
DOWRY SYSTEM IN INDIA: A REVIEW

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ABSTRACT

The practice of dowry presents a serious danger to women's lives. Dowry is a term used in Indian culture to describe property or valued security provided by one party to the other as a kind of marital payment. The gift of the wife's family or herself with the aim of assisting the husband was the primary source of dowry. The practice of dowry dates back to the Middle Ages. During her marriage, women were given money and jewels by their parents, which functioned as a weapon of economic freedom for the bride even after her marriage. Almost all violence against a married person stems from this threat. The issue of dowry will almost always emerge after a marriage. If the woman is unable to give all that her husband and in-laws need, life at the groom's home becomes unbearable. She will be treated brutally, and she may lose her life in certain instances.

KEYWORDS: *Dowry, Marriage, Family Counseling Centers, Violence, Women.*

1. INTRODUCTION

Dowry is defined as "property, money, jewelry, or any other kind of wealth received by a man or his family from his wife or her family at the time of their marriage." In Indian marriages, dowry is both a practice and an issue. The tradition of paying dowry was intended to make it easier for a newly married couple to start their lives together; nevertheless, it has now evolved into a financial venture in which money considerations take precedence over the bride's personal qualities.

The dowry system has resulted in a slew of socioeconomic issues with grave repercussions. Bride burnings, harassment and inhumane treatment of newlywed women, and other types of pressure tactics used by husbands/in-laws pressuring for more money have forced social activists and the intellectuals to seriously consider many issues connected with the system of dowry (Sachdeva, 1998). To combat this threat, the Indian government established the "Dowry Prohibition Act" in 1961, which was later modified in 1985. Despite this Act, the "give and take" phenomena of dowry are commonly practiced across India, regardless of caste or social status. When the dowry sum is deemed insufficient, the bride is often harassed, humiliated, and tormented. Dowry-related violence and wife burning (dowry-death) are unique to our nation, and in addition to the husband, his relatives participate in tormenting the bride since dowry and associated traditions offer an excellent reason for them to humiliate, insult, and even beat up women. In a conventional and poorly developed country like India, the bride is defenseless in her new home and physically powerless to seek revenge against the manipulative tactics or actions of others; not many women have the courage to divorce their husbands on the grounds of frequent mental or physical torture because they have nothing to fall back on (Singh, 2005)[1], [2].

The majority of those involved in dowry-related violence are the husband's mother-in-law and siblings, and Gautam & Trivedi discovered that in the majority of instances, the victim's husband and mother-in-law had a prominent role in the planning and execution of violence against the

bride. These crimes appear to be a result of socially structured dowry expectations that place women in a lower social status, resulting in low bargaining power for women and their parents; growing urban consumerism among the lower and middle classes; and a lack of effective legal sanctions against such crimes[3], [4].

Dowry-related violence is considered as a global issue that cuts across all borders and is on the rise in India. It is thus a cause for great worry because dowry death is one of the most common problems in Indian society.

1.1 Dowry Death Social Factors:

Share is a social vice that is common among Hindu upper and white collar groups in India, and it has been the leading cause of unnatural passage in newly married ladies for years. Other than share, ignorance, organized or adored relational unions, child relational unions, shared family structure, oedipal amazingness of relatives, chronic unemployment and financial dependence of wives on their folks, close a whole dependence of ladies or their better half and/or in laws, intoxication, mercilessness and disloyalty of the spouses, and the need for social security among Hindu ladies are some of the other factors. Share has just one end of the social abuse ocean's coast; within a comparable area are cold-bloodedness, punishment, and assault, bodily or mental torture, and so on. After marriage, the young woman is thrust into an unknown world, as well as a system of uncertainties, and she is completely reliant on the kindness of her husband or possibly his family, who may or may not care for her[5], [6].

1.2 Dowry Death: Medical and Legal Aspects:

A part of the vital medico that must be seen has been handled in here to fully evaluate the delicate situations examined by legal professionals in their timetable work. The key issue is that not only should the police respond quickly to avoid the destruction of vital sources of evidence at the site of crime, but they should also move quickly to record all such complaints. If a unique team/cell is maintained up, this should also be taught for case exams. Furthermore, if local police are lagging behind or showing a delaying arrangement, either the chief officers or intentional associations are pulled closer to complete the finest feasible examination. Incorporating the media also fosters a strong sense of awareness about the possibility of wrongdoing. If the victim is still alive after the incident, prompt efforts should be taken to record an account by a qualified expert. The claim that her death is imminent has legal validity because Indian law assumes that a guy who acknowledges her passing is imminent would always speak the truth. In any case, as we see it, female casualties who make a kicking the bucket affirmation may give false information in some circumstances, particularly if the woman has been tormented for a long time or is seriously discouraged or affected by medication, or needs to secure the future fate of her children. Surprisingly, the courts have not put these views to the test. The courts never take into account the emotional difficulties that these casualties face while making death announcements. Legal should look at the trustworthiness of passing on news, particularly when the truthfulness of a decreasing announcement has been questioned by logical certainty. The acknowledge and give preference to the logical facts rather than the searing assertion. Furthermore, the victim's motivation for making a deathbed declaration is to protect the interests of her children or other relatives, whereas the medico pathologist or forensic psychology specialists outfit realities with no thought processes and in the interests of society to aid the organization of equity. Every life comes to an end one day, but an unnatural death, particularly due to settlement, leaves a terrible case of good society. More deterrent penalties or confirmation of responsibility from the arraignment to the blamed will not be effective unless people in general are made aware of the heinous consequences of endowment and are given insurance if they come forward to fight it. by providing honest evidence regarding general care provided to the lady of the hour previous to her death, of remarkable assistance in the indictment of such misconduct[7], [8].

