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**DOWRY DEATH AND THE RIGHT TO LIFE & DIGNITY:
EXAMINING CONSTITUTIONAL SAFEGUARDS UNDER
ARTICLE 21**Anmol Tripathi* & Vijayshree⁺**Abstract**

Dowry death nowadays has become a very persistent problem in the Indian Marriage institution. Dowry a ritual which is so deeply rooted in the society which originally began as a safeguard for women's financial security in male dominated societies where daughters were excluded from inheriting ancestral property have now become graveyard for the women in the society. Subjecting a woman to such harassment leading to her loss of life driven by physical violence leading to suicide due to coercive financial demand ultimately curtailing Article 21.

This paper examines the meaning, cause, and propelling factors behind such dowry death. It analyses the constitutional safeguard in form of Fundamental rights, Directive principles of state policy and fundamental duties under Article 14,15 and 21 in the constitution of India and reviews the existing legal framework where dowry deaths are prosecuted under Bhartiya Nyaya Sahinta, 2023 through the study of landmark Supreme Court judgments and recent case studies, the paper highlights the role of the judiciary in protecting individual autonomy and condemning dowry based violence. It further emphasizes the urgent need for stricter implication of legislation and broader social reform to ensure that constitutional morality prevails over regressive cultural practices.

Keywords – Dowry, Greed, Vardakshina, Article 21, Constitutional Guarantees.

I. INTRODUCTION

In India the laws prohibiting the giving and demanding of dowry is there which prohibit and punish the killing for dowry but still the number of reported deaths remains approximately 16 deaths per day roughly amounting to 480 deaths per month. And the figure is increasing day by day due to improper and vague application of laws, societal norms and socio economic discrimination against women. By failing to implement laws and increasing number of the deaths clearly shows breach of life and liberty guaranteed under Article 21 of the Constitution of India. The right to life and liberty is crucial right granted to every resident of the nation, it proclaims unequivocally that life and liberty are inseparable element of human life and must not be curtailed or violated at any condition. The keen exponents of the human rights also support that life and liberty are inseparable and non-derivable right at all which is well affirmed by the Indian Constitution. Which is clearly violated when a woman is subjected to cruelty or death is caused due to demand of dowry.

II. CONCEPT OF DOWRY

India being the oldest civilization carries a very old and diverse culture, rituals, practices. Which started a long time ago and now have become a ritual and practice being so evil in nature that women are killed for the same. The word dowry in Sanskrit comes from the word Vardakshina i.e. “var”

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means groom and “Dakshina” means money means it is an amount given to the groom by the father of bride. The evil custom of financial exchange can be roughly dated back to 3000BCE. That is when a father finds a match for his daughter and meets the father of the groom to discuss the financial arrangements. Bride’s father uses to offer something of value to the groom’s father. The offering was made as a indemnity against divorce and to provide the bride with financial compensation in the event that the marriage did not survive. But in today’s time it has moreover became of buying of groom in lieu of a handsome amount, vehicle, jewelry, properties etc.

III. MOTIVE BEHIND DOWRY DEATH

India is a country with almost second largest population in the world with people residing almost 150 crores language changing at every 15 to 20 kms with such a diverse society and different cultures and the women are portrayed as goddess and worshiped and even after such high level of position granted yet again women are subjected to cruelty of dowry death by the spouse and their relatives and the sole reason is greed for the money of groom and the in laws of the bride. The motive behind the dowry death is as follows-

1. Financial extortion: the grooms family sees the bride family as cash cow which they think they can exploit according to their whims and fancies leading to financial extortion of the bride’s family. Demands often exceeds the bride’s family annual income.
2. Culture entitlement: the practice started before time immemorial which has now become and evil cultural practice. Nowadays more often taking shape of cultural validation and societal stature. Which has been now taken form of forced dowry practices.
3. Patriarchal superiority and abuse: women on one hand worshiped as goddess of wealth and on the other hand they are treated as a cash cow by the male counterpart’s women are often treated as second class citizen or as a means of controlling family wealth. Such kind of mentality often resulting in the death and serious harassment of the victim for the greed of money.
4. Failed pre-marital negotiations: when before, marriage something is promised to be given as a dowry by the bride’s parents and which is not met by them it often results in failed relationship and constraint marriage often leading to death of the bride. The bride family is unable to fulfill the demand the harassment intensifies often culminating in bride burning or forced suicide.

In simple words the greed of the materialistic, failed marital negotiations, patriarchal control, cultural entitlement and financial extortion becomes the cause of the death of a woman and she is even subjected to the cruelty and harassment by her in laws which violates the freedom and fundamental right guaranteed by the constitution.

IV. RELEVANT CONSTITUTIONAL PROVISIONS

The constitution being the supreme law of the land from which all the laws, bylaws, customs and social practices derive their enforcing power. The constitution being a grand norm guarantees various fundamental right such as the basic freedom of life and liberty under Article 21 which is violated when a woman is subjected to death for the demand of the dowry. Any social norms, tradition, rituals and practices cannot override it and violate the fundamental right guaranteed by the constitution. The constitution mandates the state to protect individual from such violence and to ensure the ends of justice, accountability, liberty and freedom and the rule of to prevail over any evil and regressive practice.

The various constitutional provisions that are related to dowry deaths are as followed-

1. Article 14 (Equality Before Law): Ensures that all individuals, including women, are treated equally before the law and provides equal protection of the laws, prohibiting gender-based discrimination.

2. Article 15 (Prohibition of Discrimination): Explicitly prohibits the state from discriminating against any citizen on grounds only of religion, race, caste, sex, or place of birth. Article 15(3) empowers the state to make special provisions for women and children, providing the constitutional backing for women-centric protective legislation.

