

“Dowry – The Cancer of Society”

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Abstract: *The present study is an in depth empirical study of dowry-related offences. It makes a critical analysis of judicial activism-a new development- in liberating women. The specific objective of this paper was to study the socio-educational profile of victims of dowry offences and relate it to the socio-cultural practice of dowry. It also makes an analysis of the laws related to dowry and their effectiveness. The findings of the study show that section 498-A and section 304-B have provided teeth to the Dowry Prohibition Act, 1961, but Article 51-A of the constitution remains ineffective because the socio-cultural norms related to the practice of dowry have remained unchanged and therefore, the practice of giving and receiving dowry continues as such. Even otherwise law abiding citizens are giving and receiving dowry. Adequate social awareness and education is necessary, along with legal punishment, to do away with this evil practice.*

Keywords: *Women, Marriage, Practice, Socio-cultural, Dowry, Offences, Victims, Law, Legislation, Punishment, Awareness.*

I. Introduction:

Women in all societies are the transmitters of history, customs and traditions of their people. From womb to tomb, women are made to pay dearly for their womanhood, and unless some steps are taken to make people appreciate. Discrimination against women begins even before her birth.

“Original sin in the Garden of Eden was Woman’s, she tasted the forbidden fruit, tempted Adam and has been paying for it ever since. In Genesis, the lord said, ‘will greatly multiply thy sorrow and thy conception; in sorrow thou shall bring forth children; and thy desire shall be to thy husband, and he shall rule over thee’”.

Women are the greatest gift of God to humanity. She possesses the power to create what is good and destroy what is bad. Tulisidas; Kalidas, and Surdas, the great Indian poets, were also inspired by their better halves in their literary ventures. Women produce children; women are mothers and wives; women do the cooking, wending , sewing and washing; they take care of men and are subordinate to male authority; they are largely excluded from high status occupations and from positions of power. These generalizations apply, to some degree, to practically every known human society.

India the second highest populous country of the world comprises women as half of its total population. Women of ancient India, especially during the Vedic and Indus Civilization, received a great Devine honor and were worshipped as Goddesses as a part of society she used to perform her independent role, as she was given more prominence in decision-making in the social institutions. Even going by the great epics we find that the position of women was not only on par with that of men, but it was also an authoritative one. Practices like Swayamwara where the women had the freedom to choose her husband from the vast choice on the one hand of a lady in marriage was in practice she was not only a homemaker, but also a decision maker in the early society. Politically also women stood on the same footing as that of men despite the fact that Manushastra had accorded a very low status to women. Later on gradually her position slipped into the abyssal depths that deprived her of independent social, economic and political and thereby made her dependent on the male member of her family.

¹Man and woman are both equal and both play vital roles in the creation and development of their families in particular and the society in general. Indeed, the struggle for legal equality has been one of the major concerns of the women’s movement all over the world. In India, since long back, women were considered as the oppressed section of the society and they were neglected for centuries. During the national Struggle for Independence, Gandhi gave a call for emancipation of women. He wrote- “I am uncompromising in the matter of women’s rights. The difference in sex and physical form denotes no difference in status. Woman is the complement of man, and not inferior”. Thus, the first task in post-independent India was to provide a constitution promises to secure to all its citizens- “Justice-social, economic and political”.

So, what is needed for women in India is gender justice which entails end of discrimination against them and ensuring them equality of status, opportunity and rights, equality before law and equal protection of

¹ J Krishnamurthy (ED>) Women in Colonial India- Essays on survival, work and state. Oxford University Press (1989); KumKum Sangari and Suresh Vaid, Recasting Women: Essays in Colonial History, Kali for Women (1989).

law, while at the same time having regard for their gender-specific needs. A glimpse of Radical Feminism is discernible in the matters of sexual slavery within marriage, rape laws, prostitution, feticides, dowry death etc. These attitudes have been reflected in various articles and papers selected in the books.

Empowerment of women means equipping women to be economically independent and self-reliant in a society in which they act as economic providers and participate in all developmental activities like their fellow men. It is often said that the status and position of women in society is the best way to understand civilization. Empowerment of women and their parity with men in all walks of life and spheres of activity, be it Political, Economic, Cultural or Social is *in qua non* of gender justice. Justice does not distinguish between men and women.

Of all forms of discrimination in society, gender-based discrimination is the most intriguing. This is because this discrimination is not on the basis of racial origin or economic status or ethnic identity. This discrimination is based on social construction of biological differences. A consequence of any form of discrimination is violence. Violence against women is very much rampant in our society. Violence against women is a product of social values, social status of women, and legal protection that women get.

It is said that maturity of a civilization is known from the respect of women get in that civilization. Talking of Indian society, the status of women here is not something we can boast about. Dowry deaths are also result ones of change. Traditionally dowry is meant to be a gift. Marriage is a relationship between two families, and it was not seen from an economic angle. But as social values changed, people developed a more consumerist attitude. Aspirations for better economic status induced grooms to demand dowry. Dowry became a means to an end: better economic condition, and hence better status in society.

Interesting to note in above cases is that as rapid social change takes place, social values change. But ethics and morality cannot catch up. Hence, richness became a measurement of achievement. But the means of becoming rich are not defined in social values. So people resort to unethical and immoral acts for same.

