

Analytical Study of Crimes Against Women after Marriage with Special Reference to the Bharatiya Nyaya Sanhita (BNS) 2023

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Abstract-- Marriage is considered one of the most important social institutions in India, founded on the principles of mutual respect, trust, companionship, and affection. However, for many women, marital life becomes a source of exploitation due to dowry demands, domestic violence, cruelty by husbands and their relatives, economic deprivation, and other forms of abuse. Such offences violate women's dignity, liberty, and fundamental rights and continue to pose serious social and legal challenges.

The persistence of crimes against married women reflects deep-rooted patriarchal attitudes, gender inequality, and unequal power relations within society. Factors such as the dowry system, economic dependence of women, lack of education, social stigma associated with separation or divorce, family pressure, alcoholism, unemployment, and limited awareness of legal rights often contribute to the occurrence and continuation of such offences. Consequently, violence against married women should not be regarded as a private family matter but as a significant social issue requiring legal intervention and societal reform.

To address these concerns, the Bharatiya Nyaya Sanhita (BNS), 2023, which replaced the Indian Penal Code, 1860, contains specific provisions for the protection of married women. Section 80 deals with dowry death, prescribing punishment of not less than seven years, which may extend to life imprisonment. Sections 85 and 86 criminalize cruelty by a husband or his relatives and define cruelty to include physical or mental harassment, conduct likely to endanger a woman's life or health, and harassment for unlawful demands of property or dowry. Section 84 further addresses the offence of enticing, taking away, or detaining a married woman with criminal intent.

Judicial decisions continue to guide the interpretation of these provisions. In *Satbir Singh v. State of Haryana* (2021), the Supreme Court emphasized the importance of establishing a proximate connection between dowry-related harassment and the woman's death. Similarly, *Girdhar Shankar Tawade v. State of Maharashtra* (2002) recognized that cruelty may be both physical and mental in nature.

According to the National Crime Records Bureau (NCRB), cruelty by husband or his relatives remains the most frequently reported crime against women, accounting for a significant proportion of registered cases annually. Therefore, effective enforcement of legal provisions, increased awareness of women's rights, social reforms, and economic empowerment are essential to ensure a safe, dignified, and equitable marital environment for women.

Keyword – Crime, Dowry, Offence, Dowry Harassment, Domestic cruelty

I. INTRODUCTION

Marriage is regarded as one of the most important social institutions in Indian society, founded on the principles of love, trust, companionship, and mutual respect between spouses. Nevertheless, for a significant number of women, marital life becomes a space of oppression due to the prevalence of dowry-related harassment, domestic cruelty, physical and mental abuse, dowry deaths, and other forms of exploitation.

The rising occurrence of crimes against married women highlights deep-rooted patriarchal values, gender inequality, and unequal power dynamics within society. Such offences not only infringe upon the dignity, liberty, and fundamental rights of women but also disturb social harmony and hinder the progress of a just and equitable society. Therefore, an effective legal framework is essential to provide protection, ensure accountability, and deliver justice to the victims.

In this context, the enactment of the Bharatiya Nyaya Sanhita (BNS), 2023, replacing the Indian Penal Code, 1860, marks a significant development in India's criminal justice system. The BNS contains specific provisions addressing offences affecting married women, including Section 80 relating to dowry death and Sections 85 and 86 dealing with cruelty by a husband or his relatives and the meaning of cruelty. These provisions seek to combat various forms of physical, psychological, and economic abuse experienced by women within matrimonial relationships.

An analytical study of crimes against women after marriage with special reference to the BNS, 2023, is necessary to examine the patterns, causes, and extent of such offences and to evaluate the effectiveness of the existing legal mechanisms in safeguarding women's rights. It also aims to identify practical challenges in the enforcement of the law and suggest measures for strengthening protection and ensuring a safer and more dignified marital environment.

Thus, the examination of post-marital crimes against women extends beyond a legal analysis; it represents a crucial social concern connected with the realization of gender justice, equality, and the constitutional ideals of dignity and human rights.

II. CRIMES AGAINST WOMEN AFTER MARRIAGE AND THEIR SOCIAL CAUSES

Domestic cruelty, Social Causes of Crimes Against Married Women

The occurrence of such offences is influenced by several social, economic, and cultural factors. The patriarchal structure of society and unequal power relations often place women in a subordinate position, making them vulnerable to abuse and domination. The continued practice of dowry, despite legal restrictions, remains a major cause of harassment and violence against married women.

