



DOWRY SYSTEM IN INDIA

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ABSTRACT

The Dowry system in India has been running for a long time. It is the money that is given during marriage to the boy or their family, even property can also be included in dowry. The system of dowry started from ancient times like during marriage the money will be given to the groom so that he can take proper care of his bride, it was used to honour both sides of the family. As the time changes dowry still remains in the society but its significance keeps changing with time. Nowadays, the dowry system is becoming like business for some castes. Dowry system is becoming a burden for the bride's family. Many times if demand is not fulfilled for the boy's side then the marriage is abruptly cancelled as a result of this failure. If we see it in our Asian country, then dowry is becoming more important for the groom's side, mainly in countries like India. To end this heinous social practice, the government has made a law to refrain people from taking dowry under the Act of 1961. Whatever money or property given by the bride side they should accept but it never followed. Many places we come to know that because of not doing so on the groom's side the girls are harmed in such a way that sometimes even it leads to death. Some people even think dowry is like crime, it's illegal and they never ask anything from the bride's family. In India, everyone speaks and progresses for women's rights and says 'Beti Bachao Beti Padhao' but a girl even after achieving everything in her life; where she starts taking care of her family but even then she can't escape the shackles of dowry. Some time because of dowry which is mostly prevalent among the below poverty line people they kill their daughters after they are born or before their birth in the mother's womb itself so that they can escape dowry. Since they know after growing up and educating her, they still need to give dowry in order to get her married. However, one fails to understand that it is not a daughter's fault for which she is being wrongfully punished but the fault of the society that allows such practices even after so many years of independence.

KEY WORDS

Groom, *jahez*, Hindu Succession Act Deteriorating, Gender Discrimination, Affecting Career of Women, Objectification of Women, ICCPR ,murdered for dowry, Consequences of dowry, ICESCR ,Great evil, domestic violence and crime, UDHR, CEDAW, ICESCR, CRC, dowry deaths, Suicide, protection orders residence orders, custody orders, compensation orders, Dowry Prohibition Act, Cruelty, *jahez-e-fatimi*, *mortis causa*, *baraat*, *serotwana*,*idana*, *saduquat* or *mugtaf*, patrilocal

INTRODUCTION

A **dowry** is a payment, such as property or money, paid by the bride's family to the groom or his family at the time of marriage. Dowry contrasts with the related concepts of bride price and dower. While bride price or bride service is a payment by the groom, or his family, to the bride, or her family, dowry is the wealth transferred from the bride, or her family, to the groom, or his family. Similarly, dower is the property settled on the bride herself, by the groom at the time of marriage, and which remains under her ownership and control.

Dowry is an ancient custom that is already mentioned in some of the earliest writings, and its existence may well predate records of it. Dowries continue to be expected and demanded as a condition to accept a marriage proposal in some parts of the world, mainly in parts of Asia, Northern Africa and the Balkans. In certain Asian countries, disputes related to dowry sometimes result in acts of violence against women, including killings and acid attacks. The custom of dowry is most common in cultures that are strongly patrilineal and that expect women to reside with or near their husband's family (patrilocality) Dowries have long histories in Europe, South Asia, Africa and other parts of the world.

THE HISTORY AND MEANING OF THE DOWRY

During the Roman Empire, the bride's family would provide a dowry to the groom or his family to offset the cost of her living expenses. While it is commonly thought that a dowry is always given by a woman to her future husband, it is the reverse in other cultures, where the groom offers a gift to the bride or her family upon marriage. The dowry can serve as a gift to in-laws or insurance for the bride should she choose to leave her husband. It is something she can take with her in the event of divorce to ensure her financial security.

Other terms for this exchange may be “bride price” or “bride wealth.”

Over time, it became common practice for families to exploit the dowry system all over the world in some cases. What was meant to be a gift and promise of security from one partner to another soon became a financial demand that resulted in broken engagements or divorce, violence, and even death for unpaid dowries. It is for this reason that countries like India, Pakistan, Nepal, Greece, and Kenya passed laws making dowries illegal in any capacity.