The social evil of dowry is deep-rooted in our society. The offences of Dowry-deaths, dowry-murders, dowry-suicides, demand of dowry etc. are the heinous crimes committed against the women. These offences have created an atmosphere of insecurity for women in the society. Among all communities Hindu community is the most affected one. Dowry has spread like a contagious disease and now assumed alarming proportions. Women who is known as the better half of man or ardhgini, is clutched in the shackles of dowry. Manu, the greatest sage, considered women to be under the dominance of her father in childhood. During adulthood, she is under her husband control and during old age, under her son. He considered that women should never be free. Men ought to dominate over women. Hindu marriage is considered a sacrament. Dowry has been in existence since long and it was considered as one of the features of Indian Marriage.

Violence against women in India:²Religion, customs, age-old prejudices, etc. have put Indian women in a subservient and exploitable position in many domains of life. Low rates of participation in education, lack of economic independence, value biases operating against them, etc., have resulted in the women being dependent on men folk and other institutions of authority like the family, neighborhood and the society. They are usually ignorant of their rights and even if they are not, they do not have easy access to justice. The issues related to women are being raised and discussed in various forums, in the recent times. Of these, ‘violence against women’ is gaining more and more support and recognition, the world over. But despite the enactment of laws, formulation of reformatory legal processes, provision of legal aid to the needy, extensive use of the provision of Public Interest Litigation, conduct of Family Courts, Women/Family counseling centers, etc., women in India has a long way to go in concretizing their Constitutional Goals into reality.

The problem has to be visualized in a wider context and cannot be viewed in isolation from the status of women in the society. Legislation alone cannot by itself solve deep-rooted social problems; one has to approach them in other ways too. Therefore, what is required is not only a strong legal support network but also opportunities for economic independence, essential education and awareness, alternative accommodation and a change in attitude and mindset of society, judiciary, legislature, executive, men and the most important, woman herself. Restructuring society in terms of power and role relationship while emphasizing the egalitarian values is the need of the day. During the national Struggle for Independence, Gandhi gave a call for emancipation of women. He wrote- “I am uncompromising in the matter of women’s rights. The difference in sex and physical form denotes no difference in status. Woman is the complement of man, and not inferior”. Thus, the first task in post-independent India was to provide a constitution promises to secure to all its citizens- “Justice-social, economic and political”^{3,4}. With all her rich cultural antiquity, diversity and heritage, India has also been a country that has

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³ M.K. Gandhi.

⁴ Vandana Singh “Dowry or the living devil in the society”.

suppressed her women. It is ironic to say the least, because Indians have always worshipped their country as a ‘Janani’ or ‘Mother’. On the one hand they worship this mother, and on the other they disregard their sisters, daughters, mothers, and wives.

II. History of Dowry

Originally, the purpose of a dowry was to provide "seed money" or property for the establishment of a new household, to help a husband feed and protect his family, and to give the wife and children some support if he were to die.^[2] A husband thus had certain property rights in his wife's dowry. In addition, the wife might bring to the marriage property of her own, which was not included in the dowry and which was, as a result, hers alone. This property was "beyond the dowry" (Greek: *parapherna*, the root of paraphernalia) and was known as paraphernal property or extra-dotal property.[3]

Even in the oldest available records, such as the Code of Hammurabi, the dowry is described as an already-existing custom. Regulations surrounding the custom include: the wife being entitled to her dowry at her husband's death as part of her dower, her dowry being inheritable only by her own children, not by her husband's children by other women, and a woman not being entitled to a (subsequent) inheritance if her father had provided her dowry in marriage. If a woman died without sons, her husband had to refund the dowry but could deduct the value of the bride price; the dowry would normally have been the larger of the sums.^[4]

One of the basic functions of a dowry has been to serve as a form of protection for the wife against the possibility of ill treatment by her husband and his family. In other words, the dowry provides an incentive to the husband not to harm his wife.

III. Dowry Refers As Below

- **Dowry or Dahej** is the payment in cash or/and kind by the bride's family to the bridegroom's family along with the giving away of the bride (called Kanyadaan) in Indian marriage. Kanyadanam is an important part of Hindu marital rites. Kanya means daughter, and Dana means gift.
- A **dowry** (also known as **trousseau** or **ocher** or, in Latin, *dos*) is the money, goods, or estate that a woman brings to her husband in marriage. It contrasts with Bride Price, which is paid to the bride's parents, and dower, which is property settled on the bride herself by the groom at the time of marriage. The same culture may simultaneously practice both dowry and bride price. Dowry is an ancient custom, and its existence may well predate records of it.⁵
- **Dowry** (Dahej/Hunda) as we all know is paid in cash or kind by the bride's family to the groom's family along with the giving away of the bride (Kanya-dana). The ritual of Kanya-dana is an essential aspect in Hindu marital rites. Kanya=daughter, Dana=gift. The word ‘Hunda’ appears to be derived from ‘Handa’ which means a pot. This could be due to the now extinct practice of offering dowry in a pot.