3. Article 21 (Protection of Life and Personal Liberty): Guarantees the right to life and personal liberty for every citizen. The state has an obligation to protect women from violence and secure their fundamental right to live with dignity, free from domestic abuse or coercion.

4. Article 39(a) and (e) (Directive Principles of State Policy): Directs the State to ensure that all citizens have the right to an adequate means of livelihood, and ensures that the health and strength of workers, men and women, are not abused.

V. GENERAL LAW ON DOWRY DEATH

The specific law that deals with the dowry death is given in the Bhartiya Nyaya Sahinta 2023 is specified under section 80 of the act (earlier 304B of the Indian Penal Code). And it is stated as follow –

1. Where the death of a woman is caused by any 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 any relative of her husband for, or in connection with, any demand for dowry, such death shall be called “dowry death”, and such husband or relative shall be deemed to have caused her death.

Explanation: For the purposes of this sub-section, “dowry” shall have the same meaning as in section 2 of the Dowry Prohibition Act, 1961.

2. Whoever commits dowry death shall be punished with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life.

VI. LANDMARK JUDGEMENT ON DOWRY DEATH

1. *Kamesh Panjiyar v. State of Bihar (2005)*

Facts – marriage of Jaikali Devi was performed with Kamesh Panjiyar. At the time of marriage, the bride’s family paid the amount of Rs 40,000 was paid as dowry. Later on in the month of August a buffalo was demanded as an additional dowry. And due to non-fulfilment of which she was subjected to continuous harassment and torture and succumbed to death because of the same.

Held – The Supreme Court ruled that the prosecution must prove five essential ingredients.

- a) Unnatural Death
- b) Death within seven years of marriage
- c) Cruelty of harassment
- d) The dowry connection
- e) Proximity of injuries

2. *Kans Raj v. State of Punjab (2000)*

Facts – Sunita Kumari married the respondent, Rakesh Kumar, in May 1985 post marriage husband and his family members systematically demanded valuable items, including a scooter, refrigerator and periodic large sum of cash and within 4 years of her marriage Sunita was found dead in her matrimonial house.

Held – Supreme Court upheld conviction of Husband under section 304B and 306 of Indian Penal Code. Because her persistent harassment had direct live link to her suicide. And the rest of distant relatives, whose individual roles were not specified were acquitted.

3. *Satbir Singh v. State of Punjab (2001)*

Fact- The case involved a highly educated woman (a double graduate) who attempted to end her life by jumping in front of a running train due to severe, ongoing harassment and cruelty by her husband and in-laws. In one specific instance, her husband unleashed severe verbal abuse and physical threats because a salad served to him contained too much salt. Her in-laws taunted her, suggesting she should go commit suicide. While she survived the train incident, she suffered catastrophic injuries, becoming a paraplegic and losing an arm. The legal question turned heavily on whether the accused could be charged with an attempt to cause dowry death, or with abetting suicide when a suicide did not successfully take place.

Held -The Court set aside the convictions linked to Sections 306 and 304B, but firmly upheld the conviction under Section 498A for matrimonial cruelty, substituting the remaining prison time with enhanced monetary fines.

4. *Arnesh Kumar v. State of Bihar*

Fact- A wife filed an FIR alleging her husband (Arnesh Kumar) and in-laws demanded ₹8 lakhs, a car, and electronics, and drove her out of the house.

Facing arrest under Section 498A IPC (cruelty) and the Dowry Prohibition Act, Arnesh applied for anticipatory bail. The High Court rejected it, so he appealed to the Supreme Court.

Held - The Supreme Court granted bail and banned automatic, arbitrary arrests for crimes with sentences under 7 years, ruling: No Immediate Arrest: Police cannot arrest someone mechanically just because a Section 498A FIR is filed. Mandatory Notice: Police must first issue a Section 41A Notice forcing the accused to appear for investigation. Reasoning Required: Arrest is a last resort. Officers must document written reasons justifying the arrest using a strict checklist. Magistrate Control: Magistrates cannot blindly authorize jail time; they must reject the detention if the police's reasons are weak. Strict Penalties: Officers who arrest arbitrarily, or Magistrates who approve it blindly, will face departmental punishment and contempt of court.

5. *Pawan Kumar v. State of Haryana (1998)*

Fact- A woman named Urmil died of severe burn injuries within a few years of her marriage to the accused, Pawan Kumar. Her parents alleged that she was constantly harassed, physically abused, and taunted by her husband and in-laws over unfulfilled demands for dowry. The trial court and High Court convicted Pawan Kumar and his parents under Section 304B (Dowry Death) and Section 498A (Cruelty). They appealed to the Supreme Court, claiming there was no proof of dowry demands immediately prior to her death.

Held- The Supreme Court of India upheld the conviction of the husband and clarified the precise meaning of "soon before her death" under Section 304B

VII. RECENT CASE AND WAY FORWARD

The most recent case which shake the whole nation was of Twisha Sharma a Pune based model and one time winner of Ms. Pune she succumbed to death to her husband and laws greed. The contrasting and most awes trucking thing was that her mother-in-law was a retire judge. All the harassment and cruelty faced by her led to her untimely demise.

The need of the hour is to make laws stricter and more detrimental so that no other Twisha dies because of the greed. The need of education, awareness, and societal upliftment to end the practice of giving and taking of dowry in every form so that no women is subjected to such agony which leads to taking so extreme step that a life is lost a greed can be never greater than a life.

Women should be empowered, educated and men to be made aware that dowry is not the essential condition for the marriage.