

A Study on the Impact of Dowry in the Society of India

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Abstract – In modern Indian political discourse the custom of dowry is often represented as the cause of serious social problems, including the neglect of daughters, sex-selective abortion, female infanticide, and the harassment, abuse, and murder of brides. Attempts to deal with these problems through legislative prohibition of dowry, however, have resulted in virtually no diminution of either dowry or violence against women. In contrast, radically different interpretations of dowry can be found in the literatures of structural- functionalist anthropology, economics, and human behavioral ecology which muster wide-ranging forms of qualitative and quantitative evidence to support functional models of dowry as a form of inheritance or investment in daughters and/or their children. This study argues that a functionalist perspective on dowry could lead to improved dowry policy, and that an approach based in human behavioral ecology (HBE) is uniquely suited to this task. After reviewing the relevant literature on dowry in South Asia, I discuss current dowry legislation and its limitations.

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INTRODUCTION

Today, Indian society is surrounded with many problems such as unemployment, illiteracy, population growth, terrorism etc. Among these problems, a problem which is deep rooted in Indian Society is the problem of dowry system. It has become the everyday news item, no day passes away when we don't hear news relating to dowry death or dowry harassment. The irony lies in the fact that the women in India are worshipped in the form of Shakti; she is burned and harassed by her in-laws every day in one part of the nation or the other. Dowry, in ordinary sense, refers to money, gifts, goods or the other. Dowry, in ordinary sense, refers to money, gifts, goods or estate that wife brings to her husband in marriage. The dowry has a long history in Europe, South Asia, Africa and other parts of the world. The system of dowry is deep rooted in the Indian Society since the early days of the history. This system prevailed in ancient Indian society, in ancient period dowry was the part of the ritual of kanyadan which was very different from modern – dowry. Among the eight types of marriages recognized by smritis, it was only in the Brahma marriage that father gave away his daughter, with such gifts and presents as he could afford, to a man of superior character. In the medieval period, the dowry, which was earlier regarded as dakshina, became an evil, father in order to marry her daughter had to offer money demanded by groom's family. In medieval times, the dowry system had engulfed the society at alarming rate, though it was practiced in the aristocratic and royal families.

Dowry is derived from the ancient Hindu customs of "Kanyadan" and "stridhan". In "kanyadan", the father of the bride offers the father of the groom money or property, etc. whereas for "stridhan", the bride herself gets jewelry and clothes at the time of her marriage, usually from her relatives or friends. In "Varadakshina", the father of the bride presents the groom cash or kind. All of these could be done voluntarily and out of affection and love.

The Hindu marriage system is sacramental. According to this system, a marriage is forever, and there is no scope for a separation. Among the various ceremonies previously practiced, the ceremony in front of a "godly" fire has taken over, the antiquated system of "marrying a wife by capture. This form of marriage began the practice of dowry, where originally, the family of the bride would accept gifts and money from the groom's family as an alternative to bloodshed during the capture of the bride. A later modification of this system has paved away for the present dowry system primarily practiced by the society.

The dowry system continues to rule society. In majority of Indian families, the boy has inheritance rights while the girl is given a hefty sum at the time of her marriage in lieu of the Government regulated equal rights for girls in parental property. The evil of the dowry system has spread its tentacles in almost all parts of the country and sections of society. There are several reasons for the prevalence of the dowry system, but main one is that it is a necessary precondition for marriage. "No dowry, no marriage" is

a widespread fear. There has also been an emergence of a feudal mindset with a materialistic attitude in a new globalized economy. The price tag for the groom is now bigger and bolder. The emergence of an affluent middle class, the torchbearer of social change in modern India, is the main factor for the perpetuation of the dowry system. Families arrange the most marriages, and a man who does not marry for love learns he can marry for possessions. For this man, and his family, a woman becomes the ticket to shortcut riches through the system of dowry. There are a number of things people desire to have in their own houses but cannot afford; they use the opportunity of a son's marriage to get them. The girl's parents do not protest against the blatant extravaganza, as they regard the alliance as a stepping – stone towards higher social status and better matches for the remaining children. Dowry as a phenomenon has gone beyond the ritual of marriage. Pregnancy, childbirth and all kinds of religious and family functions are occasions when such demands are made. A more sophisticated public image of an extended gifting session has replaced the old system. Now, there is demand for receptions in marriage places. The trousseau includes designer wear for the bride and groom's family. Chefs are flown in for multi – cuisine wedding dinners. The bride's family usually pays for all this. The rich revel in the exchange of their black money, but this in turn exerts pressure on the other classes to ape them with serious social consequences. The women have become a kind of commodity. It is them who are the worst sufferers because dowry is the most often a monetary agreement between two men – the bride's father and the groom. Caste – based practices have only added fuel to the fire. Marriages in political families are arranged to consolidate the caste base for support in electoral politics, so they do not challenge the dowry system. Dowry rituals have now spread even to communities where they were unknown. It has gone to different castes, crossed the boundaries of provinces and education and religion. Muslims and Christians, such as the Syrian Christians of Kerala and the Roman Catholics of Mangalore have started demanding dowry.

