
A REVIEW ON INDIA'S DOWRY SYSTEM

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ABSTRACT

It is a well-known truth that dowry is a custom or tradition with a long and illustrious history dating back to ancient times. Furthermore, the system is not linked to any specific religion in India; it is a widely used system that is followed across the country. The purpose of this article is to concentrate on the idea of dowry, its historical context, and issues associated with it. The article also goes through the terms of the Dowry Prohibition Act of 1961, as well as other laws. In addition, the article discusses some of the system's fundamental advantages and disadvantages. Dowry is defined as the giving and receiving of wealth/money or offerings/gifts from the bride's side at the time of marriage as a sign of caring and receiving that unites both families. Marriage is seen to be a deeply established institution and cultural practise, having meanings that shift with the times. It is fair to claim that it is the one bad tradition that has been effectively combated in the Indian system. It has left its mark on Indian history.

KEYWORDS: *Dowry, Death, Offence, Legislation, Women.*

1. INTRODUCTION

Women's status is one of the most important determinants of a country's growth and development. It is impossible for any civilised society to continue to grow unless women are treated with respect. Other crimes against women, including as female foeticide, female infanticide, dowry deaths, brutality by husbands and family, and bride burning, are made possible by the dowry system. Furthermore, although it is still widely believed that weddings are created in heaven, it is also true that family members and other relatives have a role in the breakup of marriages for the sake of dowry. Dowry death, murder-suicide, and bride burning are all symptoms of a strange social illness that is a regrettable trend in our culture. Since it is practised by virtually every segment of society, irrespective of religion, caste, or creed, India has seen the dark horrors of the dowry system in a more severe form in almost all regions of the nation during the previous several decades. Not only are married women tormented, humiliated, assaulted, driven to commit suicide, and ill-treated on a daily basis, but many are even burned to death because their parents are unable to fulfil dowry demands. Regrettably, the idea has evolved from a love symbol to a terrifying nightmare throughout the years. It is thought that the idea of dowry was created to protect women, but it has or seems to have become otherwise. It would not be incorrect to state that death as a consequence of dowry may be regarded as one of the forms of abuse that women in India face.[1]–[3]

1. Dowry:

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bridegroom, not greed and extortion as it is shown in the current situation. The term 'Varadakshina' was used in ancient texts such as Hindu Shastras to refer to a kind of 'Dakshina', a completely voluntary contribution; it was also regarded one of the essential rituals to complete the act of 'Kanyadanum'-giving away the bride in marriage. It should be noted that the bride's parents were guaranteeing her stability via the dowry, allowing her to have a respectable and peaceful relationship with the groom's family[4].

In today's world, dowry is demanded not only in monetary terms, but also in terms of modern parameters such as the provision of television sets, washing machines, refrigerators, motorcycles, various types of kitchen items, as well as electronic devices such as video cassette recorders and automobiles. The current tendency is for such requests to last for months, if not years, even after marriage. At this time, it is clear that what has occurred is that it has deteriorated; it now just signifies money and a good level of life for the groom's family!! As a consequence, increased demand for money may occasionally lead to non-fulfillment, which can lead to extreme abuse and harassment, which can lead to suicide and even murder. For the simple reason that the groom's family regarded it a source of pride and her dowry inadequate, murder has become a frequent element in the year after an arranged marriage[5]–[7].

2. Concept of Dowry:

A dowry is the transfer of parental property, gifts, or money when a daughter marries. Dowry is distinct from the related terms bride price and dower. While the groom or his family pays the bride's parents a bride price or bride service, dowry is the wealth transferred from the bride's family to the groom or his family, ostensibly for the bride. Similarly, dower is the property that the groom bestows on the bride at the time of marriage and which she retains ownership and control of. Dowry is a long-standing custom that may well predate written records. In some parts of the world, primarily in Asia, Northern Africa, and the Balkans, dowries are still expected and demanded as a condition of accepting a marriage proposal. In some parts of the world, dowry disputes can lead to acts of violence against women, such as murder and acid attacks. Dowry is most commonly practised in cultures that are strongly matrilineal and expect women to live with or near their husband's family. In Europe, South Asia, Africa, and other parts of the world, dowries have a long history. Dowry is the money or property that a wife or her family gives to her husband when the wife and husband marry in some cultures, according to Merriam-Webster dictionary. Dowry, according to the Oxford Dictionary, is the amount of property or money brought by a bride to her husband on their wedding day[8].

3. Dowry Deaths: A Problem:

The term dowry deaths may be a catch-all term for a variety of tragedies; for example, one of the most common ways to get rid of a woman (bride) is to suffocate her with kerosene or gas, which can then result in an accident or suicide, for the simple reason that the act is carried out behind closed doors. Furthermore, no proof will be presented, and no witness will be found to contradict such allegations. When looking at data on dowry fatalities, it can be shown that although there were few instances reported at first, the 'reporting' ratio has risen with time. Despite these reports and high numbers, many instances go unreported because the bride's family or relatives see it as a humiliating conduct that would harm their names and standards in society.

4. Dowry Prohibition Act:

The Dowry Prohibition Act, 1961 is legislation with at least 10 parts to convey its objective of banning dowry giving and receiving. Demanding dowry has been made a criminal offence under Section 498-A, which was added by the Amendment Act; under the preview of this Section, the husband or the husband's relatives in the family who are involved in such cruelty shall be punished with imprisonment for a term that may extend to three years, as well as a fine.

