Adhiniyam, 2023 – allows a court to presume abetment of suicide by the husband or his relatives, provided the death occurred within seven years of marriage and there is evidence that the woman had been subjected to cruelty within the meaning of Section 498A³⁷. The presumption here is discretionary (‘may presume’) rather than mandatory, in contrast to Section 113B, and it depends on cruelty as defined under Section 498A having first been established³⁸. The distinction between the two presumptions – one discretionary and tied to

³⁴The Indian Penal Code, 1860, s 498A (inserted by the Criminal Law (Second Amendment) Act, 1983); corresponding to ss 85–86 of the Bharatiya Nyaya Sanhita, 2023, s 85 prescribing the punishment and s 86 defining ‘cruelty’.

³⁵The Indian Penal Code, 1860, s 498A (inserted by the Criminal Law (Second Amendment) Act, 1983); corresponding to ss 85–86 of the Bharatiya Nyaya Sanhita, 2023, s 85 prescribing the punishment and s 86 defining ‘cruelty’.

³⁶*Shanti v State of Haryana*, AIR 1991 SC 1226 : (1991) 1 SCC 371.

³⁷The Indian Evidence Act, 1872, s 113A (presumption as to abetment of suicide); the corresponding provision under the new evidence law is s 117 of the Bharatiya Sakshya Adhiniyam, 2023.

³⁸The Indian Evidence Act, 1872, s 113A (presumption as to abetment of suicide); the corresponding provision

suicide, the other mandatory and tied to an unnatural death connected with dowry – is one of the more easily overlooked structural features of this area of law, and it matters considerably to how a case is pleaded and argued.

Section 113B of the Evidence Act: The Mandatory Presumption

Section 113B – now Section 118 of the Bharatiya Sakshya Adhiniyam, 2023 – is the provision that gives Section 304B its practical force. Once the prosecution proves that the woman was subjected to cruelty or harassment for, or in connection with, a dowry demand soon before an unnatural death occurring within seven years of marriage, the court ‘shall presume’ – not ‘may presume’ – that the accused caused the dowry death³⁹. The Supreme Court has been emphatic that this presumption is mandatory once the foundational facts are established, and that it is not for the trial court to decline to draw it on some residual sense of doubt⁴⁰. At the same time, the Court has been equally emphatic that the foundational facts themselves must be proved to the ordinary criminal standard – the presumption operates on, but does not substitute for, that proof⁴¹.

The Dowry Prohibition Act, 1961: The Provision the 1986 Amendments Were Meant to Reinforce

The Dowry Prohibition Act, 1961 remains the foundational statute targeting dowry itself, as distinct from the violence that sometimes follows from it. It defines dowry broadly, as any property or valuable security given or agreed to be given by either party to a marriage, or by their families, to the other side in connection with the marriage, and it criminalises the giving, taking and demanding of dowry⁴². The Law Commission’s assessment in 1983 was that the 1961 Act, on its own, had achieved very little⁴³ – which is precisely why the 1986 amendments to the IPC and the Evidence Act were framed not as a replacement for the 1961 Act but as an additional layer, aimed specifically at the most extreme consequence of the practice the 1961 Act had already failed to suppress.

under the new evidence law is s 117 of the Bharatiya Sakshya Adhiniyam, 2023.

³⁹The Indian Evidence Act, 1872, s 113B (presumption as to dowry death); the corresponding provision under the new evidence law is s 118 of the Bharatiya Sakshya Adhiniyam, 2023.

⁴⁰Bansi Lal v State of Haryana, (2011) 11 SCC 359.

⁴¹Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

⁴²The Dowry Prohibition Act, 1961 (Act 28 of 1961), as amended by the Dowry Prohibition (Amendment) Act, 1986.

⁴³Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

The Protection of Women from Domestic Violence Act, 2005: A Different Kind of Remedy

The Protection of Women from Domestic Violence Act, 2005 approaches the problem through civil rather than criminal remedies. It defines domestic violence expansively – physical, sexual, verbal, emotional and economic abuse – and gives women access to protection orders, residence orders, monetary relief, custody arrangements and compensation ⁴⁴. Its significance for this paper lies less in what it says about dowry deaths directly, which is very little, and more in its potential to intervene before a situation reaches the point at which Sections 304B or 498A become relevant at all – a point developed further in the section on implementation challenges.

VII. Judicial Analysis: Reading ‘Soon Before Her Death’

The Early Position: *Shanti v State of Haryana* (1991)

In *Shanti v State of Haryana*, one of the earliest Supreme Court decisions to apply Section 304B after its introduction, the Court upheld a conviction where the deceased had been harassed for dowry, treated cruelly, and her body hurriedly cremated without informing her parents ⁴⁵. The case is significant for a point that is easy to lose sight of: the Court held that the level of cruelty needed to trigger the presumption under Section 113B need not be identical to – and may, depending on the facts, be less than – the level of cruelty required to sustain a separate conviction under Section 498A ⁴⁶. In other words, the two offences, although textually linked, are conceptually distinct, and a person can be convicted of dowry death without a freestanding conviction for cruelty. This is an important early signal that the Court was prepared to read Section 304B as an independent offence with its own evidentiary threshold, rather than as a simple aggravated form of Section 498A.