⁷Dowry system in Indian Marriages can be called the commercial aspect of the marriage. The practice of giving dowry was very common among all people of all nations. A girl gets all the domestic utensils that are necessary to set up a family. Dowry system in India was prevalent since the Vedic period. In Epic period gifts from parents, brothers and relatives and relatives were recognized as women's property-stridhan. According to Kautilya “Means of subsistence or jewellery constitutes what is called the use of property of the woman. It is no guilt for a wife to make use of this property in maintaining her son her daughter-in-law or herself if her absent husband has made no provision for her maintenance”.⁸ Since British rule till date efforts are being put to root out one draconian evil from Indian society that is dowry system but in spite of huge efforts cornered, evil persists in all aspects everywhere in country. Problem is no more confined to one or two states or north Indian states but gained roots in the soil of Southern as well as Eastern states too. Problematic part is that it made its way to all sections, classes, castes, societies and communities. It permitted even to tribal societies known for primitive egalitarianism and gender equality and to Muslim community too. Strong legislation, laws and women's movements, every attempt to resist it has been thwarted by the wide social sanction accorded to this illegal practice.

Roots of dowry date back to the time when man started living a civilized life. Originally it intended just to give a support and security to new couple who start their married life. It also signified an alternative to inheritance for woman. In periods of time it distorted its face and but its worst face comes to the fore in present society where parents pass their whole life under debt to pay dowry in the marriages of their daughters which also results in murders and suicides of the daughters. Rising dowry death toll in recent years reflects the grimness of the problem. Reasons behind huge dowry demands are counted by experts mainly the lack of economic rights of woman, denial of property rights and basic civil rights such as right of marriage of own

⁵ www.wikipedia.com women and dowry search.

⁶ Hindu Social Customs by Sudheer Birodkar.

⁷ “Dowry system in India”indianetzone.com

⁸ Pallavi Sharma “Dowry system a curse on Indian Society”.

choice, land rights and education. Social mental set up also works behind it such as in Indian society girls are considered a liability while boys as assets. Culturally sons are preferred. This accords a secondary social status to women. Nalini Singh says that a woman has ‘Zero political statuses in family. They are considered to be a compensation for that ‘worth deficiency’. Several surveys reveal that dowry cases have risen drastically within last 10 to 15 years.

It is considered that dowry system was facilitated by economic liberalization. Sudden rise in dowry cases is also linked to the rising consumerist culture and according to the report of (AIDWA), All India dowry workers association, and the natural tendency of human to have easy access to the consumer goods which was prompted by the varied choices of consumer goods available in the market. Heightened incidents of dowry can be attributed to the changing economic structure of society consequent social polarization.

Dowry is not the only problem of Indian society, attached to it is the whole bunch of corresponding evils. International women’s conference in Australia accepted that female feticide is directly related to dowry. Middle and lower middle income groups who are not able to fulfill the demand of dowry think it wise to nip in the bud. Domestic violence is another consequence of this evil. This colossal problem persists even after centuries, is mainly because stringent laws alone cannot bring change at level of mentality of people for that mass movement needs to be initiated. Mass awareness is to be created. Hundreds of dowry deaths are closed as just kitchen accidents or suicides. Around 40 percent women married happen to be below eighteen years of age and illiterate thus not in position to assert themselves. Their voice remains unheard in society.

Lack of political participation due to social-economic constraints is another reason why woman has not been able to assert herself and protect against this evil. This is also considered the failure of male-oriented polity by some experts. Due to all these disadvantageous position of woman, we fail to solve this problem even after all attention and focus on it. Women’s education and enhanced participation in political process, position in decision-making bodies will improve the situation. They need to be provided with shield of protection which should not be blunt like present laws but Dowry originated in upper caste families as the wedding gift to the bride from her family. The dowry was later given to help with marriage expenses and became a form of insurance in the case that her in-laws mistreated her. Although the dowry was legally prohibited in 1961, it continues to be highly institutionalized. The groom often razor sharp that could really help them and prevent them from taking such extreme steps as taken by Pooja Chauhan of Rajkot.⁹

Demands a dowry consisting of a large sum of money, farm animals, furniture and electronics. The practice of dowry abuse is rising in India. The most severe in “bride burning”, is the burning of women whose dowries were not considered sufficient by their husband or in-laws. Most of these incidents are reported as accidental burns in the kitchen or are disguised as suicide. It is evident that there exist deep rooted prejudices against women in India. Cultural practices such as the payment of dowry tend to subordinate women in Indian society.

The immune approach of the stronger world to its weaker counterparts has to be countered with strong arm methods of the state power. In an enlightened age such as this people in public life are sufficiently sensitized to this issue and more and more legislation come up to stop stronger people from riding over the weak and meek. India too has several legislations that have become Acts to protect its women folk. Considering the evils of dowry system, the dowry prohibition Act 1961 was passed in India. According to the Act if a person gives or takes dowry then he directly or indirectly dowry from the guardians of the wife after the marriage has been solemnized then such a person is liable to be punished for an imprisonment of six months and a fine of Rs.5000.