Official statistics show a steady rise in dowry crimes. More than 9, 5000 women are killed every year in India over dowry. Bihar and Uttar Pradesh still recorded the maximum number of dowry crimes, but Bangalore, India's fastest growing city also shows an alarming rise – four women reportedly died every day because of dowry harassment and domestic violence. The case of dowry torture are the highest accounting for 32.4 % of crimes against women in the country.

The Dowry Prohibition Act, in force since 1st July, 1961 was passed with the purpose of prohibiting the demanding, giving and taking of dowry. In 1980, the Government set up a committee which recommended amendments in the Dowry Prohibition Act and also suggested expanding the definition of dowry and instituting family courts and National Commission for

women. Many parliamentary debates led to some amendments in 1983, 1984 and 1986. To stop the offences of cruelty by husband or his relatives on the wife, Section 498 – A was added in the Indian Penal Code and Section 198 –A in the Criminal Procedure Code in the year 1983. The Dowry Prohibition Act clearly stipulates that a person who gives or takes or helps in giving or taking of dowry can be sentenced to jail for 5 years and fined Rs. 15,000 /- or the amount of the value of the dowry, whichever is more. The Act also prohibits the giving and taking directly or indirectly any property or valuable security, any amount either in cash or kind, jewelry, articles, properties etc. in respect of a marriage. The control is provided by stating a limit and names of gifters and their relationship to the married couple to be signed by both sides of parents. In 1986, the Act was amended again, empowering State Governments to appoint Dowry Prohibition Officers, who not only had a preventive role but also had powers to collect evidence against people who took dowry.

“THE INDIAN PENAL CODE OF 1860 DISREGARDS THE RIGHTS AND ENTITLEMENTS OF WOMEN IN INDIA”

Criminal law of a country, in its quest to preserve social order and solidarity, not only prescribes a set of norms of human behavior but also forbids the human conduct that exhibits disrespect to these norms. It does so by stipulating punitive sanctions for such a conduct. However, this forbidden conduct and the prescribed penal sanction depends upon the socio – moral ethos of a community. Therefore, penal law of a country needs to be appreciated and understood in the backdrop of its prevailing social, moral and cultural values, and political ideologies.

The Indian Penal Code, 1860, was drafted by the first law commission under the Presidentship of T.B. Macaulay. After some further revision it came into effect from 1st January 1862, and by virtue of article 372 of the Constitution, it is still operative in India. The forbidden human conduct and the associated punitive measures mentioned in the IPC. Apply to all people irrespective of them being men or women. When presented in this manner, the IPC seems essentially and inherently gender neutral. This approach, however, does not take into account the differential impact of IPC on men and women due to the differential status socialization and resources available to men and women in reality. A close examination of the extent to which the IPC has followed and incorporated the patriarchal value, ensuring male domination, power and authority is therefore necessary.

Before going into a gender analysis of specific provisions of the IPC, it is imperative to note that the legal language itself tends to marginalize women by saying that ‘he’ includes ‘she’. Very obviously, this marginalization of women in legal language is mere

reflection of her marginalization in real life. The legal discourses referred to women rather patronizingly as a paradanashin woman.

PURPOSE OF THE STUDY

The purpose of this study is to examine factors responsible for dowry system and its impact on Indian Society and provide suggestions to abolish ill effects of this system.

REVIEW OF RELATED LITERATURE

The Dowry System

Traditionally, the custom of Dowry, long entrenched in male dominated society has attained alarming proportions over the last few decades.

According to Goody, "Dowry can be seen as a type of pre-mortem inheritance to the bride." Thambiah defines Dowry as "Wealth given to a daughter at her marriage for the couple to use as the nucleus of their conjugal estate, by and large we can say that dowry in India and Ceylon."

(Srilanka) the notion of female property which technically is and in her own

Control through the husband usually has rights of management".