***Sham Lal v State of Haryana* (1997): The Limits of the Presumption**

Sham Lal v State of Haryana is, in some respects, a corrective to an overly generous reading of Section 113B ⁴⁷. The Supreme Court held that invoking the presumption requires proof that the woman was subjected to cruelty or harassment ‘soon before her death’ – and where the prosecution could show only that there had been a persisting dispute over dowry, with the wife having returned to her parents’ home well over a year before her death and some evidence of an attempted reconciliation in the interim, the temporal link required by the statute was not

⁴⁴The Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005).

⁴⁵*Shanti v State of Haryana*, AIR 1991 SC 1226 : (1991) 1 SCC 371.

⁴⁶*Shanti v State of Haryana*, AIR 1991 SC 1226 : (1991) 1 SCC 371.

⁴⁷*Sham Lal v State of Haryana*, AIR 1997 SC 1830.

made out ⁴⁸. Read alongside *Shanti*, the case illustrates that the Supreme Court was, from a fairly early stage, attempting to walk a line between giving Section 113B real force and ensuring it did not become a presumption that, in practice, attached to almost any unnatural death following any historical dowry dispute, however remote.

Kaliyaperumal and Kamesh Panjiyar: Circumstantial Evidence and the Meaning of ‘Cruelty’
Kaliyaperumal v State of Tamil Nadu addressed the meaning of ‘cruelty’ for the purposes of Section 304B, confirming that it is not confined to physical violence and can extend to forms of harassment that fall short of overt assault but are nonetheless connected to a dowry demand ⁴⁹. *Kamesh Panjiyar v State of Bihar* took this further in the context of circumstantial evidence, holding that a conviction under Section 304B can rest on circumstantial evidence of cruelty and an unnatural death, without requiring direct eyewitness testimony to the final act – an approach that is, on its face, sensible given that these deaths typically occur within the matrimonial home, often with only the accused present ⁵⁰. Taken together, these decisions widen the practical reach of Section 304B considerably; they also, however, increase the importance of the trial court’s assessment of circumstantial evidence, which is precisely where the medico-legal and investigative weaknesses discussed later in this paper become most consequential.

Bansi Lal v State of Haryana (2011): Restating the Mandatory Character of the Presumption
In *Bansi Lal v State of Haryana*, the Supreme Court restated, in fairly emphatic terms, that the legislature’s use of the word ‘shall’ in Section 113B leaves the trial court with no discretion: once the ingredients of Section 304B are proved, the presumption that the accused caused the dowry death must follow ⁵¹. The decision is frequently cited – including in *Satbir Singh*, discussed next – as the clearest statement of the mandatory character of the presumption, and it is worth pausing on what this means in practice. A presumption of this kind shifts not merely a tactical burden but the legal burden of disproof onto the accused, in a prosecution carrying a mandatory minimum sentence of seven years. The Court’s insistence on the mandatory nature of the presumption is therefore inseparable from its parallel insistence – visible in *Sham Lal* and reaffirmed in *Satbir Singh* – that the foundational facts triggering the presumption must themselves be proved with care.

⁴⁸*Sham Lal v State of Haryana*, AIR 1997 SC 1830.

⁴⁹*Kaliyaperumal v State of Tamil Nadu*, AIR 2003 SC 3828.

⁵⁰*Kamesh Panjiyar v State of Bihar*, (2005) 2 SCC 388 : AIR 2005 SC 785.

⁵¹*Bansi Lal v State of Haryana*, (2011) 11 SCC 359.

Mustafa Shahadal Shaikh v State of Maharashtra (2012): ‘Soon Before’ in Practice

Mustafa Shahadal Shaikh v State of Maharashtra remains one of the clearest judicial statements on the temporal element of Section 304B⁵². The Supreme Court held that ‘soon before her death’ does not require that death follow immediately upon an act of cruelty, but does require a ‘proximate and live link’ between the two; where an incident of cruelty is so remote in time that it can no longer be said to have disturbed the victim’s mental equilibrium, it is ‘of no consequence’ for the purposes of the presumption⁵³. On the facts of that case, harassment over a payment demand reported only five days before the deceased’s death by poisoning was held to satisfy the requirement comfortably⁵⁴. The difficulty, as this paper has already flagged, is that ‘proximate and live link’ is itself a standard rather than a rule, and different benches applying it to different fact patterns – some involving a gap of days, others (as in Sham Lal) a gap of well over a year – have not always converged on a predictable outcome. This is less a criticism of any individual decision than an observation about the inherent difficulty of legislating a temporal standard without a fixed period, a difficulty the 91st Report itself appears to have anticipated but did not resolve⁵⁵.

