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WOMEN'S EMPOWERMENT IN INDIA: ASSESSING THE LEGAL REACTION TO DOMESTIC VIOLENCE AND DOWRY DEATHS- Varsha Kumari¹**ABSTRACT: -**

This paper examines how the Indian legal system promotes women's empowerment by stopping and dealing with domestic abuse and dowry deaths. Even after over 40 years of legislative involvement, domestic abuse and violence associated with dowries continue to rank among the most severe breaches of women's rights in India. The paper examines important laws that impact women's social, economic, and political agency, such as the Hindu Succession (Amendment) Act (2005), the Protection of Women from Domestic Violence Act (2005), and later criminal law amendments. Using data from the National Crimes Records Bureau (NCRB), court rulings, and empirical research, the study examines whether existing laws adequately deter criminals, safeguard survivors, and promote women's empowerment. The Universal Periodic Review (UPR) of the UN Human Rights Council, which concentrates on its commitments and efforts concerning women's rights. The UNHRC has made several recommendations to address these issues, such as bolstering legal frameworks, improving law enforcement training, and providing victims with better support services. In response, India passed laws like the Protection of Women from Domestic Violence Act (2005) and the Criminal Law (Amendment) Act (2013) that feature stiffer penalties for sexual assaults. The phrase "dowry deaths" refers to the murder of women as a result of harassment and violence related to dowry demands. The Dowry Prohibition Act (1961) and Section 304B of the Indian Penal Code (IPC), Section 80 of the Bhartiya Nyaya Sanhita, which punishes dowry deaths, are two laws designed to prevent dowry-related violence, although the issue still exists. The study examines how cultural norms, which have their roots in long-

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standing patriarchal customs, support the ongoing practice of dowry violence. This cultural context makes women more vulnerable to domestic abuse, which eventually leads to dowry deaths, when combined with insufficient enforcement of the law. Nari Adalat, India's women's courts, serve as a grassroots instrument for legal empowerment. It assesses their effectiveness in resolving disputes related to domestic abuse and dowry harassment, which remain barriers for women seeking justice through formal legal institutions. Women in patriarchal countries sometimes lack access to justice because of social norms that forbid taking legal action, financial dependence, and illiteracy. Legal empowerment enables women to address these societal issues through awareness, collective action, and readily available legal instruments like Nari Adalats. The paper concludes with a policy recommendation to strengthen enforcement mechanisms and advance a right-based approach to gender justice.

Introduction

India, a country based on democratic ideals of equality, fairness, and dignity, has made women's empowerment a major subject in its current social, economic, and political debate. The country's dedication to gender empowerment is firmly established in its constitutional principles. Domestic violence results in direct bodily injury damages. disability carried on by a chronic illness that denies women their bodily independence It is nearly impossible for women to pursue leadership roles or jobs in education because psychological trauma (PTSD, depression, anxiety) undermines agency and self-confidence(1)

One of the most common types of human rights abuses worldwide is domestic violence, sometimes known as the "silent epidemic." This well-established sociocultural issue, which is more than just a legal one, affects millions of women in India from all social groups. Despite modernity and economic progress, Indian society is still dominated by patriarchal norms and traditional gender roles, which often silence victims and normalize violence in private settings. The National Family Health Survey (NFHS-5) found that nearly one in three married Indian women had experienced physical, psychological, or sexual abuse at the hands of their spouse. Domestic violence was once thought of as a private or family matter that was usually outside the purview of the courts or the police.

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For the sake of social stability, family honor, or financial dependence, women who were abused were expected to put up with it in silence. The Protection of Women from Domestic Violence Act (PWDVA) was passed in 2005 and went into effect in 2006 in response to this legislative gap and the growing protests from women's rights organizations.(2)

One major problem of gender-based violence that still exists in Indian society is dowry deaths. Many forms of violence stem from the custom of dowries, wherein the bride's family must give the groom's family significant material wealth as a condition of marriage. The persistence of dowry demands and deeply ingrained patriarchal views have contributed to the continuation of violence against women in India, despite the Dowry Prohibition Act of 1961 making dowry-related practices illegal. This includes the horrible cases of dowry deaths and bride burning, which often result from the severe mistreatment and intimidation that women who don't meet dowry expectations endure. According to Section 80 of the Bhartiya Nyaya Sanhita (BNS), dowry deaths occur when a woman is killed by her husband or in-laws as a result of dowry-related demands. Despite having legislation like the Dowry Prohibition Act of 1961 and BNS provisions to deal with dowry deaths, the Indian judicial system confronts many obstacles in effectively reducing violence associated to dowries.(3)