DEFINITION OF DOWRY

A dowry is the transfer of parental property to a daughter at her marriage (i.e. 'inter vivos') rather than at the owner's death (*mortis causa*). A dowry establishes a type of conjugal fund, the nature of which may vary widely. This fund may provide an element of financial security in widowhood or against a negligent husband, and may eventually go to provide for her children. Dowries may also go toward establishing a marital household, and therefore might include furnishings such as linens and furniture.

Locally, dowry or trousseau is

called *jahez* in Urdu, Persian and Arabic; *dahez* in Hindi, *dāj* in Punjabi, *daijo* in Nepali, *çeyiz* in Turkish, *joutuk* in Bengali, *jiazhuang* in Mandarin, *varadhachanai* in Tamil, *streedhanam* in Malayalam, *miraz* in Serbo-Croatian and in various parts of Africa as *serotwana*, *idana*, *saduwat* or *mugtaf*.

CAUSES FOR DOWRY SYSTEM

Various reasons have been suggested as cause of dowry practice in India. These include economic factors and social factors.

ECONOMIC FACTORS

There are many economic factors that contribute towards the system of dowry. Some of these include inheritance systems and the bride's economic status.

Some suggestions point to economics and weak legal institutions on inheritance place women in disadvantage, with inheritances being left only to sons. This leaves women dependent upon their husbands and in-laws, who keep the dowry when she marries. Prior to 1956, including during the British Raj, daughters had no rights of inheritance to their family's wealth. In 1956, India gave equal legal status to daughters and sons among Hindu, Sikh and Jain families, under the Hindu Succession Act (India grants its Muslim population the Sharia derived personal status laws). Despite the new inheritance law, dowry has continued as a process whereby parental property is distributed to a daughter at her marriage by a social process, rather than after parents death by a slow court supervised process under Hindu Succession Act (1956).

Dowry gave, at least in theory, women economic and financial security in their marriage in the form of movable goods. This helped prevent family wealth break-up and provided security to the bride at the same time. This system can also be used as a premortem inheritance, as once a woman is presented with movable gifts, she may be cut off from the family estate.

For many, dowry has become a greater financial burden on the family, and can leave families destitute based on the demands from the groom. The demand for dowry has increased over time.

SOCIAL FACTORS

The structure and kinship of marriage in parts of India contributes to dowry. In the north, marriage usually follows a patrilocal (lives with husband's family) system, where the bride is a non-related member of the family. This system encourages dowry perhaps due to the exclusion of the bride's family after marriage as a form of premortem inheritance for the bride. In the south, marriage is more often conducted within the bride's family, for example with close relatives or cross-cousins, and in a closer physical distance to her family. In addition, brides may have the ability to inherit land, which makes her more valuable in the marriage, decreasing the chance of dowry over the bride price system.

In addition to marriage customs that may influence dowry, social customs or rituals, and parents' expectations of dowry are important factors to consider. A 1995 study showed that while attitudes of people are changing about dowry, dowry continues to prevail. In a 1980 study conducted by Rao, 75% of students responded that dowry was not important to marriage, but 40% of their parents likely expected dowry.

While India has been making progress for women's rights, women continue to be in a subordinate status in their family. Women's education, income, and health are some significant factors that play into the dowry system, and for how much control a woman has over her marriage.

RELIGIOUS FACTORS

Dowry in India is not limited to any specific religion. It is widespread among Hindus and other religions. For example, Indian Muslims call dowry as *jahez*, justify the practice in terms of *jahez-e-fatimi*. Islamists classify *jahez* into two categories: The first comprises some essential articles for the outfit of the bride as well as for conjugal life. The other is made up of valuable goods, clothes, jewelry, an amount of money for the groom's family, which is settled on after bargaining. The *jahez* often far exceeds the cost of the *baraat* and marriage parties. The *jahez* is separate from cash payment as *Mahr* or dower that Sharia religious law requires.

TYPES OF DOWRY CRIMES

(including physical, emotional and sexual assault), abetment to suicide and dowry death (including, issues of bride burning and murder).