Satbir Singh v State of Haryana (2021): Consolidation, and Guidance for Trial Courts

Satbir Singh v State of Haryana is the most recent of the major Supreme Court decisions on Section 304B, and it functions largely as a consolidation of the preceding three decades of case law rather than a departure from it⁵⁶. The Court reaffirmed that ‘soon before’ cannot mean ‘immediately before’, restated the mandatory character of the Section 113B presumption in terms drawn directly from Bansi Lal, and – perhaps most usefully for the purposes of this paper – issued guidance to trial courts on the careful sequencing required: first, the foundational facts (unnatural death, within seven years, preceded by dowry-related cruelty ‘soon before’ death) must be established by the prosecution to the ordinary criminal standard; only then does the presumption operate, and only then does the burden shift to the accused⁵⁷. Read as a whole, the line from Shanti through Sham Lal, Kaliyaperumal, Kamesh Panjiyar, Bansi Lal and Mustafa Shahadal Shaikh to Satbir Singh shows a judiciary that has been broadly consistent in

⁵²Mustafa Shahadal Shaikh v State of Maharashtra, (2012) 11 SCC 397 : AIR 2013 SC 851.

⁵³Mustafa Shahadal Shaikh v State of Maharashtra, (2012) 11 SCC 397 : AIR 2013 SC 851.

⁵⁴Mustafa Shahadal Shaikh v State of Maharashtra, (2012) 11 SCC 397 : AIR 2013 SC 851.

⁵⁵Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

⁵⁶Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

⁵⁷Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

principle – mandatory presumption, but only on proven foundational facts – while leaving the application of that principle to the inevitably fact-specific, and not always predictable, judgment of trial courts.

VIII. Statistical Analysis

The Long-Run Trend, 1995–2015

National Crime Records Bureau data compiled over the period 1995 to 2007 show a rise of roughly 74 per cent in registered dowry death cases – a trajectory that ran directly counter to what one might expect given that Sections 304B and 498A had been in force for more than a decade by the start of that period⁵⁸. Two readings of this trend are possible, and the data alone cannot distinguish between them: either the underlying incidence of dowry-related deaths genuinely increased over this period, or improved reporting and registration practices brought a larger share of an existing problem into the official statistics for the first time. Most of the secondary literature inclines toward some combination of the two⁵⁹, but the honest position is that NCRB registration data, on its own, cannot settle the question – a limitation flagged in the methodology section above and worth restating here.

Current Figures: A Decline, But From a High Base

More recent NCRB figures record 5,737 dowry deaths in 2024, a number reported in the press as equating to roughly one death every ninety minutes^{60 61}. This represents a decline from the 7,634 cases recorded in 2015⁶², suggesting that the sharp upward trajectory of the late twentieth century has, at minimum, reversed. It would, however, be a significant overstatement to describe this as evidence that the legal framework is working as intended. A decline from one alarmingly high figure to another that remains alarmingly high is consistent with several different explanations – genuine improvement, demographic change in marriage patterns, under-reporting that has if anything worsened, or some combination of all three – and the data, taken alone, does not allow the analyst to choose between them with any confidence.

⁵⁸National Crime Records Bureau, Crime in India (compiled series, 1995–2007), Ministry of Home Affairs, Government of India.

⁵⁹IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁶⁰National Crime Records Bureau, Crime in India 2024, Ministry of Home Affairs, Government of India.

⁶¹NDTV, “Dowry Deaths Falling In India, But A Woman Still Dies Every 90 Minutes,” 21 May 2026, reporting on National Crime Records Bureau figures for 2024.

⁶²NDTV, “Dowry Deaths Falling In India, But A Woman Still Dies Every 90 Minutes,” 21 May 2026, reporting on National Crime Records Bureau figures for 2024.

Registration, Prosecution and Conviction: Where the Numbers Run Out

The most significant statistical gap in this field is not in the number of cases registered, but in what happens to them afterward. Comprehensive, nationally aggregated conviction data specifically for Section 304B prosecutions is not readily available in a form that would allow a reliable conviction rate to be calculated⁶³. What is reasonably well documented is the general pattern in Indian criminal justice of a substantial attrition between registration and conviction, driven by delays, evidentiary difficulties, and witnesses who become reluctant or hostile as proceedings extend over years⁶⁴. The Supreme Court's repeated insistence – in Sham Lal, Bansi Lal and Satbir Singh alike – that the foundational facts under Section 304B must be proved with care before the presumption operates is, in this light, not merely a doctrinal nicety⁶⁵. It is the point at which weak investigation and poor forensic evidence, discussed in the section on implementation challenges, translate directly into acquittals, regardless of how the underlying facts of a case might actually have unfolded.

