DOWRY DEATH IN INDIA: THE LAW AFTER THE FUNERAL

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ABSTRACT

"Every dowry death begins with a wedding, but the law usually enters only after the funeral."

Dowry deaths continue to expose a painful contradiction in India's legal and social framework. Although the Dowry Prohibition Act, 1961, criminal law provisions, and repeated judicial interventions were intended to curb the practice, dowry-related violence remains widespread. This raises an important question: are the laws insufficient, or is the real failure in their implementation and in society's unwillingness to reject discriminatory practices?

This article examines dowry deaths as more than individual criminal incidents. It argues that they reflect a wider failure to protect the constitutional promises of equality, non-discrimination, and the right to live with dignity under Articles 14, 15, and 21 of the Constitution[1]. By analysing constitutional principles, judicial decisions, recent legal developments, and existing policy measures, the article highlights the need to move beyond a prosecution-driven response. Lasting change will come only when prevention, accountability, and constitutional values are given as much importance as punishment after the crime.

Keywords: Dowry Death, Gender Justice, Article 21, Economic Violence, Bharatiya Nyaya Sanhita, Preventive Justice.

1. INTRODUCTION

[1] INDIA CONST. arts. 14, 15, 21.

Every Dowry Death Begins with a Wedding

Every dowry death begins with a celebration.

There is music. Families gather to bless the couple. Photographs capture smiling faces, promises of lifelong companionship and the hope of a new beginning. Yet, hidden beneath the rituals is another conversation—quieter, more calculated and often dismissed as **"tradition."** It may begin with a suggestion for a car, an apartment, expensive jewellery or financial assistance. Carefully wrapped in phrases such as ***"It's entirely your wish"*** **or** ***"People of our status usually exchange such gifts."*** The language appears polite, but the expectation is unmistakable.

Months later, when those expectations remain unfulfilled, the same marriage may become the site of relentless harassment. What begins as emotional pressure gradually transforms into economic coercion, physical violence and, in the gravest cases, an unnatural death. The law then enters the picture. An FIR is registered. A post-mortem is conducted. Witnesses are examined. The court determines whether the statutory ingredients of dowry death have been established.

The law remembers the funeral.

It rarely remembers the months that made the funeral predictable.

This is the central paradox that continues to challenge India's criminal justice system. These deaths are not isolated acts of violence committed in moments of sudden rage. They are frequently the culmination of prolonged economic abuse, emotional manipulation and institutional indifference. Yet, public discourse often treats them as individual crimes rather than symptoms of a much deeper constitutional crisis.

The persistence of dowry deaths compels us to rethink the way we frame the problem. For decades, legal scholarship has largely focused on statutory provisions, evidentiary presumptions and conviction rates. While these issues are undeniably significant, they address only one part of the story—the response **after** violence has already claimed a life. Far less attention has been paid to an equally important question: **why do existing legal and social institutions repeatedly fail to prevent violence that is often visible long before it becomes fatal?**

The Constitution of India does not merely prohibit discrimination; it promises every individual the right to live with equality, dignity and personal liberty. These guarantees do not disappear after marriage. A woman does not leave her fundamental rights at the threshold of her matrimonial home. Yet, in practice, countless women continue to encounter a legal system that reacts only after irreversible harm has occurred.[2] The gap between constitutional ideals and lived reality is nowhere more evident than in cases of dowry-related violence.

This article argues that dowry deaths should not be understood solely as offences under criminal law. They are also failures of constitutional governance, institutional accountability and social conscience. A legal framework that excels at prosecuting completed crimes but struggles to prevent foreseeable violence cannot be regarded as entirely successful. The challenge before India is therefore not merely to punish offenders more effectively, but to ensure that constitutional values shape everyday social practices before another woman becomes a statistic.

The debate, therefore, is no longer whether India has laws against dowry.

The real question is whether the law has reached the woman before the violence reaches her?

"If the warning signs of dowry-related violence are often visible months before a woman's death, why does justice continue to arrive only after the post-mortem report?"