FRAUD

A 2005 Canadian study recently married women can be a target for dowry related violence because she is tied economically and socially to her new husband. In some cases, dowry is used as a threat or hostage type situation, in order to extract more property from the bride's family. This can be seen in new brides, who are most vulnerable in the situation. Dowry crimes can occur with the threat or occurrence of violence, so that the bride's family is left with no choice but to give more dowry to protect their daughter. The northern and eastern states of India show higher rates of dowry-related violence.

Dowry is considered a major contributor towards observed violence against women in India. Some of these offences include physical violence, emotional abuses, and even murder of brides and young girls prior to marriage. The predominant types of dowry crimes relate to cruelty (which includes torture and harassment), domestic violence documentary film, *Runaway Grooms*, exposed a phenomenon of Indo-Canadian men taking advantage of the dowry system. These men would fraudulently return to India ostensibly seeking a new bride, but then abandon the woman and return to Canada without her as soon as they had secured possession of her dowry.

CRUELTY

Cruelty in the form of torture or harassment of a woman with the objective of forcing her to meet a demand for property or valuable security is a form of dowry crime. The cruelty could be in the form of verbal attacks or may be accompanied by beating or harassment in order to force the woman or her family to yield to dowry demands. In many instances, the cruelty may even force the woman to commit suicide and it has been specifically criminalized by the anti-dowry laws in India.

LAWS AGAINST DOWRY

DOWRY PROHIBITION ACT, 1961

The Dowry Prohibition Act, 1961 consolidated the anti-dowry laws which had been passed on certain states. This legislation provides for a penalty in section 3 if any person gives, takes or abets giving or receiving of dowry. The punishment could be imprisonment for minimum 5 years and a fine more than 15,000 or the value of the dowry received, whichever is higher. Dowry in the Act is defined as any property or valuable security given or agreed to be given in connection with the marriage. The penalty for giving or taking dowry is not applicable in case of presents which are given at the time of marriage without any demand having been made.

The Act provides the penalty for directly or indirectly demanding dowry and provides for a penalty involving a prison term of not less than 6 months and extendable up to two years along with a fine of 10,000. Dowry agreements are void *ab initio* and if any dowry is received by anyone other than the woman, it should be transferred to the woman. The burden of proving that an offense was not committed is on the persons charged and not on the victim or her family. Under its powers to frame rules for carrying out its objectives under the Act, the government of India has framed the Maintenance of Lists of Presents to the

Bride and the Bridegroom Rules, 1985. There are also several state level amendments to the Dowry Prohibition Act.

Protection of Women from Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act, 2005 ("Domestic Violence Act") was passed in order to provide a civil law remedy for the protection of women from domestic violence in India. The Domestic Violence Act encompasses all forms of physical, verbal, emotional, economic and sexual abuse and forms a subset of the anti-dowry laws to the extent it is one of the reasons for domestic violence. Section 3 of the Domestic Violence Act specifically incorporates all forms of harassment, injury and harms inflicted to coerce a woman to meet an unlawful demand for dowry. Some of the common remedies under the Domestic Violence Act include:

- protection orders – prohibiting a person from committing domestic violence;
- residence orders – dispossessing such person from a shared household;
- custody orders – granting custody of a child; and
- compensation orders – directing payment of compensation.

International conventions

India is a party to several international human rights instruments which provide theoretical remedies to the dowry problems. These international conventions include the Universal Declaration of Human Rights ("UDHR"), International Covenant on Civil and Political Rights ("ICCPR"), the International Covenant on Economic, Social, and Cultural Rights ("ICESCR"), the Convention on the Elimination of All Forms of Discrimination Against Women ("CEDAW"), and the Convention on the Rights of the Child ("CRC"). CEDAW codifies the rights most relevant to the discussion of dowry-related violence: the rights of women. However, there are issues of non-intervention and cultural relativism which impede the use of international law to combat dowry deaths.

DOMESTIC VIOLENCE

DOMESTIC VIOLENCE IN INDIA

Domestic violence includes a broad spectrum of abusive and threatening behavior which includes physical, emotional, economic and sexual violence as well as intimidation, isolation and coercion. There are laws like the Protection of Women from Domestic Violence Act 2005 that help to reduce domestic violence and to protect women's rights.