IX. Sociological Analysis

Patriarchy as the Underlying Logic

It is difficult to discuss dowry deaths without confronting the patriarchal assumptions that underlie them. Where women continue to be regarded – explicitly or implicitly – as economic dependents rather than as equal contributors to family life, the notion that a bride's family should 'compensate' the groom's family for taking on a daughter does not register as the affront to equality that it plainly is⁶⁶. This is reinforced by continuing gaps in women's access to education, employment and decision-making authority within the family – gaps that leave many women economically dependent on their husbands and in-laws in ways that increase their vulnerability to exactly the kind of coercion Section 498A was designed to address⁶⁷. A longstanding cultural preference for sons over daughters sits at the root of much of this, and the same preference has well-documented links to sex-selective practices more broadly⁶⁸.

⁶³IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁶⁴Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

⁶⁵Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

⁶⁶Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

⁶⁷IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁶⁸Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

Caste, Class and the Direction of Dowry Demands

The relationship between dowry and caste is more complicated than a simple opposition between ‘tradition’ and ‘modernity’ might suggest. Historically, dowry in the sense of stridhan was more closely associated with certain upper-caste communities, while bride-price – payments moving in the opposite direction – was more common among some other groups ⁶⁹. Over time, however, the practice of demanding dowry has spread across virtually all caste and class lines, often functioning as a mechanism for social mobility: a bride’s family may offer a larger dowry to secure a match with a higher-status family, while a groom’s family in a less affluent position may use dowry demands to bolster its own standing ⁷⁰. Where the economic gap between the two families is significant, the gap between what is expected and what can realistically be provided becomes a recurring source of friction – and, in the cases this paper is ultimately concerned with, of violence.

Rural and Urban Patterns: Different Forms, Similar Drivers

Geography appears to affect how dowry-related harassment manifests more than whether it occurs at all. In rural settings, more rigid adherence to traditional gender roles, combined with limited access to legal aid, policing or independent income, can leave women particularly exposed, while agrarian economic pressures – unpredictable incomes and debt cycles tied to land and crops – feed directly into dowry disputes ⁷¹. Urban settings are not a refuge from the underlying dynamic, even if they sometimes look that way: greater exposure to consumer culture can shift dowry demands toward vehicles, electronics and cash rather than land or livestock, and the same desire to maintain a respectable public image that operates in rural communities can make urban families just as reluctant to report abuse ⁷². What appears broadly consistent across both settings is the combination of gender inequality and economic pressure – the specific items demanded may differ, but the underlying dynamic does not.

⁶⁹Paras Diwan and Peeyushi Diwan, *Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing, latest edn).

⁷⁰IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

⁷¹IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

⁷²IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

X. Economic Analysis

The Direct Financial Burden

For many families, the economic reality of dowry is straightforward: it is a major, and sometimes unsustainable, expense. Saving for years in advance of a daughter's marriage is common, but where that saving proves insufficient, families frequently turn to loans – sometimes from informal lenders at punishing rates – or to selling land, livestock or other assets accumulated over generations ⁷³. The pressure to meet these costs is rarely purely financial; it is bound up with a fear of social judgement, and with a sense that failing to provide an 'acceptable' dowry reflects badly on the family's standing within its community ⁷⁴.

Dowry as Wealth Transfer and as Signal

Economically, dowry in its modern coercive form operates as a largely one-directional transfer of resources from the bride's family to the groom's, notwithstanding the occasional framing of it as assistance to the new couple in establishing a household ⁷⁵. Beyond the transfer itself, the scale of a dowry frequently functions as a public signal of status for both families: a larger dowry can enhance a groom's family's standing within its community, while for a bride's family it can represent the price of access to a more prestigious or economically secure match ⁷⁶. This dual function – as both a wealth transfer and a status marker – helps explain why the practice has proved so resistant to a purely legal prohibition: it is embedded in how families signal and negotiate social position, not merely in how they exchange money, and a criminal statute addresses only the second of these two functions.

Consumerism and the Escalation of Demands

The expansion of consumer culture in India over recent decades appears, if anything, to have sharpened this dynamic. Dowry demands increasingly take the form of specific consumer goods – appliances, vehicles, electronics – alongside or instead of cash, reflecting broader shifts in what is considered a marker of a comfortable household ⁷⁷. The effect is to layer consumerist

⁷³Paras Diwan and Peeyushi Diwan, *Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing, latest edn).

⁷⁴IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

⁷⁵Paras Diwan and Peeyushi Diwan, *Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing, latest edn).

⁷⁶IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

⁷⁷IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," *Indian Journal of Law and Legal Research*, 15 Aug. 2025.

pressure on top of the pre-existing financial burden, in a competitive social environment in which weddings have themselves become occasions for display⁷⁸. None of this changes the underlying legal analysis – it remains financial pressure feeding into harassment when expectations go unmet – but it does suggest that legal prohibition alone, without some accompanying shift in these broader cultural currents, is unlikely to be sufficient on its own.