The Act was changed in 1984 and 1986. It is applicable to the whole Indian subcontinent. In Section 2 of the Act, the term Dowry is defined as any property or valuable security given or agreed to be given, either directly or indirectly, by one party to a marriage to the other party to the marriage; or by the parents of either party to a marriage or by any other person, either party to the marriage or to any other person, either party to the marriage or to any other person; at or before or any time after the marriage. Furthermore, the word "valuable security" has the same meaning as in section 30 of the Indian Penal Code.

According to *Shanti v. State of Haryana*, the term "dowry" has no definition outside of Section 2 of the Dowry Prohibition Act, 1961; further, payments that are customary in nature, such as those given at the time of childbirth or in any other ritual functions common in various societies, are not covered by dowry. In *Raminder Singh v. State of Punjab*, it was determined that, in the present circumstances, Dowry may be construed as a demand for anything, whether direct or indirect. Section 3 of the Act also deals with the penalty for taking and giving dowry, which was amended by the 1984 Act; according to this Act, anyone found giving or taking dowry after the commencement of this Act shall be punished for a term of not less than five years and a fine of not less than Rupees 15,000/- or equivalent to the amount of dowry as such or whim Any arrangement for the giving or receiving of dowry is null and void, according to Section 5 of the Act. Furthermore, Section 4A of the Act forbids the publicising or advertising of the families' or any other individual's riches. The Act's Section 6 deals with dowry for the benefit of the wife or her heirs, which implies that if a married woman dies within seven years of her marriage, her property will pass to her children; if no children are born, her parents would have a vested right to the property. The cognizance of the offences is dealt with in Sections 7 and 8, while the burden of evidence that the spouse and his family are not guilty is dealt with in Section 8 A. Under Section 8B of the Act, the State Government has the power to appoint as many Dowry Prohibition Officers as it deems fit, as well as designate the areas in which they would exercise their authority and responsibilities. In addition, Sections 9 and 10 of the Act provide the Central Government and the different State Governments the power to make rules to carry out the Act's objectives by announcing them in the Official Gazette[9][10].

2. DISCUSSION

When it comes to gender equality in the country, the dowry system may be seen as the trigger for this problem. According to the nation's social architecture, a woman is capable and will be married off at some point, with a dowry debt at hand. The birth of a girl, on the other hand, marks the start of long-term preparations to pay off the dowry together with the kid. Apparently, this saving effort jeopardises the girl's future and denies her equal chances as a mail kid. The future preparation for a better marriage proposal damages the child's chances of a happier existence. The dowry system, for example, may be blamed for mass tragedies. Due to this specific architecture, the suffering of the female kid begins with her birth and continues to obstruct her peace of mind and serenity. According to the most recent census data from 2011, the number of girls per 1000 men is at 943. As a result, this has an effect on society's foundations and stymies the country's development. When we talk about the component evils of the sector in our subcontinent, the dowry system is one of the most leverage done. Because it is extensively practised throughout the country, it affects every other household. If the bride's family fails to meet a demand, she suffers at the hands of her groom's family, resulting in social imbalance and emotional collapse.

Seventy percent of our people live in villages, and this tradition continues to thrive in spite of the economy and society as a whole. The culture seems to evaluate a person's value based on the amount of dowry accepted or received, and this framework may be linked to women's disadvantageous position in society. The dowry system is the catalyst for violence in society. When the bride's family fails to fulfil her expectations, the horrors increase proportionally. Extreme measures are used on occasion to get financial or material advantages from the bride's

family. These actions, once again, may be ascribed to the much-discussed domestic violence. As a result of this extortion system, crimes against women are on the rise. The economy is more than simply the country's financial hoard. Rather, bringing the plate for each person is a collective effort. The dowry system, while it seems to be a small societal ill, has far-reaching consequences for both the country and its citizens. Women are denied equal rights and opportunities as a result of this system, resulting in the segment's economic workforce being lost. Women are important players in the growth of the country, and if their rights are hindered at home, it has a major impact on our economic progress. We lose a steady workforce as a result of a societal evil, impeding the development of our own house and society.

The bride isn't the only one who is affected by dowry. Rather, the agony extends to the bride's parents, who must endure the financial demands of their counterparts in order to guarantee their child's well-being. Suicides have become more frequent in the nation as a result of the groom's family's constant demands. Needless to say, this societal blight must be removed for the sake of the people and country. The bride isn't the only one who is affected by dowry. Rather, the agony extends to the bride's parents, who must endure the financial demands of their counterparts in order to guarantee their child's well-being. Suicides have become more frequent in the nation as a result of the groom's family's constant demands. Needless to say, this societal blight must be removed for the sake of the people and country. The demands made in order to ensure the bride's well-being come at a price. She loses her self-esteem by thinking she is a burden on her family because of worry for her parents. It costs her right to a better life and her peace of mind. The dowry system has placed an unseen shackle on women's independence and self-respect that has haunted them from the beginning of time. When you look at the issue carefully, you can see how an individual's greed destroys the tranquilly of a beautiful brain.

2. CONCLUSION

The marriage loses all sanctity and sublimity when a girl is accepted not for her qualities but for the money she brings, and when the dowry she provides is the be-all and end-all of the deal. The sooner dowry is abolished, the better. The issue of dowry demand is not simply one of a family wanting cash and commodities beyond the ability and willingness of another family to provide, but rather one of psychological, social, and economic issues intertwining. As one reads the horrific stories of individual women and families, it becomes clear that they have little or no understanding of the problem's origins, much alone any desire to stop the practise and bring about much-needed societal reform. This is due to the absorption of dominant cultural norms that portray women as inferior and solely responsible for their situation. It rarely views them as victims of a specific kind of oppression or of widely held gender prejudices. Tradition, a dominant philosophy of male supremacy, an insensitive police force, an antiquated court system, and a culture that condones violence all combine to create a chamber of terror that even angels would be afraid to enter.

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