

1. Dowry A Cross-Cultural Evil- Polity

The Supreme Court termed dowry a cross-cultural social evil cutting across religions and communities

Supreme Court Observations

The Supreme Court noted that despite more than six decades of the Dowry Prohibition Act, 1961, dowry continues to thrive in camouflaged forms, particularly as “voluntary gifts,” thereby defeating the legislative intent. The Court categorically held that dowry violates the core constitutional ethos of justice, liberty, equality, and fraternity enshrined in the Preamble.

It specifically identified dowry as a direct affront to Article 14, as it institutionalises discrimination against women at the point of marriage. The practice was described as dehumanising, as it treats women as a means of financial extraction rather than as equal partners in a marital relationship. The Court underlined that dowry normalises economic coercion, reinforcing structural patriarchy and gender hierarchy within families and society.

Supreme Court Directions

Directed educational curriculum reforms to inculcate values of spousal equality, dignity of women, and constitutional morality from an early age. Ordered the effective appointment and functioning of Dowry Prohibition Officers, which remains weak or symbolic in many States. Mandated sensitisation programmes for police, prosecutors, and judicial officers to ensure empathetic handling of dowry-related cases. Emphasised speedy investigation and time-bound trials, recognising prolonged litigation as a form of secondary victimisation. Requested all State High Courts to

1. Assess the number of pending dowry-related cases.
2. Identify procedural bottlenecks.
3. Issue administrative directions for expeditious disposal, particularly in cases involving death or severe cruelty.

Dowry System- Conceptual and Historical Context

Meaning and Evolution- Dowry refers to any property, cash, jewellery, or valuable security given directly or indirectly as a condition for marriage. Historically, it was associated with *strīdhana*, which represented voluntary gifts meant for a woman's financial security. Over time, *strīdhana* degenerated into mandatory, negotiable, and coercive transfers, transforming marriage into an economic transaction.

Colonial Roots of the Dowry System- British colonial land and revenue policies, particularly under Lord Cornwallis (Permanent Settlement, 1793), privatised land ownership. Women were systematically excluded from land titles and inheritance, reducing their economic autonomy. Families increasingly used dowry as a substitute for property rights, believing it to be the only way to secure their daughters' futures. This institutionalised the idea of dowry as a precondition for marriage, rather than a voluntary custom.

Dowry-Related Crimes in India- Empirical Trends

NCRB Data Highlights- Dowry-related crimes increased by approximately 14% in 2023, indicating persistent social acceptance despite legal prohibition. Over 6,100 dowry deaths were recorded in a single year, reflecting the lethal consequences of economic coercion. Uttar Pradesh recorded the highest number of cases and deaths, followed by Bihar and Karnataka. Thirteen States and Union Territories, including West Bengal, Goa, Arunachal Pradesh, Ladakh, and Sikkim, reported zero cases—raising concerns about underreporting and data reliability rather than actual absence.

Causes of the Dowry System in India

Structural and Socio-Economic Factors- Patriarchal social structure that perceives women as dependents and sons as economic assets. Gender inequality in education, employment, and inheritance, limiting women's access to independent livelihoods. Marriage as the primary source of social and economic security for women, especially in rural and semi-urban areas. Status anxiety and social prestige, where dowry and extravagant weddings are used to signal family honour and social mobility. Commercialisation of marriage, with grooms evaluated based on income, profession, and

foreign residency. Weak enforcement of laws, compounded by social complicity, fear of stigma, and reluctance to report family members.

Key Concerns and Societal Impacts

Gender Justice and Human Rights- Dowry reduces women to commodities, eroding their dignity and constitutional rights. Leads to domestic violence, including physical abuse, mental cruelty, bride burning, and coerced suicides. Reinforces son preference, contributing to female foeticide, sex-selective abortions, and declining child sex ratios. Imposes severe economic burdens on families, pushing many into chronic debt, distress borrowing, and poverty traps. Perpetuates patriarchal norms, sustaining male dominance in household decision-making. Undermines ethical and social development, normalising greed, consumerism, and corruption in social institutions.

Government Initiatives and Legal Framework

Key Legislations

1. Dowry Prohibition Act, 1961- Criminalises giving, taking, or demanding dowry. Provides for penalties, confiscation of dowry, and appointment of Dowry Prohibition Officers.
2. Bharatiya Nyaya Sanhita (BNS) - Penal provisions for cruelty, harassment, and abetment of suicide linked to dowry demands.
3. Dowry Death Provisions- If a woman dies under unnatural circumstances within seven years of marriage due to dowry harassment, it constitutes a dowry death, attracting stringent punishment.
4. Protection of Women from Domestic Violence Act, 2005- Section 3 explicitly includes dowry-related harassment as domestic violence.

Institutional and Support Mechanisms- 24x7 Women Helpline (181) providing emergency response, counselling, and legal assistance. One Stop Centres (OSCs) offering integrated services such as medical aid, legal support, psychological counselling, and temporary shelter. Women Help Desks (WHDs) in police stations to improve accessibility and trust

1. 14,658 WHDs established nationwide.
2. 13,743 are headed by women police officers, enhancing sensitivity and responsiveness.

Active role of NGOs, legal aid authorities, and civil society organisations in awareness and victim support.

Way Forward- A Multi-Dimensional Reform Strategy

Legal and Institutional Measures- Strengthen enforcement of dowry laws through performance audits of police and prosecution agencies. Ensure functional autonomy and accountability of Dowry Prohibition Officers. Fast-track courts for crimes against women to ensure swift justice.

Economic and Social Empowerment- Promote women's economic independence through skill development, employment, and entrepreneurship. Reform inheritance laws and ensure effective implementation of women's property rights, not merely formal equality. Expand compulsory school enrollment, vocational training, and digital literacy for girls.

Educational and Normative Change- Integrate gender equality, constitutional values, and ethics into school and college curricula. Use mass media, community leaders, and religious institutions to challenge social acceptance of dowry. Encourage community-led social sanctions against dowry practices.

Concluding Perspective

Eradicating dowry is not merely a legal challenge but a civilisational and constitutional imperative. While the Government of India has taken significant steps through laws, institutions, and financial allocations, transformative change requires sustained societal engagement. The Supreme Court's intervention reinforces the principle that constitutional morality must prevail over social customs when the latter violate human dignity and equality.

Source- <https://www.thehindu.com/news/national/dowry-a-cross-cultural-evil-that-has-disguised-itself-as-gifts-and-social-expectations-supreme-court-judgment/article70434766.ece>