XI. Psychological Impact on Victims and Survivors

Before the Breaking Point: Cumulative Harm

For women subjected to dowry-related harassment, the psychological toll typically begins long before any single violent incident. Persistent demands, criticism and threats can produce chronic anxiety and depression that build gradually, sometimes over years of marriage⁷⁹. In the most severe cases, this sustained pressure ends in suicide – and a recurring concern in the literature is that some such deaths are reported, or deliberately disguised, as accidents, obscuring the dowry-related abuse that preceded them⁸⁰. This is one of the clearest illustrations of why NCRB data on dowry deaths, discussed earlier, should be read as a floor rather than a ceiling: the official statistics capture deaths that have been correctly classified as connected to dowry, and there is good reason to think that not all such deaths are.

Long-Term Effects on Survivors

Those who survive dowry-related violence often carry its effects for the remainder of their lives. Post-traumatic stress disorder, ongoing depression and anxiety are common, and frequently require sustained psychological support that many survivors cannot access⁸¹. Physical injuries – burns in particular – can leave lasting disfigurement, with consequences for health and for how survivors are subsequently treated socially. Many face renewed stigma: difficulty being reintegrated into family or community life, reduced prospects of remarriage, and a loss of trust in both relationships and the institutions that were meant to protect them⁸². Addressing these long-term consequences requires more than medical treatment in the

⁷⁸IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁷⁹IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁸⁰Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

⁸¹IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁸²Paras Diwan and Peeyushi Diwan, Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences (Universal Law Publishing, latest edn).

immediate aftermath of an incident; it calls for sustained psychological care and genuine economic and social rehabilitation, a point this paper returns to in the section on reform proposals.

XII. The Misuse Debate: Section 498A Revisited

The Concern, Stated Fairly

No discussion of this area can be complete – or, frankly, credible – without engaging with the argument that Section 498A has, on occasion, been invoked in ways its drafters did not intend. The concern, stated at its strongest, is that the combination of a cognizable, non-bailable offence with the presumption under Section 113B creates conditions in which a complaint can be used as leverage in an unrelated matrimonial dispute, leading to the arrest of an accused – sometimes an entire extended family – on the basis of allegations that have not been independently verified⁸³. This concern is not a fringe position; it was accepted, in substantial part, by the Supreme Court itself.

Arnesh Kumar v State of Bihar (2014): The Judicial Response

In *Arnesh Kumar v State of Bihar*, the Supreme Court directly addressed the pattern of automatic arrests under Section 498A and held that police officers must not arrest an accused as a matter of routine; an arrest is permissible only where the conditions in Section 41 of the Code of Criminal Procedure are satisfied, and a magistrate authorising further detention must record reasons for being satisfied that detention is necessary^{84 85}. The Court was explicit that a failure to comply with these directions would expose the concerned police officers to departmental action and, in appropriate cases, contempt proceedings⁸⁶. It is worth being precise about what *Arnesh Kumar* did and did not do: it did not dilute the substantive offence under Section 498A, and it did not weaken the presumption under Section 113B in dowry death prosecutions under Section 304B. What it did was impose a procedural check on arrest – a meaningful check, but one that operates upstream of, and is conceptually distinct from, the question of guilt or innocence on the underlying allegation.

⁸³*Arnesh Kumar v State of Bihar*, (2014) 8 SCC 273.

⁸⁴*Arnesh Kumar v State of Bihar*, (2014) 8 SCC 273.

⁸⁵The Code of Criminal Procedure, 1973, s 41 (conditions for arrest without warrant); see now s 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

⁸⁶*Arnesh Kumar v State of Bihar*, (2014) 8 SCC 273.

Holding the Tension

The honest position, and the one this paper adopts, is that both concerns are genuine and that neither should be allowed to silently override the other. A provision designed to protect women who are at real risk of escalating violence cannot be diluted to the point where it offers no meaningful deterrent – the entire rationale of the 1983 and 1986 amendments, set out in the 91st Report, was that the pre-existing law was failing exactly such women⁸⁷. At the same time, a criminal process that results in the arrest of an accused's entire extended family on the strength of an unverified complaint, in a system where bail can take time to obtain, is itself a serious deprivation of liberty that the law cannot simply wave away as an acceptable cost. Arnesh Kumar represents one attempt to manage this tension procedurally, by regulating arrest rather than the substantive offence; whether procedural regulation of this kind is sufficient, or whether further substantive reform – of the kind discussed in the section on reform proposals – is also needed, remains genuinely contested in the literature⁸⁸.

XIII. Implementation Challenges

Investigation: The First and Often Decisive Stage

Even a well-designed statute depends on the people responsible for enforcing it, and in dowry death cases the first point of contact – the investigating police officer – is frequently where the case is won or lost. Reports of reluctance to register First Information Reports promptly, or to treat allegations of dowry harassment with the seriousness the statute contemplates, are not uncommon⁸⁹. Given the importance the Supreme Court has placed on the foundational facts under Section 304B being established with care – facts that depend heavily on what was recorded, and when, by the investigating officer – weaknesses at this stage are not a peripheral administrative failing. They go directly to whether the presumption under Section 113B can be triggered at all.