Dowry normally means gifts given during the marriage to the son – in – law or his parents either in cash or kind. From the point of view of women's status, however, dowry has to be looked at as constituting what is given to the bride, and is often settled before hand and announced openly or discreetly. The gift, though given to the bride may not be regarded as exclusively her property, but includes what is given to the bridegroom before and after marriage; and what is presented to the in-laws of the girl. The practice of giving dowry was meant to assist a newlywed couple to start their life together with ease. However, now it has degenerated into a sordid commercial transaction in which monetary considerations receive priority over the personal merits of the bride. The Dowry system has always given rise to innumerable socio-economic problems of far reaching consequences and wide ranging ramifications. Of late, numerous incidents of bride burning, harassment and physical torture of the young brides and various kinds of pressure tactics being adopted by the husbands / in – laws pressuring for more dowry have compelled the social reformers and the intelligentsia to give serious thought to the various aspects connected with the very institution of dowry. Legislation by itself can not normally solve deep – rooted social problems. Nonetheless, legislation is necessary to exercise educative impact besides providing legal sanctions against this social evil of devastating consequences.

It is in this context that while the Dowry Prohibition Act was enacted in 1961, the Dowry prohibition Act, 1984 was passed to further plug some of the loopholes in the original Act. It came into force 2nd October, 1985, requiring that lists shall be maintained in writing and shall contain a brief description of each present, and whether the person giving the present is related to the bride or bridegroom. The Dowry give and take phenomenon is practiced widely throughout India irrespective of caste and class. In spite of the legal sanctions women have been victims of Dowry harassment and victims of violence due to insufficient dowry given by the bride's family to the groom's family. In India, averages of five women in a day are burned in dowry related disputes and many cases are never reported. This can be attributed to an internalization of prevailing attitudes, which view women as inferior and see them as having only themselves to blame for their predicament. It seldom sees them as victims a form of oppression or of socially prevalent biases.

Sex Determination: Abuse of Advanced Technologies

Various techniques of sex determination have been developed during the last fifteen years. Techniques such as fonography, fetoscopy, needling, chorion biopsy and the most popular one, amniocentesis are increasingly becoming household names in India. Amniocentesis is a scientific technique that was supposed to be used mainly to detect genetic abnormalities, which has become very popular for the detection of the sex of the foetus. For this, 15-20 ml of amniotic fluid is taken from the womb pricking the fetus membrane with the help of a special kind of needle. After separating foetic cells from amniotic fluid, a chromosomal analysis is conducted on it. This test helps in detecting several genetic disorders like mongolism, defects of neotube in the fetus, retarded muscle growth "Rh" in compatibility, haemophilia and other types of abnormalities. This test is to be conducted on women above 40 years because there are higher chances of Mongoloid children produced by such women. In some cases, a determination test is required to identify specific deformities such as haemophilia, retarded muscular growth, which mainly affect males. These tests have had serious implications, which is evident from the provisional results of the Census of 2001 that were released recently. Ratio for the total population of the country has increased from (927 Females per 1000 Males in 1991 to 933 in 2001). The decline is most prominent in relatively prosperous states such as Punjab and Haryana. The combination of the system of patriarchy and feudalism inherent in the traditional dowry system and medical technology tends to perpetuate discrimination against girl babies. Taking cognizance of the link between pre-natal determination tests and the declining ratio among children, the Supreme Court, in a recent judgement, came down heavily on the central and state governments for having failed to implement the prenatal Diagnostic techniques (Regulation for the prevention of the misuse Act 1994). The act which came in to effect in 1996

January, Provided for the regulation of the use of the prenatal diagnostic techniques for the purpose of detecting genetic or metabolic disorders or chromosomal abnormalities or certain congenital malformations disorders and the prevention of the misuses of such techniques for the purpose of the prenatal determination leading to female feticide.

While, factors such as poverty and the dowry system play a crucial role in people's preference for the male child, the bias against the female child among people who are relatively well off needs an explanation. Better living standards do not necessarily ensure a better deal for the female child. According to a documentary film, entitled 'Let Her Die', produced for SBS on female foeticide "India is short of 25 million women". It starts by reporting 'Many individuals in Indian society consider that if in the first instance they have a baby girl it would be considered that if in the first instance they have a baby girl it would be considered bad luck, in the second a disaster and in third a catastrophe'. In the South Indian communities, they believe that 'Bringing up a girl is like watering a neighbour's plant'. What is ironical is that Indian laws lack muscle to enforce them stringently in the community. Their husbands often abandon women if the appropriate amount of 'Dowry' as demanded is not gifted to his family and him. To be a single woman in India with a child is the worst stigma a woman could live with, that is the fate worse than death. With conditions such as these, Indian women justify female foeticide to be the only solution to discrimination that exists for the 'Girl Child' from the minute she is born.