1.3 The Cause of Dowry's Death:

What causes dowry deaths? This was the primary source of concern in a sociological study by Nalini Singh, based on an examination of the relational unions of 38 young women aged 17 to 24, each of whom had an untimely death, allegedly as a result of badgering about settlement. She said that lady's position in the public sphere is mostly defined by society's perception of her as less useful than males. This manifests itself in their "Zero-political Status" and denial of basic social equality. She observes that endowment as a clear statement of how one's sexual orientation determines one's value or criticalness. Because worth is appropriated unequally by the genders during delivery, female worth deficiency may be compensated for by materially additional things that are shared. Even women who acquire more than their husbands are made to feel a responsibility to provide settlement products and businesses along after their marriage, just as the ladies who win nothing are made to feel. She observes that the endowment does not arise because there is a crossover between blessings sought by in-laws and gifts received, but because newlywed women often have little political criticalness in their new homes. One of the ways that the insufficient political standing is exploited is via a continuous concern in endowment. This deficiency is also used to mistreat her in a variety of ways. As a result, she claims, the word "settlement" is misleading since share-related badgering occurs as part of a larger order to abuse a person with no political standing. The claimed settlement is seldom the only cause for the alleged settlement. As a consequence, regardless of whether demands for settlement were to be fully met, young women would continue to be tormented and harassed in their in-laws' households as a result of their only sanctioned insufficiency, which violates their basic human rights.

1.4 Dowry System's Historical Background:

Dowry, also known as Kanyadanam, is an essential component of Hindu wedding rituals. Danna means gift, while Kanya means daughter. The practice of Kanyadaan (giving a daughter in marriage) and Varadakshina (providing a gift to the bridegroom at the time of marriage) may have contributed to the rise in dowry. The idea of kanyadaan is first mentioned in the Rig Veda. Varadakshina follows kanyadaan because it was customary in ancient times to offer dakshina (obligatory gifts) after any type of daan (voluntary gifts). When his daughter, Shakuntala, married king Dushyant, it is claimed that Rishi Karva offered her a lot of presents. Since child marriages were common in ancient India, it's possible that the girl's parents lavished her with presents when she left her mother house. Nonetheless, dowry as it now exists involves the groom and his family extracting cash and other things from the bride's parents. This societal illness has infected people from all walks of life, transcending religious and economic barriers. Furthermore, dowry demands are placed not only before the wedding, but also for years thereafter, such as during centenaries as well as the birth of children. Following the passage of the Dowry Prohibition Act of 1961 and its modifications in 1984, dowry demands have been kept secret.

1.5 Dowry-Related Laws:

The Dowry Prohibition Act of 1961 was the first national law to address the issue of dowry, with the primary goal of prohibiting excessive dowry demand. The government passed the Dowry Prohibition Act on July 1, 1961. Despite the provisions of the Dowry Prohibition Act 1961, the dowry system is still prevalent in India.

The Act bans the demand, payment, or acceptance of a dowry as compensation for marriage, where dowry is defined as a gift requested or provided as a prerequisite for marriage, according to section 3 of the dowry prohibition Act 1961. So, asking for or providing dowry is punished by up to six months in jail, a fine of up to twenty thousand rupees or the dowry amount, whichever is greater, or a sentence of up to five years in prison. Several portions of anti-dowry laws established by different Indian states were superseded by it. However, both the donor and the recipient are prosecuted under section 3 of this Act. from the husband's and his relatives' possible harassment

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1.6 Dowry Death and Suicide:

When a woman dies from burns or bodily injury, or dies under unusual circumstances, within seven years of her marriage, and it is proven that she was subjected to harassment by her husband or any relative of her husband for or in connection with the demand for dowry, such death is referred to as "dowry death," and such husband or relative is held liable. The Dowry Prohibition Act goes to great lengths to make the giving or receiving of dowry as a factor for marriage, as well as demanding or abetting it, illegal. The law was enacted in order to prevent dowry from being corrupted and commercialized. As a result, the Act's definition was tailored to the specific goal of stifling the exorbitant practice[9], [10].

2. DISCUSSION

Dowry is a property transfer from the bride's family to the bridegroom's parents at the time of wedding (Negi, 1997). Even after marriage, the custom of providing material presents and money to the bridegroom and his family persists (Paul, 1993). Dowry has evolved to encompass cash, jewelry, home goods, appliances, and cars, and it is often open-ended (Puri, 1999, Van Willigen & Channa, 1991).