Delay, and Its Compounding Effect on Evidence

India's courts carry substantial caseloads, and dowry death prosecutions are not exempt from

⁸⁷Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

⁸⁸IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁸⁹IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

the resulting delays – cases can take years to reach trial, let alone conclusion ⁹⁰. The effect of delay is not merely to prolong the emotional and financial strain on a victim's family, serious as that is; it is also corrosive to the prosecution's case in a more mechanical sense, because witnesses become reluctant or hostile, memories fade, and the kind of contemporaneous evidence of cruelty that Mustafa Shahadal Shaikh requires – a 'proximate and live link' – becomes progressively harder to reconstruct the longer a case takes to come to trial ⁹¹.

Medico-Legal Evidence: Where Doctrine Meets Practice

Many dowry death cases turn on physical evidence – burns, injuries, the precise circumstances of death – that depends on the quality of post-mortem examination and forensic analysis ⁹². Where post-mortems are conducted hastily, or where forensic expertise is unavailable, the evidentiary record can be too weak to support a conviction even where the underlying facts might otherwise justify one. This matters more, not less, in light of Kamesh Panjiyar's acceptance that circumstantial evidence can sustain a conviction under Section 304B ⁹³: circumstantial evidence is only as strong as the forensic and investigative work that produces it, and the absence of standardised protocols for medico-legal investigation in these cases means that the strength of the evidentiary record varies considerably from one case to another – a variation that, on balance, tends to benefit the accused.

Social Stigma and the Decision Not to Report

Underlying all of the institutional obstacles described above is something harder to address through procedural reform alone: the social stigma attached to reporting dowry-related harassment in the first place. Families often face considerable pressure to avoid public 'scandal', even where that means tolerating ongoing abuse, and a woman who speaks up may be perceived – however unfairly – as having brought shame on her family rather than as someone seeking help ⁹⁴. Combined with limited awareness of the legal protections that exist and how to access them, this produces a culture of silence that operates upstream of every provision discussed in this paper – a case that is never reported never reaches the point at which

⁹⁰Paras Diwan and Peeyushi Diwan, *Law Relating to Dowry, Dowry Deaths, Bride Burning, Rape and Related Offences* (Universal Law Publishing, latest edn).

⁹¹Mustafa Shahadal Shaikh v State of Maharashtra, (2012) 11 SCC 397 : AIR 2013 SC 851.

⁹²IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁹³Kamesh Panjiyar v State of Bihar, (2005) 2 SCC 388 : AIR 2005 SC 785.

⁹⁴IJLLR Journal, "The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society," Indian Journal of Law and Legal Research, 15 Aug. 2025.

Section 304B, Section 498A or the presumption under Section 113B becomes relevant at all.

XIV. The Role of Media, Government Campaigns and Civil Society

Cinema and Television: A Mixed Record

Indian cinema and television have depicted dowry-related conflict for decades, sometimes in ways that risk normalising or even romanticising the underlying tensions, but increasingly in ways that confront the human cost more directly⁹⁵. More recent portrayals have tended to focus less on dowry disputes as background colour and more on the legal aftermath – the investigations, the trials, the long-term consequences for victims’ families – which arguably does more to shift public attitudes than depictions that treat dowry conflict primarily as dramatic device.

Beti Bachao Beti Padhao and Related Government Initiatives

On the policy side, government initiatives addressing gender inequality more broadly have an indirect but real bearing on dowry. The Beti Bachao Beti Padhao (‘Save the Daughter, Educate the Daughter’) scheme focuses on improving the child sex ratio and on valuing daughters as much as sons⁹⁶. It does not target dowry specifically, but a society in which daughters are seen as assets rather than liabilities is, almost by definition, one in which the underlying logic of dowry – that a daughter’s marriage requires ‘compensation’ to the groom’s family – has less purchase. Government messaging more directly aimed at dowry – explaining that the practice is illegal and what recourse is available – plays a complementary role, although its reach and measurable impact are difficult to quantify with precision.

Civil Society: Filling the Gaps the Formal System Leaves Open

Non-governmental organisations across India provide legal aid, counselling, shelter and rehabilitation to women affected by dowry-related violence – services that, for many victims, are the practical difference between having somewhere to turn and having nowhere at all⁹⁷. Beyond direct service provision, these organisations conduct community-level awareness work and have, through advocacy, contributed to the policy debates that produced decisions such as

⁹⁵IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

⁹⁶Ministry of Women and Child Development, Government of India, Beti Bachao Beti Padhao scheme guidelines.

⁹⁷IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

Arnesh Kumar ⁹⁸. Their work functions, in effect, as a form of ongoing pressure on institutions that might otherwise treat this issue as a low priority – a pressure that is arguably as important to the law’s eventual effectiveness as any statutory amendment.