The investigation in dowry cases should preferably be entrusted to women police officers as far as possible because they are expected to be socially and psychologically more equipped to handle such cases. Dowry being a socio-legal problem cannot be tackled by law alone unless members of the society come forward and actively co-operate with the law-enforcement agencies. There is the urgent need to create social awareness and mobilize public opinion against dowry through an intensive educational programme at all levels, particularly in the rural pockets. More recently, a number of voluntary (non-governmental) agencies and social organizations are doing a commendable work in helping the dowry victims and exposing the perpetrators of this crime with the necessary help of community assistance and guidance. The legal aid workers, including the law teachers and students, should also take the initiative in the dowry eradication campaigns through an intensive legal literacy programme not only in the cities and the towns but in remote village areas as well. Of late, with the growing importance of human rights jurisprudence, the Human Rights Commission is also seized with the problem of crime against women and its expanding dimensions. Timely intervention by the local agencies of the commission in dowry-related crimes would certainly contribute to improving women’s conditions and bringing about peace in the matrimonial homes. The Women Commission, established in 1993,

⁹ Dowry system a curse on Indian Society, Pahlavi Sharma New Delhi.

should also take a lead in this direction. The Commission should, however, be endowed with statutory powers and authority to bring the culprits of dowry crimes to book and provide adequate to dowry victims. **Literature**

Review of Literature:

Nature created woman different from men with a definite purpose. Balance is stillness and stagnation; imbalance is motion and progress. Nature designed life and action by means of the imbalance brought about in the traits of men and women. In the process, women find themselves at the receiving end. They ended up as the weaker half of society by their very nature and are naturally handicapped in a world of men, by men, for men. In theory they are respectable but in practice they are the subjects of cruelty, ill-treatment, and all sorts of misbehavior of males. The vulnerability of the women as a class has nothing to do with her economic independence. The women have been a victim irrespective of her economic background¹⁰.

The present study focuses about the **problem of Dowry Violence**. So keeping this in view the researcher had attempted to review the literature related with the practice of dowry in the society and related with the dowry cases. Dowry and women against women-though, assumed importance as indicators of women’s status-could generate few studies, particularly, in the Metropolitan areas. Accounts on the Perceptions on Dowry by Dermont (1959), Mukherjee (1961), Goody and Thombaih(1973), Nair (1978), Menon (1980), Sharma & Singh (1980) and the social attitude towards dowry was explored by Hooja (1969), Khanna and Varghese (1978), Rao and Rao (1980), Ahuja (1982), Devi (1983), Anna Mathew (1987).

May 27: Young housewife burnt alive for dowry

LUCKNOW: For nineteen-year-old Rinki dreams of a happily married life was never to be. Barely a month after her marriage, she was allegedly tortured and then set ablaze by her in-laws for dowry in Indiranagar in the small hours of Saturday. Daughter of late Gyan Chand, a fish contractor who expired a year ago, Rinki was married to Anil on April 19... However, soon after the marriage, Balakram [Anil’s father] demanded a color television instead of a black and white one and a motorcycle as well. When Rinki’s mother failed to meet their demands, the teenage housewife was subjected to severe physical torture, allegedly by her husband and mother-in-law... On Saturday morning she [her mother] was informed that Rinki was charred to death when a kerosene lamp accidentally fell on her and her clothes caught fire. However, prima-facie it appeared that the victim was first attacked as her teeth was found broken. Injuries were also apparent on her wrist and chest.

June 7: Woman ends life due to dowry harassment

HAVERI: Dowry harassment claimed yet another life here recently. Jyoti, daughter of Chandrashekhar Byadagi, married to Ajjappa Siddappa Kaginelle in Guttal village (Haveri taluk) had taken her life after being allegedly harassed by her husband Ajjappa, mother-in-law Kotravva, sister-in-law Nagavva and father-in-law Siddappa for more dowry, the police said. Police said that the harassment compelled her to consume poison... The Guttal police have arrested her husband and father-in-law.

June 7: Body found floating

HAVERI: The police said that a woman’s body was found floating in a well at Tilawalli (Hanagal taluk) near here... The deceased has been identified as Akhilabanu Yadawad (26). The police said that Akhilabanu was married to Abdul Razaksab Yadawad five years ago. In spite of dowry being given, her husband and his family tortured her to bring some more dowry. Her father, Abdulrope Pyati in his complaint, alleged that she was killed by them. Her husband and his two brothers have been arrested, the police added. These three chilling reports from the *Times of India* are typical of the many accounts of dowry-related deaths that take place in the country every year. One cannot help but be struck by the offhand way in which a young woman’s life and death is summed up, matter of fact, without any undue cause for alarm or probing of the causes. It is much as one would report a traffic accident or the death of a cancer patient—tragic certainly, but such things are to be expected.

The character of the articles points to the fact that the harassment, beating and in some cases murder of women over dowry is both common and commonly ignored or even tacitly condoned in official circles—by the police, the courts, politicians and media. These crimes are not isolated to particular groups, social strata, geographical regions or even religions. Moreover, they appear to be on the rise.

According to an article in *Time* magazine, deaths in India related to dowry demands have increase 15-fold since the mid-1980s from 400 a year to around 5,800 a year by the middle of the 1990s. Some commentators claim that the rising number simply indicates that more cases are being reported as a result of increased activity of women’s organizations. Others, however, insist that the incidence of dowry-related deaths has increased.