The purpose of this paper is to evaluate critically the adequacy and efficacy of India's legal response to dowry violence and death as instruments of women's empowerment. It examines whether the existing legal provisions, judicial interpretation, and enforcement mechanisms have resulted in significant justice and protection for women or if they are still essentially aspirational. Using academic literature, court rulings, and National Crime Records Bureau (NCRB) data, it also investigates the discrepancy between the law on paper and the law in practice. The main argument of this paper is that strong enforcement mechanisms, gender-sensitive judicial attitudes, widespread legal literacy among women, and a fundamental shift in societal norms that normalize gender-based violence are all necessary for achieving true women's empowerment.

Dowry As A Social Institution

Although the practice extends beliefs and has been documented among Muslim, Christian, and Sikh groups in India, dowries—the transfer of wealth from the bride's family to the groom's

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family at marriage—have its roots in Hindu concepts of kanyadan and stridhan. A bride price is an amount of money, property, or an item given to the bride's family by the groom's family during the marriage, whereas a dowry is an asset given to a daughter by her father or guardian. The custom of dower, or meher, differs greatly from that of dowry or bride price. In meher, a husband is expected to give a wife a certain amount of money or property as a sign of respect and social security in the event of a divorce.⁽⁴⁾ Many cultures and countries have dowry systems, but nowhere has it grown to be as problematic as in India. In a society that claims to have very ancient and deep cultural traditions, the system and its associated problems may be the best indicators of moral and economic values. The problem of patriarchy is at the core of bride burning and dowry deaths. In many parts of India, men are usually seen as the head of the household, while women are often assigned to inferior positions. This gender disparity is maintained by social norms that specify women's roles in marriage and family life. Women are vulnerable to exploitation and violence because they are perceived as being dependent on their spouses and in-laws for their well-being. The patriarchal mindset, which views women as inferior and subordinate to men, frequently leads to dowry-related violence when the bride's family does not meet the dowry requirements or when the woman appears to be a burden on her new family.

Legal Framework

The 1961 Dowry Prohibition Act

In order to eliminate the prevalent social evil of dowries and protect women from exploitation resulting from dowry-related behaviors, India passed the Dowry Prohibition Act in 1961. By establishing a framework for enforcement and defining legal consequences, the act forbids the giving, receiving, and demanding of dowries. Due to firmly established societal norms, poor implementation, and little public awareness, dowry-related offenses continue to exist notwithstanding legislation purpose. The dowry prohibition statute of 1961, its important modifications, enforcement procedures, and judicial interpretation are all critically examined in this essay. Additionally, it assesses how well the legislation protects women's rights and addresses violence associated to dowries.⁽⁵⁾

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Dowry Death (Section 304-B IPC / Section 80 BNS)

This clause holds the spouse or a family member accountable and defines a dowry death legally.

Definition: If a woman dies within seven years of marriage from burns, bodily injuries, or unnatural causes and it can be shown that she was mistreated or tormented by her husband or a family member regarding dowry demands shortly before her death, it is legally regarded as a dowry death.

Punishment: Seven years of Imprisonment, with the possibility of a life sentence.

Cruelty By Husband Or Relative (Section 498 IPC / Section 85 BNS)

This law aims to address the underlying causes of dowry abuse.

Definition: Punishes a husband or his family member for abusing a lady physically or psychologically. Cruelty includes intentional acts that could lead a woman to commit suicide or intimidation to force her or her family to comply with illegal dowry demands.

Punishment: A fine and up to three years in imprisonment.

Presumption As To Dowry Death (Section 113-B Of The Evidence Act)

In the case of a dowry death, this clause modifies the burden of proof.

- The court will assume that the husband or family members were responsible for the woman's untimely death if it is proven that she was harassed or mistreated in relation to a dowry claim.

ⁱState (Govt Of NCT Of Delhi) V.Aftab &Anr On 17 February, 2026, Delhi High Court, (Pratibha M. Singh, J.), CRL.A. 561/2016

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Domestic Violence And Marriage

Section 3 Of The Protection Of Women From Domestic Violence defines the term domestic violence:- For the purpose of this act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it –

- Harms or injuries or endangers the health, safety, life, limb or well- being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or
- Harasses, harms, injuries, or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or
- Has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in clause (a) or clause (b); or
- Otherwise injuries or causes harm, whether physical or mental, to aggrieved person.