According to the findings of certain case studies, dowry demand exists in all faiths, in all kinds of marriages (love/arranged/love-cum-arranged), and in all sorts of families (nuclear, joint or joint extended). People of various economic classes and educational levels have claimed dowry and resorted to domestic violence if their demands were not met. "The dowry system as it is implemented now has become a tool of tyranny and pain again for bride and her parents," Gangrade and Chander (1991) write. These findings are supported by the findings. Dowry demands were cited as the main cause of domestic violence by 36.2 percent of women who reported it. Physical, psychological/emotional, economic, and verbal violence have all been perpetrated against them.

Husband was the perpetrator of domestic violence against them, followed by mother-in-law, father-in-law, and all of them. "Women's control and the propensity for harm are particularly significant when a woman loses her natal household to become a member of her husband's family," writes Kumar (1993). When a daughter-in-law moves in with her in-laws, her position is typically extremely low in comparison to the males and even any elder women in the family. If there are dowry-related issues, the risk of deadly violence increases at this point." When the husband and/or in-laws pressure the wife for more money and things from her family, the abuse starts (Kelkar, 1992).

According to the respondents, the grounds for making monetary demands in the form of dowry were education costs for the husband or his brother/sister, followed by the purchase of a motor vehicle (motorcycle/car) or other home goods such as refrigerator/air conditioner, T.V., etc. "People cannot afford the goods that are pushed upon them via advertising aimed at the urban population, and many view dowry as a route to realize their otherwise unattainable dreams," says the report (Negi, 1997). The dowry given by the bride's parents is often deemed inadequate, and requests for more goods persist even after the couple has married (Narsimhan, 1994). Another common sentiment among mothers-in-law is that if she brought dowry from her home when she married, why shouldn't she do the same for her son? (Saravanan, 2002). This may be one of the reasons why so many mothers-in-law resort to violence towards their daughters-in-law and are not afraid to do so.

Women leave their birth families after they marry and begin a new life as members of their husband's family (Puri, 1999). "Because frequently the lady's relatives do not live near by, the abused woman cannot leave her marital house and return to the protection of her natal home, this residential pattern is another element that leads to violence and dowry killings. Even if she is able to return to her parents' house, her husband or his relatives will often come to collect her, saying that the violence will cease, which it generally does not" (Johnson and Johnson, 2001).

It is fair to infer that dowry prohibition laws have failed to prevent the giving and receiving of dowry and to decrease violence against brides. One of the main reasons may be because the Act permits presents to be given during weddings (Basu, 2001; Diwan and Diwan, 1995), creating a loophole through which parties to a marriage can argue that transfers are gifts rather than dowry (Shenk, 2007). Furthermore, since both providing and receiving dowry is unlawful, the family of a bride who is harassed or mistreated due to a lack of money would incriminate themselves by filing a complaint (Basu, 2001). People seldom follow the legal requirements of keeping track of presents given, and as a result, they may be unable to recover property if they are confronted with the issue.

It should be noted that dowry is a social tradition, and it is very difficult to alter customs overnight; customs foster and enhance social unity and cohesiveness; many individuals give and receive dowry only because their parents and ancestors did. People will continue to follow this tradition until the younger generation musters the guts to abolish it and females reject societal pressure to do so.

1. CONCLUSION

Though law has provided strict measures to control this danger will be continued; Unless the whole society believes that dowry is an evil, unless there is a strong awareness in the minds of the publics, unless every mother-in-law thinks that at one time she also is a daughter-in-law, unless every mother thinks that the treatment which she gives to her daughter-in-law can also be received by her own daughter, the evils of dowry will remain in society. Too, society and anyone as a member of the society can do lots to prevent offences of harassment, dowry death, etc. by considering the following steps; Start practicing dowry prohibition in the family, educate the members of family with the provisions of law that demanding and accepting or giving dowry is an offence. If in any family there is a growing conflict among the in-laws and the wife, try to interfere to sort out the differences and educate them about the evils of dowry system. Because a woman is a significant member of family and is entitled to all the rights and privileges a man enjoys.

All social scientist and law makers altogether opine that education can solve the problems to a large extent. But the most pathetic story is that the dowry has been related with the educated elite class in a main way. Educated class should think in a high-minded way to overcome these problems. Though several state governments have brought various legislations into force to check the increasing threat of dowry, even this has not helped in anyway. The greatest remedy to overcome this type of harassments is to change oneself. Apart from this the attitude of the woman should change. This alteration should come from within every individual woman concerned. The laws connected with this system should become stronger and stronger and there by the individuals, the intellectuals, the press and the elite class shall take it as a challenge to eliminate this problem to save the society from this antisocial activity.

The evil of dowry cannot be battled by a few persons. It required a wide spread change. Then best education is the best dowry. Parents are guided to educate daughters and it is time that education has more value in the service market and fields have been opened for women to become solution. In this way amount of dowry may be invested for her secured future.

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