2. Marriage or Marketplace?

[2] Sarah Anderson & Lisel Petis, From Victim to Defendant: How Justice Falls Short for Women, R Street Inst. (Oct. 28, 2025), https://www.rstreet.org/research/from-victim-to-defendant-how-justice-falls-short-for-women (last visited July 15, 2026) (on file with author).

The Invisible Economy of Dowry

"The greatest strength of dowry is not that it is legal.

Its greatest strength is that it rarely looks illegal."

Unlike bribery, extortion or theft, dowry seldom arrives with threats or written demands. It enters the marriage disguised as affection, wrapped as a "gift", justified as a "custom", and defended as a "family tradition". The law identifies it as an offence; society often celebrates it as a symbol of prestige. Somewhere between these two narratives, accountability quietly disappears.

This contradiction explains why dowry has outlived every major legal reform.

Criminalization has altered the language of negotiations, but not necessarily the mindset behind them. Open demands have become coded expectations. Instead of insisting on cash, families may hint at a luxury car, financial assistance for a business, an apartment or expensive jewellery.

These expectations are carefully presented as voluntary gestures, making the line between a gift and coercion increasingly difficult to establish. What has changed is not the practice itself, but the sophistication with which it is concealed. Recent crime statistics expose the consequences of this social acceptance.

According to the National Crime Records Bureau (NCRB), India recorded over 5,737 dowry deaths in 2024, averaging 16 deaths every day. [3]

These figures have remained disturbingly consistent despite decades of legislative intervention. Behind each statistic lies a story that rarely begins with violence. It begins with repeated

[3] Subham Singh, Dowry Deaths Falling in India, But a Woman Still Dies Every 90 Minutes, NDTV, https://www.ndtv.com/india-news/dowry-deaths-falling-in-india-but-a-woman-still-dies-every-90-minutes-11529721 (last visited July 15, 2026) (on file with author).

demands, emotional pressure and financial control that gradually become normal within the marriage. The media reflects this pattern with alarming regularity.

Reports published by The Hindu, Live Law and other national platforms over the past two years reveal a recurring sequence of events: a newly married woman repeatedly informs her parents about harassment over dowry, relatives encourage compromise to “save the marriage”, local intervention fails, and an unnatural death follows.

The details vary from one case to another, but the underlying narrative remains strikingly similar. These are not isolated incidents; they reveal a systemic pattern that transcends geography, education and economic status. Perhaps the most troubling aspect is that dowry is no longer confined to any particular social class.

The assumption that education and financial independence would gradually eliminate the practice has proved overly optimistic. Cases involving doctors, engineers, civil servants and other professionals demonstrate that economic progress has not necessarily weakened patriarchal expectations. In many instances, it has merely increased the perceived “market value” of the groom.

Marriage negotiations begin to resemble commercial transactions where qualifications, salary and social status influence the scale of expected gifts.

The groom is not openly sold, yet his achievements silently determine the price of acceptance. This directly conflicts with the constitutional vision of marriage. The Constitution recognizes every individual as an equal citizen, not as a financial asset. Yet, when a woman’s acceptance within her matrimonial home depends upon her family’s ability to satisfy unlawful demands, equality becomes conditional and dignity becomes negotiable.

Dowry, therefore, should not be understood merely as a social custom or a criminal offence.

It is a form of economic violence that systematically reinforces gender inequality. It deprives women of autonomy, converts affection into obligation and transforms marriage from a partnership of equals into a transaction measured by financial capacity. The ultimate tragedy is that the violence often remains invisible because it is normalized long before it becomes criminal.

If the first demand is dismissed as tradition, the second becomes easier to make. If repeated harassment is accepted as part of married life, intervention is delayed. By the time the violence reaches the courtroom, the abuse has already achieved its purpose.

The law criminalizes dowry.

Society continues to negotiate with it. And until that contradiction is confronted, legislative reform alone will remain an incomplete solution.