ABETMENT TO SUICIDE

Continuing abuse by the husband and his family with threats of harm could lead to a woman committing suicide. In such situations, the dowry crime even extends to abetment of suicide, which includes all acts and attempts to intentionally advise, encourage, or assist in committing suicide.¹The impact of dowry

can leave a woman helpless and desperate, which can cumulate in emotional trauma and abuse.¹Dowry related abuse causes emotional trauma, depression and suicide.¹he offence of abetment to suicide is significant because in many cases, the accused persons often bring up a defense that the victim committed suicide at her own volition, even though this may not be true in reality.

DOWRY MURDER

Dowry deaths and dowry murder relate to a bride's suicide or killing committed by her husband and his family soon after the marriage because of their dissatisfaction with the dowry. It is typically the culmination of a series of prior domestic abuses by the husband's family. Most dowry deaths occur when the young woman, unable to bear the harassment and torture, commits suicide by hanging herself or consuming poison. Dowry deaths also include bride burning where brides are doused in kerosene and set ablaze by the husband or his family. Sometimes, due to their abetment to commit suicide, the bride may end up setting herself on fire.

Bride burnings are often disguised as accidents or suicide attempts. Bride burnings are the most common forms of dowry deaths for a wide range of reasons like kerosene being inexpensive, there being insufficient evidence after the murder and low chances of survival rate. Apart from bride burning, there are some instances of poisoning, strangulation, acid attacks, etc., as a result of which brides are murdered by the groom's family.

India, with its large population, reports the highest number of dowry related deaths in the world according to Indian National Crime Record Bureau. In 2012, 8,233 dowry death cases were reported across India, while in 2013, 8,083 dowry deaths were reported.¹This means a dowry-related crime causes the death of a woman every 90 minutes, or 1.4 deaths per year per 100,000 women in India.

EFFECT OF DOWRY SYSTEM

INITIATES GENDER IMBALANCE:

When we speak of gender in equality in the nation, dowry system can be considered the catalyst for this issue. According to the social infrastructure of the nation, it is a common perception that a woman is able ability and is to be married off someday, with a dowry debt at disposal. Well, for the masses, the birth of a girl is an inception to long-term plans to pay off the dowry along with the child. Seemingly, this saving venture hampers the future of the girl and restricts her of equal opportunities for the mail child. The very future planning for a better marriage proposal ruins the prospects of a merrier life for the child. Well, dowry system can be accounted for atrocities on the masses. The plight of the girl child is initiated with her birth due to this particular infrastructure and continues to hamper her peace of mind and tranquility. According to the latest 2011 census stats, the number of females per 1000 males stands at an eager count of 943. Hence, this impacts the building blocks of the society and hampers the growth of the nation.

Social Effects

Society owes its origins to masses and when we speak of the constituent evil of the segment in our subcontinent, dowry system is one of the most leverage done. Being widely practiced across the nation, every other family faces the brunt of it. If a demand is not met by the bride's family, she suffers at the hands of her groom's family leading to social imbalance and emotional breakdown. Seventy % of our population resides in the villages and this practice still holds its stance midst the economy and the society

as a whole. The society seemingly judges the worth of a person on the basis of dowry accepted or received and this framework can be attributed to the detrimental status of woman in the society.

Decrements status of women

When a girl is born, for particular individuals, the societal framework is dismayed. She is no longer happiness and her birth is no more an occasion. She is deprived of basic rights to education, freedom and speech. However, owing to the basic structure, the dowry ideology, her ordeal doesn't end with marriage. For a female individual, with little or no self economic support, she exists at the assistance of her groom. Hence, when his demands aren't met, it leads to the breakdown of the empathetic relation between the two entities leading to disparity. After a period, this ordeal doesn't come to conclusion, rather, it leads to domestic violence and poses a serious threat to the future of the family. The girl loses on her freedom once she is married and it yet again, comes at the cost of a dowry debt.

Promotes domestic violence and crime

Dowry system initiates the act of violence in the society. When demands are not meet by the bride's family, the atrocities elevate proportionately. At times, extreme steps are undertaken to shell out financial grants or material benefits from the bride's family. Well, yet again these steps can be attributed to the much debated domestic violence. The crimes against women take a surge owing to this structure of extortion.