Further, factors such as lack of education, economic dependence of women, social stigma associated with separation or divorce, and societal pressure to maintain the marriage at all costs often discourage women from reporting abuse. Other contributing causes include alcoholism, unemployment, financial stress, lack of awareness regarding legal rights, inadequate family or community support, and the normalization of domestic violence in certain sections of society.

Therefore, crimes against women after marriage should not be viewed merely as private family matters but as serious social issues arising from gender inequality, discriminatory traditions, and imbalanced power structures. Effective implementation of laws, greater awareness of women's rights, gender-sensitive social reforms, economic empowerment, and collective societal responsibility are essential to prevent such offences and ensure a safe and dignified marital life for women.

III. CRIMES AGAINST WOMEN COMMITTED AFTER MARRIAGE UNDER BHARATIYA NYAYA SANHITA (BNS), 2023: CRIME DESCRIPTION AND IMPORTANT CASE LAWS

Marriage is regarded as a sacred social institution intended to provide emotional support, security, and companionship. However, many women experience violence, cruelty, and exploitation after marriage, particularly due to dowry demands, domestic abuse, and other forms of matrimonial misconduct. To protect married women and ensure their dignity and safety, the Bharatiya Nyaya Sanhita (BNS), 2023 provides various penal provisions. Since the BNS provisions largely correspond to earlier provisions of the Indian Penal Code, 1860 (IPC), judicial precedents decided under the IPC continue to provide important interpretative guidance.

1. Dowry Death – Section 80 of BNS, 2023

Crime Description

Section 80 of the BNS deals with the offence of dowry death. It applies when a woman dies due to burns, bodily

injury, or under abnormal circumstances within seven years of her marriage, and it is established that she was subjected to cruelty or harassment by her husband or his relatives in connection with demands for dowry soon before her death. The punishment prescribed is imprisonment for a term not less than seven years, which may extend to imprisonment for life.

Important Case Laws

Satbir Singh v. State of Haryana (2021)

The Supreme Court held that the expression “soon before her death” should be interpreted in a practical manner, considering the facts and circumstances of each case. The Court emphasized that continuous harassment related to dowry shortly before the death can establish the offence of dowry death.

Kans Raj v. State of Punjab (2000)

The Supreme Court held that in dowry death cases, the prosecution must prove a close and proximate connection between the cruelty or harassment for dowry and the woman's death.

2. Cruelty by Husband or Relatives of Husband – Sections 85 and 86 of BNS, 2023

Crime Description

Section 85 criminalises cruelty inflicted upon a married woman by her husband or his relatives. Cruelty includes physical violence, mental harassment, and harassment for unlawful demands of property or valuable security, including dowry. The punishment is imprisonment up to three years and fine.

Section 86 explains the meaning of cruelty and includes:

- Wilful conduct likely to drive a woman to commit suicide;
- Conduct causing grave injury or danger to her life, limb, or physical or mental health;
- Harassment for unlawful demands for property or valuable security.

Important Case Laws

Girdhar Shankar Tawade v. State of Maharashtra (2002)

The Supreme Court explained that cruelty under the law includes both physical and mental cruelty and must be assessed in the context of the circumstances of each case.

Kaliyaperumal v. State of Tamil Nadu (2004)

The Court clarified the relationship between cruelty for dowry demands and offences relating to dowry death, emphasizing that cruelty must be connected with unlawful demands.

3.Enticing, Taking Away or Detaining a Married Woman with Criminal Intent – Section 84 of BNS, 2023

Crime Description

Section 84 deals with the offence of enticing, taking away, or detaining a married woman with criminal intent. It seeks to protect the sanctity of marriage and prevent individuals from unlawfully interfering with a married woman's marital relationship. The offence is punishable with imprisonment up to two years, or with fine, or with both.

Important Case Law

Alka Sharma v. State (NCT of Delhi) (2010)

The Court discussed the ingredients required to establish offences involving unlawful interference with the marital relationship and emphasized that the specific intention and circumstances of the accused's conduct must be examined.

The Bharatiya Nyaya Sanhita, 2023 provides comprehensive protection to married women by criminalising offences such as dowry death, cruelty by husband or his relatives, and unlawful enticement or detention of a married woman. Judicial decisions under the former IPC continue to play a significant role in interpreting these provisions and ensuring that the law effectively protects the dignity, safety, and rights of women within marriage.