3. When Rights Become Contingent: Dowry and the Constitutional Crisis Within the Home

India's Constitution never envisioned marriage as an arena of negotiated fundamental rights. Equality under Article 14 and 15 and the guarantee of life and dignity under Article 21 are not entitlements that evaporate when a woman enters her matrimonial home. However, the lived reality of numerous women seems to suggest the very opposite: the moment they say "I do," an inexorable process begins, the gradual withering of their constitutional liberties, when dignity becomes contingent upon financial compliance and equality is measured by their family's capacity to meet illicit demands.

This dichotomy is proof that dowry is more than a problem of criminal law; it is a constitutional crisis.

Most discussions about dowry deaths commence with criminal law. But before the death of a woman can trigger statutory presumptions or spark off criminal prosecutions, her constitutional freedoms must have been consistently violated for months, sometimes years. Elusive monetary demands, financial dependence, verbal and physical abuse, and coerciveness have usually chipped away at the decisional autonomy Article 21 safeguards. While the Constitution promises dignity, women often have to choose between enduring degradation and maintaining social respectability.

The Supreme Court has several times stated that the word ‘life’ under Article 21 comprises much more than mere physical existence.

In the case of *Justice K.S. Puttaswamy (Retd.) v. Union of India* Court held, again, that the right to dignity, autonomy and freedom of decision are inherent constituents of the right to life, and though the ruling dealt with privacy, its philosophy extends well beyond the digital privacy of individuals.[4] Marriage sustained through coercion, economic dependency, fear and degradation hardly conforms to the constitutionally envisioned dignity of an individual. More pertinently, the same constitutional principle was again iterated in *Shakti Vahini v. Union of India*, wherein the court stated that constitutional morality must always take precedence over social custom where the liberty and dignity of an individual are threatened. [5]

While that case was concerning the social evil of honour killing, its logic and reasoning applies equally to dowry demands. That a particular practice has attained broad social sanction cannot make it valid if it clashes with constitutional morality. Where the tradition demands what the constitution prohibits, the former should give way to the latter.

The dowry menace is, perhaps, the starkest manifestation of this dichotomy.

While social discourses often frame the transaction of dowry as an exchange of gifts, law views coercive dowry demands as criminal behaviour. Women are commonly advised by their families to "adjust," lest their marriage break and their own "honour" be lost, making tradition-not constitution-the ultimate guiding light. The discourse of compromises slowly replaces the

[4] *Justice K.S. Puttaswamy (Retd.) v. Union of India*, (2017) 10 SCC 1 (India).
[5] *Shakti Vahini v. Union of India*, (2018) 7 SCC 192 (India).

language of justice; violence is rendered invisible not because it ceases to exist, but because it has become normalized. It is this same gap between the rhetoric of constitutional ideals and the realities on the ground that creates another compelling constitutional question: what is the State's role?

In modern jurisprudence, fundamental rights are not only construed as negative constraints upon governmental action but are also seen as imposing positive obligations upon the State to create conditions in which rights can be genuinely exercised.

If public authorities are consistently reactive rather than proactive in protecting their citizens from harm, until after their violation culminates in death, then the protection to dignity promised by Article 21 becomes a hollow assurance. If it does not, it is not only the punishment that is the ultimate test of Article 21, but also the prevention of irreversible damage to individuals. The fact that even after the statutory framework and extensive legal provisions are in place to deal with dowry deaths, this practice continues relentlessly points to the reality that constitutional values have travelled far more effectively through courtrooms than through homes.

The future of constitutionalism in India must address not just the assertion of women's rights but their sustenance within the fundamental unit of the society: the household. If constitutional morality is to triumph over social morality, then why should the dignity of women depend on her ability to meet unlawful demands in marriage?

4. Strong Statutes, Weak Prevention?

If the law could end social evils, then dowry would have ended at least half a century.
The Dowry Prohibition Act, 1961 was enacted to end the institution of marriage as a marketplace

and it made it a penal offence to give, take or demand dowry. Subsequently, various amendments were introduced to punish not just direct but also indirect demands for dowry and increased penalties. However, this does not change the reality that law, while enacted with a good purpose and backed with progressive objectives, is unable to change the social ethos where dowry is given as gifts or other indirect transactions. The offense thus rarely occurs overtly, and the perpetration of the same is through coercion and implicitly.