Economic effects

Economy is not just the financial stockpile of the nation. Rather, it is a deep-vested, mass effort to bring the platter for every individual. Dowry system, though it seems a minor social evil can affect the nation and its individuals alike. Owing to this setup, women aren't granted equal rights and opportunities, leading to loss of economic workforce from the segment. Women are active participants in the development of the nation, and if their rights are hampered at the domestic level, it affects our economic build-up significantly. We lose the consistent workforce at the hands of a social evil and hamper the growth of our own home and the society.

Deteriorating financial status of bride's family

Dowry doesn't affect the bride alone. Rather, its ordeal extends to bride's parents and they have to bear the financial demands of their counterparts to ensure well-being of their child. With regular demands from the groom's family, reports of suicides are yet again common in the country. Needless to say, this social evil should necessarily be eradicated for the society and the nation.

Loss of self-esteem among the women

The demands being met for the welfare of the bride comes at a cost. Out of concern for her parents, she loses on self-esteem by believing she is a burden on her family. It costs her peace of mind, and her right to a better life. Dowry system has imposed an invisible chain upon the freedom and self-respect of women and continues to haunt them since time eternal. Observing the problem closely, the greed of an individual ruins the peace of a beautiful brain.

IMPACT OF DOWRY SYSTEM

- **Gender Discrimination:** Due to the dowry system, many a times it has been seen that women are seen as a liability and are often subjected to subjugation and are given second hand treatment may it be in education or other amenities.
- **Affecting Career of Women:** The larger context for the practice of dowry is the poor presence of women in the workforce, and their consequent lack of financial independence.
 - The Poorer sections of society who send their daughters out to work and earn some money, to help them save up for her dowry.
 - The regular middle and upper class backgrounds do send their daughters to school, but don't emphasize career options.
- **Many Women End Up Being Unmarried:** An uncountable number of girls in the country, despite being educated and professionally competent remain endlessly unmarried because their parents cannot fulfil the demand for pre-marriage dowry.
- **Objectification of Women:** Contemporary dowry is more like an investment by the bride's family for plugging into powerful connections and money making opportunities.
 - This renders women as merely articles of commerce.
- **Crime Against Women:** In some cases, the dowry system leads to crime against women, ranging from emotional abuse and injury to even deaths.
 - Consequences of dowry- One of the worst part of the dowry system is that if a girl brings less dowry she is harassed in her in-law's family. Sometimes she is burnt too. Many commit suicide. Three girls in Kanpur and three in Delhi hanged themselves for this very season. There is an average of dowry death a day in Delhi alone. Such deaths in a rural area are never reported. Another worst part of this custom is that many honest people become corrupt to earn money to money their daughters. They take a bribe, do tuitions and practise unfair means in business. Taxes are not paid on this extra income. It's unacquainted creates inflation in the country. It is said that 50% of the black money in the north is because of down.
 - Great evil- The dowry system is a great evil in society. The girl's birth in the family is sad news. It is all because of the dowry system. The girl has to be married off. Every parent wishes for the happy married life of his or her daughter. But the better is the boys family, the higher is the dow.
 - The problem of marriage- To settle the girl's marriage is another problem. The girl's father has to face all kinds of insults. He is asked to spend more and more. He has been saving paisa by paisa

since his daughter's birth. Yet the marriage market is higher. He may have to take loans or sell his land and house. Such are the sufferings of a girl's parent. Very often the girl has to suffer if the boy's demands are not fulfilled. The girl's father wants to save his skin. But the boy's father likes to rob him. Sometimes the girl is beaten. Sometimes she is murdered for dowry. We have to rob out this evil. We need to reform our society. Let our young boys and girls come forward and accept the challenge. If not we are suffering today, our children will suffer.

CONCLUSION

We 'as the citizens of India, marching towards the new millennium, should also strive for the discontinuation of this evil practice. Dowry is a black spot on the bright face of the country. But it cannot be done away by the elderly people. Only the younger generation can do it.

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