A pattern of coercive behavior by one spouse against another in order to obtain or retain power and control is referred to as domestic violence in marriage. It's not only physical abuse rather than, it's emotional, financial, and sexual abuse also. It consist coercive control in which a more widespread practice of intimidation, autonomy restriction, and surveillance, even in cases of isolated violent behavior. The idea that women are weak and vulnerable to exploitation is the root cause of the long-standing problem of domestic violence against women. Domestic violence is primarily caused by unequal gender relations, which are frequently made worse by social, cultural, and economic circumstances. The main cause has been determined to be economic reliance. Women are compelled to remain in violent situations and are unable to escape violence if they are unable to support themselves financially. Women do not want to choose separation or divorce because of deeply ingrained cultural norms and ideals. Because of these reasons, it's critical to comprehend the main concerns raised by international development organizations, women's rights organizations, civil society, and legislators before the adoption of domestic violence.(6)

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According to the National Crime Records Bureau (NCRB), domestic violence is primarily recorded under “Cruelty by Husband or his Relatives”. In 2023, there were **1,33,676** registered cases of cruelty against women, and 6,156 dowry deaths.

Legal Framework

Protection Of Women From Domestic Violence (PWDVA) 2005

(PWDVA) 2005 was created expressly to address domestic abuse. This law permits victims to seek several remedies in a single case and acknowledges all types of abuse, including physical, sexual, verbal, emotional, and financial. Key provision include:

Section 3: "Domestic violence" is broadly defined to include harassment for dowry as well as actual or threatened abuse.

Section 17: ensures the victim's right to live in a married or shared home, irrespective of any title or rights she may have. your enthusiasm for it.

Section 18: Gives the magistrate the authority to issue protective orders that prevent the abuser from carrying out other violent crimes.

Section 19: Empowers Magistrates to pass residence orders.

Section 20 & 22: Permits the court to award monetary relief (such as maintenance) and compensation for the psychological and physical harm sustained.

Section 23: Grants the court the authority to issue Ex-Parte and Interim Orders in order to provide urgent relief prior to the conclusion of the complete trial.

Indian Penal Code (IPC) / Bhartiya Nyaya Sanhita (BNS)

In situations where cruelty is involved. physical injury or abuse-related deaths, key provisions includes –

Section 498A IPC / Section 85 BNS: Punishes a husband or his family members for abusing a woman. It is a cognizable, non-bailable offense that carries a fine and a maximum term of three years in imprisonment.

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Section 304B IPC / Section 80 BNS: Addresses the death of dowries. A minimum sentence of seven years to life in imprisonment is imposed if a woman dies from burns or other physical injuries under unusual circumstances within seven years of marriage and it is proven that she was the victim of abuse or harassment.

Section 306 IPC / Section 108 BNS: Deals with the Abetment of Suicide.

Sections 319-322 IPC / Sections 115-117 BNS: Governs Grievous Hurt or Voluntarily Causing Hurt, which covers physical aggression in marital conflicts.

Procedural & Support Provisions

Section 498 (IPC) Backing: Allows immediate police intervention, filing of FIRs, and custodial arrests.

Section 125 CrPC / Section 144 BNSS: Allows wives, children, and parents to seek maintenance through the criminal court systems.

Impact

The impact of domestic violence and dowry death are very crucial on women as well as society. These two offences are not merely private family matter but also a serious violation of human rights. The impact is not just a single women; rather every single women. They develops a fear of marriage, experience mental stress about their marriage and spouses, and sometimes even their fiancé. They also suffer from stress regarding their future, children, and career.

- It ruin the ambiguity, hope, and future of the women.
- It cause harm to the women self- respect.
- It removes Dignity of the women from the society.
- It promotes the violence and crime among the nation.
- It encourages the criminal intention.
- It develops the fear of marriage in the women.

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Challenges

Implementations and Enforcements

- Inadequate police response, unwillingness to file formal complaints or FIRs, and seeing domestic abuse as a personal or family issue.
- Irrespective behavior of police with the women.
- Investigation and evidence gathering delays in cases of dowry deaths
- The DV Act's underfunded and overworked protection officers are supposed to help victims.