Taking cognizance that cruelty and dowry deaths would not be addressed with the Dowry Prohibition Act, Parliament brought in specific penal provisions with regards to dowry death and cruelty through the Indian Penal Code. The Bharatiya Nyaya Sanhita, 2023 largely retains the essential features of Section 304-B of the Indian Penal Code. If a woman dies otherwise than under normal circumstances, within seven years of marriage, and it is shown that she was subjected to cruelty or harassment in connection with dowry demand soon before her death, the Court may, read with the corresponding provisions in the Bharatiya Sakshya Adhiniyam, 2023, presume against the offender. The presumption is a departure from the usual rule of criminal law, and it is recognized by Parliament that due to the private nature of events in a matrimonial home, it is extremely difficult to get an eyewitness account.

However, such well-framed statutes too give rise to an important question:

Can a legal presumption compensate for institutional inaction prior to a death?

The Supreme Court has in several judgments adopted a purposive construction of the anti-dowry statutes while cautioning against both indiscriminate prosecutions and automatic acquittals. In the case of *Satbir Singh v. State of Haryana*[6], the Apex Court held that “soon before her death” cannot be measured with a mathematical formula. Instead, a court must find out if there was any proximity or live link between dowry-related cruelty and the death of a woman. Otherwise, the purpose of the protective law would be frustrated by technical interpretations of the chronological order. Similarly, in *Kans Raj v. State of Punjab*[7], while acknowledging the menace of dowry deaths, the Apex Court urged the trial courts against automatically implying all relations of the husband without credible evidence and asked them to be more judicious and

[6] *Satbir Singh v. State of Haryana*, (2021) 6 SCC 1 (India).
[7] *Kans Raj v. State of Punjab*, (2000) 5 SCC 207 (India).

objective while ensuring that no person is unjustly implicated. The Court struck a balance by acknowledging the gravity of dowry-related offences but cautioned against erosion of due process by the over enthusiasm to prosecute under these provisions.

These judgments show the attempts made by the judiciary in ensuring a fair balance between the rights of the accused and protecting a vulnerable victim. Therefore, the actual deficiency is not in the interpretation by the judiciary, but far earlier in the delay in filing complaints, poor investigation, weak protection for witnesses, victim's reconciliation due to social pressure, and failure to act on mounting abuse until it is too late. The judiciary is bound to decide based on the evidence put before it, and it cannot build a missing bridge to reach justice where evidence was not collected or complaints were not lodged.

This is precisely the reason why India's anti-dowry framework has remained primarily reactive, that is, it addresses crimes only after the death of a woman occurs. The criminal justice system is thus adequately geared up to deal with crimes of dowry deaths, but poorly equipped to prevent the occurrence of such unfortunate events. The law, in a sense, is like an ambulance at the bottom of a cliff: useful for emergency rescue operations after a fall, but unable to prevent it from happening in the first place.

Stronger penalties for such crimes, therefore, would be of little help in eliminating dowry deaths altogether. The real need of the hour is to transition from a regime of criminal investigation of deaths to one of active crime prevention. Constitutional governance requires accountability for violence, and more critically, it requires a framework for protection against it.

Given that the law knows how dowry deaths happen, shouldn't its highest measure of success be the number of lives saved, rather than number of conviction rates.

5. Beyond Punishment: Reimagining India's Response to Dowry Deaths

If this article has argued anything, it is this: dowry deaths are not failures of legislation alone - they are failures of prevention. India has enacted a specialized statute, created distinct criminal offences, introduced evidentiary presumptions and witnessed consistent judicial engagement.

Yet, the persistence of dowry deaths suggests that the criminal justice system remains predominantly event-driven, responding to a completed offence rather than intervening in the chain of violence that precedes it.