An accurate picture is difficult to obtain, as statistics are varied and contradictory. In 1995, the National Crime Bureau of the Government of India reported about 6,000 dowry deaths every year. A more recent police report

¹⁰ Crime against women, R.K. Data, Reference press Publications.

stated that dowry deaths had risen by 170 percent in the decade to 1997. All of these official figures are considered to be gross understatements of the real situation. Unofficial estimates cited in a 1999 article by Himendra Thakur “Are our sisters and daughters for sale?” put the number of deaths at 25,000 women a year, with many more left maimed and scarred as a result of attempts on their lives.

Some of the reasons for the under-reporting are obvious. As in other countries, women are reluctant to report threats and abuse to the police for fear of retaliation against themselves and their families. But in India there is an added disincentive. Any attempt to seek police involvement in disputes over dowry transactions may result in members of the woman’s own family being subject to criminal proceedings and potentially imprisoned. Moreover, police action is unlikely to stop the demands for dowry payments. Many of the victims are burnt to death—they are doused in kerosene and set light to. Routinely the in-laws claim that what happened was simply an accident. The kerosene stoves used in many poorer households are dangerous. When evidence of foul play is too obvious to ignore, the story changes to suicide—the wife, it is said, could not adjust to new family life and subsequently killed herself.

Research done in the late 1990s by Vimochana, a women’s group in the southern city of Bangalore, revealed that many deaths are quickly written off by police. The police record of interview with the dying woman—often taken with her husband and relatives present—is often the sole consideration in determining whether an investigation should proceed or not. As Vimochana was able to demonstrate, what a victim will say in a state of shock and under threat from her husband’s relatives will often change markedly in later interviews. Of the 1,133 cases of “unnatural deaths” of women in Bangalore in 1997, only 157 were treated as murder while 546 were categorized as “suicides” and 430 as “accidents”. But as Vimochana activist V. Gowamma explained: “We found that of 550 cases reported between January and September 1997, 71 percent were closed as ‘kitchen/cooking accidents’ and ‘stove-bursts’ after investigations under section 174 of the Code of Criminal Procedures.” The fact that a large proportion of the victims were daughters-in-law was either ignored or treated as a coincidence by police.

In August 1998, there were 1,600 cases pending in the only special court in Bangalore dealing with allegations of violence against women. In the same year three new courts were set up to deal with the large backlog but cases were still expected to take six to seven years to complete. Prosecution rates are low. *Frontline* reported the results of one court: “Of the 730 cases pending in his court at the end of 1998, 58 resulted in acquittals and only 11 in convictions. At the end of June 1999, out of 381 cases pending, 51 resulted in acquittals and only eight in convictions.”

Even though MANUSHI played a leading role in bringing national attention to domestic violence and the role dowry has come to play in making women's lives vulnerable, after nearly 28 years of experience with these issues, I have come to the firm conclusion that the terms 'dowry death' and 'dowry violence' are misleading. They contribute towards making domestic violence in India appear as a unique, exotic phenomenon by giving the impression that Indian men are the only ones in the world to use violence based on astute and rational calculations. By this logic, it would appear that men in all other parts of the world are truly stupid because they beat and kill their wives without any benefit accruing to them, whereas Indian men attack their spouses in the expectation of extorting financial rewards from their in-laws.

Stridhan, as per Hindu customary practice, is that portion of wealth, which is the exclusive property of women and passes from mother to daughter. It includes gifts of money, property, jewelry or a share in a family business given to a woman as a daughter, sister, wife or daughter-in-law. It also covers wealth generated through her own enterprise or any other wealth accruing to her due to her own effort or by inheritance. It includes, but is not limited to, gifts or wealth given to a daughter at the time of her marriage. It also includes gifts given to her by her in-laws. A key-defining characteristic of *stridhan* is that no one in the family can touch it, except if the woman concerned voluntarily gifts a portion to someone. In the natural course, *stridhan* passes from mother to daughter and if in a contingency a male member uses a part of a woman's *stridhan*, he is expected to return it with interest.

The traditional *stridhan* given at the time of a daughter's marriage was determined by predictable norms within each community and was more in the nature of pre-mortem inheritance for the daughter that usually included items such as gold, cows or even a piece of land, along with a few clothes and utensils. Up to my grandmothers' generation, community norms decided the gifts given to a daughter. By my mother's generation dowry had started emerging as a problem because marriage alliances began to be made on the basis of a groom's potential income and status in the 'modern' economy rather than traditional notions of *stridhan*.

Traditional *stridhan* gives women stronger and inalienable rights to a portion of wealth in both parental and marital families. By contrast, dowry is a device for disinheritting daughters from parental property, as discussed in the articles, "To Ensure Her Happiness or to Disinherit her?" and "Dowry Calculations." (See MANUSHI No. 34, 1986 and No. 78, 1993. This theme is also dealt in my film: *Dahej: Zaroorat ya Majboori?* Available on CD from MANUSHI.). Modern inheritance laws also fall short of *stridhan* because they allow daughters and wives to be disinherited at will. The provision of 'free will' was included in the Hindu Succession

Act of 1956 specifically with a view to giving the power to fathers to disinherit their daughter. (For a detailed analysis see, 'Myth Vs Reality: The Hindu Code Bill', Economic Political Weekly, Vol. XXIX, No. 33, August 13, 1994).