Crimes committed against married women in India are compiled annually by the National Crime Records Bureau (NCRB)—not the Bureau of Criminal Justice. According to recent NCRB data, "Cruelty by husband or his relatives" consistently accounts for the single largest share (over 31%) of all reported crimes against women.

The following table highlights the nationwide statistical breakdown of the primary crimes directly impacting married women:

Offense/Crime Head	Reported Cases	Associated IPC / Legal Sections
Cruelty by husband or his relatives	1,40,000+	Sec. 498A IPC / Bharatiya Nyaya Sanhita
Dowry Deaths	~5,700	Sec. 304B IPC
Dowry Harassment (under the Dowry Prohibition Act)	13,000+	Dowry Prohibition Act, 1961
Cases under the Domestic Violence Act	~500	The Protection of Women from Domestic Violence Act, 2005 (PWDVA)

- *Prevalence:* Cruelty/domestic harassment is the most commonly registered offense, making up roughly 31.4% of all crimes against women.
- *State Disparities:* Uttar Pradesh generally reports the highest absolute volume of these cases, while metropolitan areas like Delhi register the highest rates per capita.
- *Underreporting:* Studies and systemic reviews indicate that the registered statistics represent only a fraction of the reality due to cultural stigma, financial dependency, and marital rape not being legally recognized.

To access the complete historical datasets and interactive reporting tools, you can review the official reports on the National Crime Records Bureau portal.

If you would like to explore this further, could you tell me:

- **Which specific state or territory** are you looking to analyze?
- Would you like the breakdown by **urban and rural districts**?
- Are you interested in the **conviction rates** for these particular cases?

Statistics data table of crimes against women after marriage in India as per Bureau of Criminal Justice with five years data in year wise.

Crimes Against Women After Marriage (NCRB Data)

Crime Category (Legal Section)	2019	2020	2021	2022	2023
Cruelty by Husband or his Relatives (<i>Sec. 498A IPC / Sec. 85 BNS</i>)	1,25,298	1,11,549	1,36,234	1,40,019	1,41,614
Dowry Deaths (<i>Sec. 304B IPC / Sec. 80 BNS</i>)	7,141	6,966	6,753	6,450	6,311
Dowry Prohibition Act (<i>Violations / Case Registrations</i>)	13,307	10,046	13,534	13,441	13,250
Domestic Violence Act (<i>Protection orders / PWDVA cases</i>)	553	410	507	540	512
Total (Marital-Specific Crimes Filed)	1,46,299	1,28,971	1,57,028	1,60,450	1,61,687

IV. SUGGESTION

1. Strict Implementation of Legal Provisions-The provisions of BNS relating to matrimonial offences should be enforced effectively. Immediate registration of complaints, fair and impartial investigations, and timely punishment of offenders can act as strong deterrents against crimes such as dowry harassment, cruelty, and domestic violence.
2. Speedy Investigation and Trial-Cases involving crimes against married women should be investigated and disposed of without unnecessary delay. Fast-track mechanisms, timely collection of evidence, and the use of digital procedures can strengthen the justice delivery system and provide quicker relief to victims.
3. Strengthening Victim Assistance and Protection-A comprehensive support system should be developed for affected women by providing: Free legal aid and legal counselling; Safe shelter homes and protection facilities; Psychological counselling and rehabilitation services; Financial assistance and opportunities for economic independence.
4. Increasing Legal Awareness Among Women-Many women remain unaware of their rights and the remedies available under BNS and other women-centric laws. Awareness programmes, legal literacy campaigns, and community outreach initiatives should be promoted to empower women to seek justice.
5. Sensitization and Training of Law Enforcement Agencies officers and investigating authorities should receive regular gender-sensitivity training to ensure respectful treatment of victims and effective handling of complaints related to domestic cruelty, dowry harassment, and other forms of marital abuse.

6. Adoption of Technology and Digital Reporting Mechanisms The use of online complaint systems, electronic records, digital evidence, and case-monitoring mechanisms should be expanded to make the criminal justice process more transparent, accessible, and efficient.
7. Promoting Social Reforms and Gender Equality root causes of post-marital crimes, such as the dowry system, patriarchal attitudes, economic dependency, and gender discrimination, must be addressed through education, awareness campaigns, and the promotion of gender equality.

The Bharatiya Nyaya Sanhita, 2023 represents an important step toward the protection of women's rights; however, legal provisions alone cannot completely eliminate crimes against women after marriage. A combined approach involving strict enforcement of laws, speedy justice, victim support, legal awareness, and social change is necessary to ensure the dignity, security, and equality of married women.

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