A meaningful shift, therefore, requires a move from a prosecutorial to a preventive model. Firstly, dowry harassment needs to be understood as a continuum of economic and psychological violence, and not just a pre-homicide event. Law enforcement often only receives complaints after prolonged harassment, by which time a victim might be isolated, financially dependent, and hesitant to pursue remedies. The development of standard risk-assessment protocols for repeat complaints of domestic cruelty and dowry harassment would permit authorities to identify cases requiring immediate protection.

Preventive intervention ought to be accorded equal importance to post-offence investigations.

Secondly, implementation must be more coordinated. The Dowry Prohibition Act, 1961, the Protection of Women from Domestic Violence Act, 2005, and the criminal law framework often operate in isolation from one another rather than in concert. A victim ought not to be required to navigate multiple institutions before receiving effective help.

Coordination among police authorities, Protection Officers, legal aid services and shelter homes would convert the legal framework from a collection of statutes into an integrated protection mechanism. Thirdly, constitutional governance requires enhanced institutional accountability. Articles 14, 15 and 21 do not merely restrain the State from violating a right; they compel the State to create the conditions that make the effective exercise of rights possible.

Where repeat complaints of dowry harassment are not adequately addressed or investigations conducted perfunctorily, this transcends the realm of administrative inefficiency, raising questions of the State's constitutional duty to safeguard life and dignity.

Preventing dowry deaths must be seen as part of the State's positive constitutional duty rather than solely a function of the criminal law regime. The judiciary, too, retains a continued role beyond adjudicating cases. While the Supreme Court has effectively strengthened the protective framework surrounding dowry-related offences through purposive interpretation, lasting reform

cannot emanate from the courts alone. Social change, institutional responsiveness and legal enforcement must work in tandem.

Criminal courts can penalize perpetrators, but they cannot single-handedly bring about the transformation of social attitudes that sanction dowry.

Ultimately, the effectiveness of anti-dowry legislation must not be measured by the number of convictions; that number merely signals a constitutional failure already in progress. A far more robust yardstick would be whether women can live in their marriages free of fear, compulsion and economic exploitation. That is the constitutional promise contained within Articles 14, 15 and 21, and it is on that metric that all reforms must ultimately be evaluated.

Dowry has survived and adapted each time laws have attempted to ban it. The challenge for the law therefore, is not to react with increasingly severe punishment but to ensure that constitutional principles reach the everyday reality of marital relationships. Until that happens, the gap between prohibition and practice will continue to cost lives.

Maybe the question no longer is if India has enough laws to combat dowry.

The question must surely be if law can protect a woman before she becomes a statistic.

Conclusion

A dowry death is a story not scripted in a single day.
It’s etched over dialogues brushed away as “family matter,” over unlawful demands veiled as “tradition,” over compromises framed as “adjustment,” and over silence hardening into complicity. Long before criminal law steps in, the Constitution may have faltered where it mattered most - preserving a woman’s dignity while she was alive.

India cannot feign legal inadequacy. The Dowry Prohibition Act, 1961, the Bharatiya Nyaya Sanhita, 2023, and decades of judicial pronouncements stand as testament to an unequivocal commitment to criminalize and penalize dowry-related violence. Yet, the recurrence of thousands of dowry deaths serves as a stark reminder: the existence of law is not synonymous with the attainment of justice. While a statute can forbid dowry, it cannot, on its own, dismantle the cultural acceptance that continues to fuel it.

This article has argued that dowry death is not simply an offence to be punished after the fact. It is, instead, the final outcome of multiple constitutional failures - failures to guarantee equality under Article 14, to eliminate gender discrimination under Article 15, and to secure the dignity and liberty guaranteed under Article 21. Each dowry death signifies not just the loss of a life, but also the continued fragility of constitutional ideals when they do not penetrate the realities of daily life within marriage.

A constitutional democracy should be judged not only by how it prosecutes the guilty. It should be judged by its effectiveness in protecting the vulnerable even before the law has to account for an irretrievable loss.

The day a woman arrives in her matrimonial home carrying nothing but her aspirations, devoid of the weight of unlawful expectation that will be the day India's fight against dowry truly concludes. Until then, each dowry death will not just be a case file but a question mark etched against the Constitution’s face.