Therefore, misplaced hostility to traditional cultural norms, including those like *stridhan* that gave women strong rights, results in ill-conceived campaigns that cause further harm to women. Punishment for such a poorly defined and conceptualized law is heavy and draconian; the anti dowry law is being widely misused by unscrupulous families, policemen and lawyers.



Unlike *stridhan*, which was the exclusive property of the woman, the present day dowry includes gifts and wealth given at a daughter's wedding, not just to her but to her husband, in-laws and his relatives as well as household goods required for setting up the house. These vary from simple gifts of clothing and small items of jewelry for the woman, to exorbitant sums in cash or expensive pieces of property to the groom and his parents.

The amount of dowry commanded by a groom has more to do with his social status, income potential and social-familial connections than with the perceived share of a daughter in her parental property. Thus that part of wealth, which is given to the groom and his family, has acquired the form of groom price because it is an offering for seeking an alliance with a family with lucrative potential. Not surprisingly, men in those government jobs such as the Indian Administrative Service (IAS) and the Indian Police Service (IPS), which command the highest bribes and unlimited avenues for looting the public as well as robbing from the public exchequer and appropriating resources such as land allotments and business contracts, command the highest dowries. If in a family one son is an IAS officer, his dowry will be substantially higher than that of his brother who may have managed to get nothing more than a schoolteacher's job.

Contemporary dowry is more like an investment by the bride's family in the hope of plugging into powerful connections and money-making opportunities. Marrying a daughter to such a man may mean upward mobility for her entire natal family, especially brothers, because they may secure huge benefits through this connection.

The component of dowry that still retains some resemblance to the traditional *stridhan* involves the bride's trousseau, gold jewelry, household goods and any property that her parents might put in her name. But even this does not always remain in her control, leading to bitter tussles. It is not uncommon for a groom's family to keep a part of this dowry for their own daughter's wedding or treat the household goods as offerings made to the family, rather than being reserved for the bride.

Many people are too quick to blame "male supremacy" and Hindu scriptures like *Manu Samhita* as the cause of dowry and bride-burning. A conspicuous exception is the Assamese Hindu community, which still carries the burden of male supremacy and *Manu Samhita*, but they have neither widow burning (Sati) nor the practice of dowry and associated bride-burning. In the geographical distribution of dowry death cases, we have observed that dowry and bride-burning is most rampant in north India. People of north India have carried the practice of dowry to their new homes in UK and USA. A striking exception is South Africa. There is no dowry among the north Indians who immigrated to South Africa about 150 years ago. These exceptions need to be researched in great depth. The solution to the problem may be hidden behind these exceptions.

In 1961, under the leadership of the late Prime Minister Jawaharlal Nehru, the Parliament of India declared the practice of dowry illegal by passing a law called "Dowry Prohibition Act". But the tradition is so strong that the law could not eliminate the practice. Dowry has continued in secret and in full force, escalating apace with rising consumerism and the enormous power of black money in India.

A recent survey of 10,000 Indian women conducted by India's Health Ministry found that more than half of those interviewed considered violence to be a normal part of married life—the most common cause being the failure to perform domestic duties up to the expectations of their husband's family.

Historian Veena Oldenburg in an essay entitled "Dowry Murders in India: A Preliminary Examination of the Historical Evidence" commented that the old customs of dowry had been perverted "from a strongly spun safety net twist into a deadly noose". Under the burden of heavy land taxes, peasant families were inevitably compelled to find cash where they could or lose their land. As a result the dowry increasingly came to be seen as a vital source of income for the husband's family.



When one raises the issue of marital violence and abuse due to dowry demands many have responded with the counter question: "Are you suggesting that women get beaten, abused and murdered only in India and that too only among communities that give dowry? Don't women in America, Europe, Australia, the Philippines, and Africa also get beaten and killed, even though in these countries dowry giving is not an issue?" Most women are in favour of a reasonable amount

of dowry being given provided the groom's family does not put undue pressure on her natal family with additional extortionate demands.

There is a definite market in India for brides and grooms. Newspapers are filled with pages of women seeking husbands and men advertising their eligibility and social prowess, usually using their caste as a bargaining chip. A “good” marriage is often seen by the wife’s family as a means to advance up the social ladder. But the catch is that there is a price to be paid in the form of a dowry. If for any reason that dowry arrangements cannot be met then it is the young woman who suffers.

Efforts to assign direct economic reasons (economic value of women, demand and supply, and other economic forces) to the practice of dowry and bride-burning are negated by the fact that, thanks to female infanticide, feticide and selective abortion with modern sonar test, the number of women are less than men in the dowry-infested areas of India, compared to eastern states like Meghalaya, Manipur where women outnumber men.

The other side of the dowry equation is that daughters are inevitably regarded as an unwelcome burden, compounding the already oppressed position of women in Indian society. There is a high incidence of gender-based abortions—almost two million female babies a year. One article noted the particularly crass billboard advertisements in Bombay encouraging pregnant women to spend 500 rupees on a gender test to “save” a potential 50,000 rupees on dowry in the future. According to the UN Population Fund report for the year 2000, female infanticide has also increased dramatically over the past decade and infant mortality rates are 40 percent higher for girl babies than boys.