Judicial Challenges

- Victims are discouraged from pursuing cases by case backlogs that result in drawn-out trials.
- Judicial interpretation of "soon before death" under Section 304B is inconsistent.
- Low conviction rates due to burden of proof issues, especially when the primary witness (the victim) is deceased

Social & Cultural Barriers

- Reporting is discouraged by stigma, familial pressure, and fear of social rejection.
- Women's financial reliance on their husbands or in-laws restricts their capacity to flee violent relationships.
- Despite being illegal, dowry customs are becoming more common, particularly in rural areas.
- Underreporting because of ignorance of one's legal rights

Contemporary Challenges

- An increase in dowry-related harassment that overlaps with financial abuse as well as virtual harassment

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- Data collecting problems: Because of underreporting, NCRB statistics frequently understate real incidence.
- The COVID-19 pandemic has exposed weaknesses in domestic violence emergency response systems.

Recommendations

- Fast track courts are mandatory for dowry death and domestic violence cases in all the district of the India.
- Mandatory of Post Mortem and Forensic protocols in all suspicious death of married women cases.
- Dedicated women's cells in police stations to reduce hostile and dismissive treatment of complainants and to properly document dowry harassment complaints before death occurs, not just after.
- Free accessible legal aid at the first point of complaint, since many victims withdraw complaints due to cost and social pressure
- Since prosecution alone hasn't decreased occurrence, community-based awareness campaigns should focus on dowry-giving and dowry-taking as social practices rather than just legal infractions.
- Police, judges, and medical professionals—who are frequently the first responders—should get gender-sensitization training.
- Since courts have given varying interpretations of what constitutes "soon before death," Section 113B of the Indian Evidence Act, which establishes a presumption of guilt after dowry-related harassment is confirmed, should be tightened with more precise judicial guidelines.
- The Dowry Prohibition Act, 1961 and the Protection of Women from Domestic Violence Act (PWDVA), 2005 should be harmonized with the recently renumbered BNS Sections 80 (dowry death, formerly IPC 304B) and 85 (cruelty, formerly 498A) so that investigators and courts apply them as a single, coordinated framework rather than as distinct silos.

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- Since Protection Officers are sometimes under-trained and under-resourced, there should be more cooperation between police, NGOs, and PWDVA protection officers. semi-urban areas where the majority of dowry death cases still occur.

Conclusion

The current study demonstrates that Indian women's greater agency to leave abusive marriages is the cause of the recent spike in divorce rates. The long-standing women's empowerment programs appear to have reached a significant milestone in providing justice to women who have endured years of domestic abuse. Women have been able to overcome the obstacles associated with divorce through financial empowerment through land ownership and appropriate career options. Because of their increasing education and financial standing, the women are more self-assured in their ability to resist the social pressure associated with divorce.(7)The Protection of Women from Domestic Violence Act is currently in its early stages of development. It is undoubtedly an attempt to solve an issue that is a long-standing habit of patriarchal culture; it is very difficult to break the trend of male dominance and power sharing with their alleged subordinates (women). As a result, there is an excessive amount of resistance from men. It is a truth that even women are accustomed to and conditioned to such secondary status; as this is a natural part of a woman's existence, they too oppose equality of status and a home free from violence. Now that we are in a transitional phase, much work needs to be done to accomplish the intended outcome.(6)

At the present time the word dowry used as a gift by the patriarchal society in which bride's family gives the gift or we can say dowry to the groom's family, but the question arises that if it is gift then why these types of gifts are not given by the groom's family to the bride or their family. They don't demand for the any dowry directly instead, they harass the women after marriage of the dowry. Numerous of cases involving dowry and domestic violence have come to light in which many of parents lost their young daughters. It is very important to change or develop their ideology and thinking on the marriage if the patriarchal society. It is better to have a divorced daughter than a dead daughter. Parents need to understand that instead of encouraging their daughter to compromise at any cost, they should give her the courage to move forward, overcome this difficult situation, and stand up for her rights. Where possible, they should also

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encourages constructive dialogue and efforts to improve the marital relationship. Women must also understand that they should raise their own voice for their rights, self- respect, and self-confidence. Instead of depending on others, they should fight for their rights, make every efforts to secure them, and become self- reliant so that they can move forward in life with confidence and dignity. Lastly, women shouldn't let social pressure or expectations control their life. They ought to base their choices on their wellbeing, rights, and dignity. Only when individuals, families, and institutions collaborate to advance equality, respect, and justice will a society free from dowries and domestic abuse be realized.

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