METHODOLOGY

The Ethnographic Atlas is a database on 1,268 societies coded by George P. Murdock and published in successive installments in the journal *Ethnology*, 1962-1980. It gives ethnographic codes and geographical coordinates for all these societies³⁴. The complete version of this data was published in *World Cultures Journal*, Vol. 15, No. 2. This data set is the biggest cross country data set that has roughly comparable anthropological data on societies. It is widely used in anthropology for a wide range of topics to conduct cross country analysis. Thesis like (Harrell and Dickey 1985), (Goody 1973), (Shenk 2007) and references therein have used it to specially check for society wide characteristics that are correlated with the presence of dowry in a society. Economists (for example (Botticini and Siow 2003), (Nunn 2005), (Anderson 2007a) and references therein) looking for factors correlated with dowry have used tabulations from versions of this Atlas.

This data set only has information on the direction of marriage payments and not on the recipient. It also does not have any information on the average size of marriage transfers. There are data sets available on the magnitude of bride price/dowry payments for families/regions in particular societies, but these are

difficult to get into a form that can be comparable across countries. Since the concern is with predicting the presence of dowry a cross country data set like this with information on the social characteristics is particularly useful even without a sense of average payments or whether they are increasing or decreasing in type.

ANALYSIS

Dowry is the money, valuables, goods, estate or property which the bride party gives to the groom's party in exchange of marriage. Dowry system in India has its own background, initially, dowry was an institute in which gifts and presents were given to the girl at the time of her marriage by her parents. The element of compulsion on the part of bride's parents was absent in it. But over the past two centuries, it has undergone changes in its meaning and has an element of compulsion. Today, dowry means the property demanded by the boy's people according to what they think as the value of the boy, from the bride's people. Accordingly, the bride's people as per the oral agreement, pays dowry either before marriage or at the time of marriage or after marriage is performed. Dowry, thus, has become the right of a groom and his parents.

Dowry variations correspond to social-cultural variations in terms of caste, class, family, religion, region, ethnicity and values. Among the lower casts where bride-price system is prevalent or where patriarchal system of family is weak, dowry has not become a social problem. On the contrary, the practice of dowry has become a status symbol especially for the upper castes, agricultural castes and the dominant castes. There are dowry packages among the upper, agricultural and dominant sections of Indian society.

The rapid social changes in terms of industrialization, urbanization, new avenues of education, new employment opportunities, higher standard of living, and sanskritisation and so on have increased the incidence and the dimension and magnitude of dowry. Dowry amounts vary from thousands to crores of rupees. The items to be given and the entire arrangements to be made at the time of marriage are to be carried on in accordance with the wishes of bride-takers, the groom and his parents. Especially, the couple in urban areas demands only those items of dowry which are needed for their newly established household.

Thus the dowry variations occur in relation to social structure, social change and changing cultural values.

Causes for the System of Dowry in India: The factors and forces responsible for the practice of dowry in India are: early marriages for girls, limited field of marriage, hyper gamy, patriarchy, importance of

education a false sense of prestige, materialistic attitude and economic prosperity. Consequences of the of Dowry System: The consequences or demerits of dowry system include: female infanticide, late marriages for some girls, unsuitable matches for girls, lowering of women's status, breakdown of marriage, unhappy married life, tension between two families, increase in immorality, increase in mental diseases, suicide and impoverishment of middle class families by paying heavy dowries and a large number of dowry deaths.

Dowry provides a novel entry point into the dominant discourse of development in Kerala, which highlights gender parity in creditable indicators of literacy, education and health. The oft told story of social development is underpinned by radical institutional change wherein ant feudal caste and class struggle enabled a more democratic form of family (Ramachandran, 1997), an entrenched wisdom that has effectively obscured the transfer of patriarchal authority from feudal to modern conjugal institutions or the emergence of a conjugal regime of power.

Significantly, it was within a conjugal regime of power that women's agency was mobilized towards the task of producing a literate, educated and healthy population. Social reform tied women's interests to caring capabilities, which it posed at once as natural to women but also cultural i.e., to be acquired in order to conform to emerging ideals of womanhood whether as mothers, wives or caregivers in the public domain (Devika, 2005). Drawing on a legacy of social reform, the framework of development legitimized marriage (patrilocal small family) as the appropriate anchor of women's interests as against previous institutional frames, which had privileged the natal (matrilineal) family or the patrilineal joint family (Kodoth and Eapen, 2005).