Advocates of the dowry system point to the fact that the situation has worsened in the 1990s. As the Indian economy has been opened up for international investment, the gulf between rich and poor widened and so did the economic uncertainty facing the majority of people including the relatively well-off. It was a recipe for sharp tensions that have led to the worsening of a number of social problems.

One commentator Zenia Wadhvani noted: “At a time when India is enjoying unprecedented economic advances and boasts the world’s fastest growing middle class, the country is also experiencing a dramatic escalation in reported dowry deaths and bride burnings. Hindu tradition has been transformed as a means to escaping poverty, augmenting one’s wealth or acquiring the modern conveniences that are now advertised daily on television.”

Domestic violence against women is certainly not isolated to India. The official rate of domestic violence is significantly lower than in the US, for example, where, according to UN statistics, a woman is battered somewhere in the country on average once every 15 seconds. In all countries this violence is bound up with a mixture of cultural backwardness that relegates women to an inferior status combined with the tensions produced by the pressures growing economic uncertainty and want.

In India, however, where capitalism has fashioned out of the traditions of dowry a particularly naked nexus between marriage and money, and where the stresses of every day life are being heightened by widening social polarization, the violence takes correspondingly brutal and grotesque forms.

IV. Research methodologies

- **Research Design and Methodology**

In this study descriptive cross-sectional study design, both quantitative and qualitative methods and multistage–systematic random sampling technique were used.

Scope and limitations of the Study:-The focus of the present study is on the Socio-Economic, Cultural and religious aspects which effect or influence on the women’s rights and the reasons of causing various problems for women victims of Dowry .For the better understanding of the present study, it would be necessary to grasp the information regarding the offences related with dowry imposing major obstacles to lead a healthy family life in the familial atmosphere.

The rising incidences of crimes and violence’s against women are compounded by the massive challenges of caste, ethnic, conflict, religious and revivalist forces. Because of illiteracy and poor out-reach of legal services; women are more often than not ignorant about their rights. In fact there is over whelming evidences to indicate a wide gap between the constitutional mandates and disturbing trends in social reality. The governmental apparatus and society do not appear to have come to terms with the implications of this study area.

Since the scope of domestic violence against women is very wide, the researcher has confined the study only to the dowry related offences covered under sections 302,304-B, 306, 34,498-A of IPC and the relevant provisions of the Dowry Prohibition Act and the new laws on the Dowry violence .Cases on only dowry related offences, reported in the Shivamogga district from 2001 to 2010 will be taken up for the detailed study on dowry related offences. Due to time and energy constraints the primary data will be collected only from the

victims of dowry related offences which occurred between 2001 and 2010. The study intends to cover only Shivamogga District.

V. Statement Of The Problem

The social evil of dowry is deep rooted in our society. The offences of dowry, dowry-death, dowry-murders, dowry-suicides, demand of dowry etc. are the heinous crimes committed against the women. The researcher has selected the topic “**SOCIO LEGAL PERSPECTIVE OF DOWRY-A STUDY**” (With Special Reference to Shivamogga District) with the object of making an in depth study of the problem of dowry in general and an empirical study of dowry related offences in particular. A modest attempt is made to analyze critically the new trends set by the judicial activism in liberating women from the onslaughts of men.

The specific objectives of the study are as follows:-

- I. To know their view on causes/purposes of dowry.
- II. To access the level of dowry practiced by them.
- III. To study and analyze how the concept of dowry changed with the passage of time.
- IV. To find out the causes for the acceptance of such a cruel practice by the society.
- V. To sociologically analyze whether there is possibility of misuse of the provisions relating to dowry.
- VI. To examine the socio-cultural aspect related with the system of dowry.
- VII. To study the various modes adopted by the bride or her in-laws to end her life.
- VIII. To analyze the number of dowry death, dowry murder, suicide, dowry violence and crimes under dowry Prohibition Act in the study area.

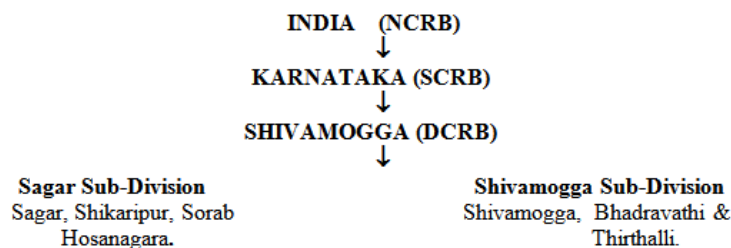
I. Hypothesis:-

The following hypotheses are formulated for the purpose of the study:-

- The vicious circle that focus many to accept dowry.
- Every parents desire his/her daughter to be married into the highest social group to keep up or to add to his/her prestige.
- Higher the level of education higher the demand of dowry, lower the education lesser the price of dowry, it has become the status symbol.
- Existing laws on dowry are deficient and inadequate.