XV. Comparative Study: South Asia and Beyond

Pakistan, Bangladesh and Nepal

India is not alone in grappling with this problem, and the experience of its immediate neighbours offers a useful point of comparison. Pakistan’s Dowry and Bridal Gifts (Restriction) Act, 1976, as amended, attempts to cap the value of dowry and bridal gifts and to render excessive demands unlawful ⁹⁹; as in India, however, enforcement runs up against deeply rooted social expectations, and the gap between statute and practice remains wide. Bangladesh’s Dowry Prohibition Act, 1980, since further amended, criminalises giving, taking and demanding dowry outright, yet dowry-related violence – including fatalities – continues to be reported there as well ¹⁰⁰. Nepal addresses the issue through its Social Customs and Practices Act and Civil Code provisions prohibiting dowry and related harassment, but patriarchal social structures and economic precarity continue to undermine the law’s practical effect there too ¹⁰¹. The pattern that recurs across all three jurisdictions – and India – is that legal prohibition on its own is rarely sufficient to dislodge a practice this deeply woven into expectations around marriage, particularly where poverty and limited education compound the problem ¹⁰².

What, If Anything, Can Be Learned From Elsewhere

Dowry as such is largely a South Asian phenomenon, but the broader challenge – economic exploitation and violence within marriage – is not, and looking further afield can still be instructive. Jurisdictions with stronger frameworks around gender equality, more comprehensive victim support services, and more consistent law enforcement tend, on the whole, to report lower rates of gender-based violence generally ¹⁰³. The recurring themes in this literature – investment in women’s economic independence and education, sustained public campaigns rather than short bursts of messaging, and international human rights frameworks that give domestic advocates a recognised standard to invoke – do not offer a

⁹⁸Arnesh Kumar v State of Bihar, (2014) 8 SCC 273.

⁹⁹ResearchGate, “Comparative Study on Dowry System,” 6 May 2026.

¹⁰⁰Semanticscholar, “Dowry in Bangladesh: A Search from an International Perspective,” 1 Aug. 2014.

¹⁰¹ResearchGate, “Comparative Study on Dowry System,” 6 May 2026.

¹⁰²ResearchGate, “Comparative Study on Dowry System,” 6 May 2026.

¹⁰³ResearchGate, “Comparative Study on Dowry System,” 6 May 2026.

ready-made solution that could simply be transplanted into the Indian context. What they do suggest is that the areas most worth strengthening in India – investigative training, judicial efficiency, victim support and sustained public education – are not unique to India's situation, which is, in a modest way, encouraging: it means India is not attempting something that has never worked anywhere.

XVI. Human Rights Perspective

CEDAW and the Content of India's Obligations

Beyond domestic law, dowry deaths engage India's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women, which India ratified in 1993¹⁰⁴. Dowry-related violence implicates several of the Convention's core provisions – the right to life under Article 6, the right to equality in marriage and family relations under Article 16, and the obligation under Article 1 read with the Convention's general framework to eliminate discrimination against women by any person, organisation or enterprise, not merely by the state itself¹⁰⁵. Viewed through this lens, each dowry death is not only a failure of domestic criminal law but also, in a meaningful sense, evidence of a gap between India's international commitments and the protection actually available to women on the ground.

The Broader Framework: ICCPR and Related Instruments

India's obligations do not stop with CEDAW. As a party to the International Covenant on Civil and Political Rights, India has committed to guaranteeing the right to life, security of the person, and freedom from cruel or degrading treatment, and to ensuring that these rights are protected without discrimination on grounds including sex¹⁰⁶. Dowry deaths, as a form of gender-based violence, sit in direct tension with each of these commitments. None of this changes the domestic legal position directly – Sections 304B and 498A remain the operative provisions – but it provides an additional framework that civil society and international human rights bodies can, and do, invoke when assessing how far India still has to go, and it situates the doctrinal analysis in this paper within a wider set of obligations that India has voluntarily accepted.

¹⁰⁴Convention on the Elimination of All Forms of Discrimination Against Women, 1979, arts 1, 6 and 16; ratified by India on 9 July 1993.

¹⁰⁵Convention on the Elimination of All Forms of Discrimination Against Women, 1979, arts 1, 6 and 16; ratified by India on 9 July 1993.

¹⁰⁶International Covenant on Civil and Political Rights, 1966, arts 6, 7 and 26, to which India acceded in 1979.

XVII. Reform Proposals

Strengthening Investigation Before Strengthening the Statute

If the analysis in this paper is correct – that the statutory framework built around Sections 304B, 498A, 113A and 113B is broadly well-designed but is let down at the investigative and evidentiary stage – then the highest-value reform is unglamorous: sustained investment in police training specific to dowry death investigations, in forensic capacity for post-mortem examination, and in prosecutorial specialisation¹⁰⁷. The Supreme Court’s own jurisprudence, from Sham Lal through Satbir Singh, repeatedly turns on whether the foundational facts have been established with sufficient care¹⁰⁸; strengthening the quality of investigation is therefore not a separate reform agenda from strengthening the law’s effectiveness – it is, in large part, the same agenda.