The shift to a conjugal regime of power is reflected in the gradual decline in women's property rights independent of the conjugal family, a corresponding rise in dowry payments, the orientation of women's education towards domesticity and restrictions on women's employment (Ibid). In this context, the tendency in the mainstream development literature to pose dowry as aberrant or as an unfinished agenda in a linear trajectory of development (Ramachandran, 1997) is entirely at odds with the genealogy of dowry as a modern social practice embedded in the pursuit of development.

CONCLUSION & RESULTS

This study has examined how dowry and dowry-related violence are presented in two Indian newspapers during two weeks in May 2011. By selecting a sample of 34 news items that appeared in The Hindu and The Times of India the study has analyzed the content and the frames of these stories. A large part of the news items that appeared in this

sample were crime reports (83 percent) on dowry-related violence. In these reports the journalists more briefly explained the crime committed with particular focus on the victims, the place and nature of the crime, the persons involved, and the police's contribution. Only a small part of the dowry-related news items that were published in the two Indian newspapers (13 percent) were in-depth stories that discussed dowry in the context of other social problems in the Indian society. The media certainly has power to influence and create awareness of social issues like dowry in the Indian society and may highlight certain problems to policy-makers on the national and international level. Although this study is very limited and it would require a much larger sample to draw any conclusion about newspapers attitudes to dowry-related issues, it may still indicate that journalists employ certain frames when constructing stories about dowry and informing the public about dowry issue in the Indian society.

The aim for choosing certain frames, such as the many crime reports and only a few in depth stories in this sample, may simply be motivated by agendas of newsworthiness. Deeper discussions on dowry as a social and economic problem in the Indian society may not be considered of interest to the public or good for marketability, while crime reports have a more sensational value. The small number of in-depth stories of dowry became newsworthy when they involved the involvement of a high profile in the society or addressed larger public concerns. Although a more comprehensive study of how Indian newspapers select and frame dowry-related is needed, the small sample of this study may indicate that an important social issue like dowry is not always taken seriously by the media, but is addressed for market interests rather than for the purpose of influencing politicians and the general public.

The content analysis of the news items in the two newspapers shows that Indian journalists often provide detailed information about the contexts of dowry-related crimes. Almost all crime reports (92 percent) informed that the victim and/or the victim's parents filed a case against the offender, which in most cases were the husband and the in-laws. It is important to note that the incidents of dowry-related violence which reach the media have often been reported. to the police and the journalists are merely informing about news they have in their turn received from authorities. What is not paid attention to by the newspapers and is difficult to find information about are dowry-related crimes that are conducted in the private sphere and never reported to the police. The high number of cases that are reported to the police and taken to court in this sample may not be representative of a social reality in the Indian society but merely reflect that newspapers merely report on crimes that are already in the hands of legal authorities.

Still one can presume that changing female roles in the society, women's entrance into the labor market and the public awareness and work created by feminist organizations, NGOs, women's groups, social workers and the like, have made Indian women more aware of their legal rights and given them courage to report crimes.

What consequences these legal actions actually will have in a country marked by a complex bureaucracy is however another problem. The crime reports on dowry-related violence in the newspapers of this sample shows that most crimes (83 percent) involved the police and the accused were immediately arrested. The study also shows that a small part (12 percent) of the news items mentioned that the crimes involved court procedures and only a few informed about the penalty of the accused. Given this meager information about the legal consequences of the crimes it is not possible to draw any general conclusion on which role Indian authorities play in the combat of dowry-related violence. The content analysis of the news items, however, seems to indicate that dowry-related violence against women is rooted in complex social and economic factors. This sample shows that still many of the Indian women who have been exposed to violence are bound to patriarchal and patrilineal traditions with weak economic power and lower opportunities in comparison to their men. Even if most crime reports (71 percent) did not detail the economic status of the women, the descriptions of the contexts of the crimes indicate that the women have been in a socially and economically inferior position, dependant on the in-laws or their parents. Some news items mentioned that the woman had access to some economic resources (13 percent) or clarified (17 percent of the crime reports) that the woman was fully dependant on the husband or other relatives.

In summary, I have argued that the act of female foeticide is intrinsically linked to the 'Dowry System', to bring an end to abortions of female fetuses it is essential for Indian communities to bring an end to the ritual of Dowry.

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