Study Universe & Sample:-

The Present study aims at studying the “**SOCIO LEGAL PERSPECTIVE OF DOWRY**”-A Study with Special Reference to Shivamogga District Focuses the Dowry Problem in various spheres of Shivamogga District. Thus, the study is expected to carry out by the researcher in selected taluks of Shivamogga district. Shivamogga district is divided into 2 sub-divisions and 7 Taluks. The Sagar Sub-division comprises the talukas of Sagar, Shikaripur, Sorab and Hosanagara while the Shivamogga Sub-division comprises the talukas of Shivamogga, Bhadravathi and Thirthalli.



Tools and Techniques for Data Collection

• Tools

Following tools were used during the data collection process.

Interview Questionnaire

The structured and semi-structured interview schedules were used to collect the data to explore the causes of Dowry.

Focus group discussion guideline

Focus group discussion guideline was developed as a tool to identify root causes of dowry and its situation in that community.

Techniques

Following data collection techniques were applied to collect primary data for the study:

Interview:- Interview was taken with the head of the sampled household. During this process equal participation of male and female was taken into consideration.

Focus group discussion (FGD)

FGDs were done with the mother in law & father in law group, newly married couples, adolescent group and key persons the study area.

Case Study:-Some case studies were also done for the verification of collected information.

According to the preliminary survey report collected by the District Crime Records Beuro, Shimoga Police Commissioner’s Office, From the year 2001 to 2010 the cases registered under 498(A) IPC and 498(A) DP Act statistic is as below

YEA R	Reported	False	Transferred	Punishment	Decided	Settlement	Enquiry	Investigation
2001	134	08	08	07	88	08	07	02
2002	159	01	01	04	131	08	11	03
2003	127	02	04	03	84	07	2	05
2004	107	08	04	07	55	05	19	03
2005	158	04	06	10	93	07	32	06
2006	191	05	05	04	87	06	93	01
2007	158	03	06	02	52	06	85	04
2008	207	04	10	01	33	01	157	01
2009	255	03	15	02	05	-	193	37
2010	48	01	-	-	-	-	19	28

From the above statistics and the picture below the problem of dowry is more strengthening day to day and the laws which are prevailing in India should also be strengthened.



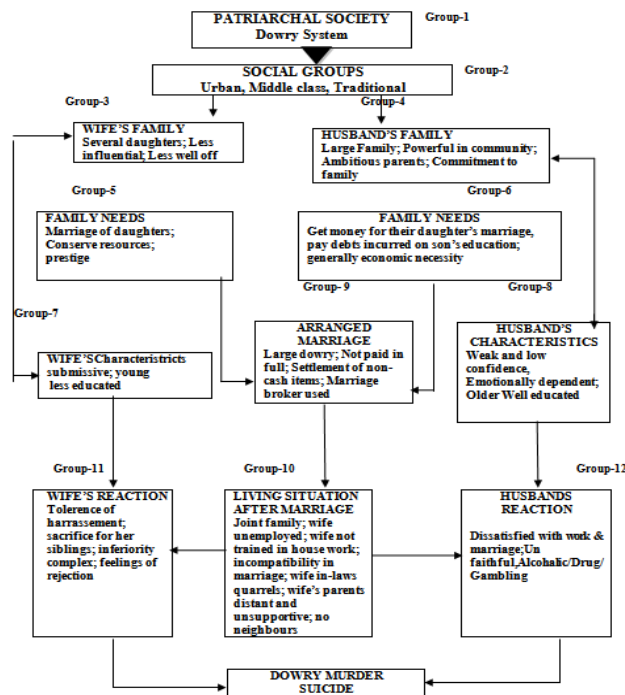
The Picture intends to explore the various practices of dowry in the society

The dowry system is responsible to a great extent for child marriage and discrimination against girls. If a girl is married at a tender age, a small amount of dowry will work, but if the girl is educated and qualified, she needs an equal amount of dowry to get a bridegroom of the same status.

Unfortunately, the dowry system is still prevalent in India despite the provision in the Dowry Prohibition Act 1961. it says that: "If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more."

In my view, it is mainly because of lack of awareness that women have been turned into a saleable commodity. Most of the women are not educated enough to defy the pre-established social norms. Even those who are educated are continuing this ugly tradition in the name of social prestige.

**SOCIOLOGICAL MODULE OF DOWRY PROBLEM IN INDIAN SOCIETY
Model**



V. Conclusion:-

Dowry as well as bride price humiliate and dehumanize women in India. It is true that the increasing coercive character of dowry has led to a decline in the status of women. But it must be pointed out that contrary to popular wisdom; women do not have a higher status in those castes and communities where dowry and bride price is paid for them. Though laws are necessary to provide basic rights and to punish offenders, what is required is a more holistic approach to dealing with the phenomenon of violence against women, particularly in Dowry and Bride Price. For all watching this, raise your voice against dowry. Resist taking and giving dowry.

The practice of dowry abuse is rising in India. The most severe in “bride burning”, the burning of women whose dowries were not considered sufficient by their husband or in-laws. Most of these incidents are reported as accidental burns in the kitchen or are disguised as suicide. It is evident that there exist deep rooted prejudices against women in India. Cultural practices such as the payment of dowry tend to subordinate women in Indian society. Though prohibited by law in 1961, the extraction of DOWRY from the bride's family prior to marriage still occurs. When the dowry amount is not considered sufficient or is not forthcoming, the bride is often harassed, abused and made miserable.

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