Time-Bound Hearings

Closely connected to the point above is the case for time-bound hearings in dowry-related cases specifically. The costs of delay – discussed in the section on implementation challenges – are well understood; what is less common is the institutional commitment to actually avoid it. Dedicated fast-track courts or special benches, with defined timelines for investigation, trial and judgment, would address the problem closer to its source rather than managing its consequences after the fact, and would also reduce the risk that the ‘proximate and live link’ required by Mustafa Shahadal Shaikh becomes, in practice, impossible to prove simply because too much time has passed¹⁰⁹.

Addressing the Misuse Debate Without Reopening Section 304B

On the contested question of Section 498A, this paper does not propose making the offence compoundable or bailable – a change that, for the reasons set out in the section on the misuse debate, risks weakening protection for women facing genuine abuse at precisely the moment they may be under pressure to ‘settle’. The more defensible path, building on Arnesh Kumar, is continued and consistent enforcement of the procedural safeguards that decision already established – properly recorded reasons for arrest, genuine compliance with Section 41 of the Code of Criminal Procedure (now Section 35 of the Bharatiya Nagarik Suraksha Sanhita,

¹⁰⁷Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

¹⁰⁸Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

¹⁰⁹Mustafa Shahadal Shaikh v State of Maharashtra, (2012) 11 SCC 397: AIR 2013 SC 851.

2023), and accountability for officers who do not comply^{110 111}. This addresses the legitimate concern about arbitrary arrest without touching Section 304B, where the gravity of the offence makes any dilution of the presumption considerably harder to justify.

Awareness, Victim Support and Community-Level Change

Legal and institutional reform, however well-targeted, addresses only part of the problem identified in the sociological and economic analysis above. Sustained awareness work – building on initiatives such as Beti Bachao Beti Padhao¹¹² – is important not only for publicising that dowry is illegal, but for shifting the underlying attitudes that make it socially tolerated in the first place. Equally important is what happens after a woman decides to seek help: accessible legal aid, psychological counselling, safe shelter and pathways to economic independence determine whether ‘seeking help’ is a realistic option or a merely theoretical one¹¹³. Finally, engaging local leaders, schools and community organisations in sustained conversations about the costs of dowry – economic, social and, as this paper has tried to show, sometimes fatal – is the kind of slow, unglamorous work that no statutory amendment can substitute for, but without which no statutory amendment is likely to achieve everything it sets out to do.

XVIII. Conclusion

What the Analysis Shows

Pulling these threads together, the picture that emerges is one of a legal framework that is, on its own terms, considerably more carefully constructed than is sometimes acknowledged. The 91st Law Commission Report correctly diagnosed the failure of the 1961 Act, and the 1986 amendments – Section 304B, Section 113A and Section 113B – represent a thoughtful legislative response, one that the Supreme Court has, with reasonable consistency across three decades of decisions from Shanti to Satbir Singh, interpreted in a manner broadly faithful to that original design^{114 115}. And yet dowry deaths persist, at a scale that NCRB data – itself likely

¹¹⁰Arnesh Kumar v State of Bihar, (2014) 8 SCC 273.

¹¹¹The Code of Criminal Procedure, 1973, s 41 (conditions for arrest without warrant); see now s 35 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

¹¹²Ministry of Women and Child Development, Government of India, Beti Bachao Beti Padhao scheme guidelines.

¹¹³IJLLR Journal, “The Enduring Scourge: A Deep Research Into Dowry In Indian Laws And Society,” Indian Journal of Law and Legal Research, 15 Aug. 2025.

¹¹⁴Law Commission of India, 91st Report on Dowry Deaths and Law Reform (1983), which recommended the insertion of s 304B IPC and s 113B of the Evidence Act, subsequently enacted through the Dowry Prohibition (Amendment) Act, 1986 (Act 43 of 1986).

¹¹⁵Satbir Singh v State of Haryana, (2021) 6 SCC 1 : (2021) 2 SCC (Cri) 745.

an undercount – still measures in the thousands each year ¹¹⁶. The gap, on the analysis offered here, is located less in the text of the statute than at the points where the statute meets investigation, forensic evidence, court delay, and the social attitudes that determine whether a case is ever reported at all.

A Modest Set of Recommendations

This paper has therefore deliberately avoided recommending a wholesale rewriting of the law. What it recommends instead is investment in investigation and forensic capacity, time-bound hearings, continued and consistent application of the Arnesh Kumar safeguards on arrest, and sustained social investment in awareness, victim support and community-level change ^{117 118}. None of these recommendations is novel, and that is, in a sense, the point: the central problem this paper has identified is not the absence of good ideas, but the gap between good ideas – articulated as long ago as 1983 in the 91st Report – and their consistent implementation ¹¹⁹. Closing that gap, rather than reopening the underlying statutory text, is where the most realistic path toward reducing dowry deaths in India is likely to be found.

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