

## Continued Shadow of Dowry

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### Abstract

From the sociological perspective if we look into the context of an Indian society there are numerous problems that are facing our multicultural society like Domestic violence, Rape, Caste system Corruption, Divorce, Gender Inequality, Female infanticide, and Child marriage. It is an astonishing that we are living in the era of 21<sup>st</sup> century but we are still drowned in the dark depth of these evils When we look of the deep rooted social evils in our society, the first and worst evil of our society came in mind is the Dowry system. Dowry has become a serious problem in India because of a systematic disorder. The research paper argues on the evil and worst consequences of dowry system This research paper showed that dowry creates imbalance in the status of women it affecton the total makeup of the personality.

**Keywords:** Women, Dowry system, Oppression, Suicide, Domestic violence, Education, dowry legislation

“Dowry is a social virus” write by S K Awasthi and V S Lal [2018] but a virus can not spread into disease unless the organism is vulnerable. This marriage transaction which is commonly known as the Dowry is a pervasive phenomena in India which has inescapably attracted much attention from the social scientists. It has been observed from the data that throughout the world that nearly 1.6 million mislay their lives due to domestic violence which places a saddle on the national economies which in turn effects on the health system (WHO 2005). Another report taken from (WHO 2013) in which it was observed that 30-38 % of women experienced sexual/ physical violence at the hands of their intimates.

### Introduction

The roots of dowry were prevalent in the Vedic period. The word dowry simply means any kind of property, cash or the valuable assets that a bride brings to her husband's house at the time of her marriage. Dowry gives pleasure to the family but on the other side it creates economic gap in the girl's family. It is a joy to the husband and his family or relatives who get cash costly dress and other valuable items like furniture bedding materials etc, but at the same time it is a pest to the bride's family who have to bear colossal cost to satisfy the irrational demands of the groom's family. 800 harassment cases related to dowry were reported by the (United Nations Entity for Gender Equality and the Empowerment of Women, 2012) due to this evil and the viciousness rooted in India by the institution of the marriage. It plays a significant role in the institution of marriage. The process of dowry continues throughout the life of women as a way pacifying the husband (Sharma, 1993; Kumar, 2003).

Dowry system is such a chief cause of women's oppression, discrimination and inequality which starts from physical torture and finally end into separation and suicide of women. Dowry in India takes away the rights of women to live and speak up. Here are the many times when women were let down by the society as wives as women and as a human being because of dowry demands. There are many recent dowry cases in India like “AYESHA BANOO CASE 2021” or AHMEDABAD CASE 2021”

that has triggered a strong public reaction. Recently in 2021 a heartbreaking incident of dowry from the state of Gujarat , Ahmadabad had been seen where a 25yr old girl named Ayesha Banoo ended her life after being harassed by her husband and in laws for dowry . Immediately after marriage her in laws started demanding of dowry and cash and Ayesha's father revealed that he had initially paid Rs 1.5lakhs in dowry but they demanded more with the passage of time Ayesha became mentally depressed which led her to end her life. From this case we came to know that Ayesha was just one of the thousands of women in India who are harassed daily over dowry. There is an another heart wrenching act from the state of Kerala in 2021. The Headlines of case is "KERALA COBRA BITE CASE" or "UTHRA MURDER CASE OF KERALA". On 13<sup>th</sup> October 2021 in kollam session court an Indian man named suraj found guilty of killing his wife by forcing a live cobra to bite with the intention of certain financial gains and greediness of property. (newsreports)

For a long time, our culture has been plagued by the dowry system. Newspaper coverage on dowry deaths and women's agency have grown commonplace, reflecting the dowry system's negative impacts. It's like a scar on an otherwise healthy civilization. When dowry arose in the Vedic period, it was predominantly practiced by the upper castes to benefit the bride who was unable to inherit property under Hindu law, and to offset this, the bride's family presented the groom with dowry. Dowry Since time immemorial, it has been a custom in Hindu marriages. Marriage is a specific form of relationship for Hindus called SACRAMENT.

Dowry is known as STRIDHAN in southern India and DAHEJ in northern India. It is a fact that in Hindu patriarchal society, since a girl joins her husband's house, she is given compensation in the form of dowry as per ancient custom KANYADAN was followed by the ritual of VARDAKSHINA which means dowry or money goods or estate that a wife brings to her husband at marriage which is a nominal amount decided unilaterally by the girl's father according to his financial condition YATHASHKAKTI is a Sanskrit word that meaning "according to one's power." It did not have an evil motive of extracting money from the bride's family, but with the passage of time, this practice of vardakshina became uglier day by day, despite the fact that it is voluntary in nature and there is no compulsion for the bride's family, but the sanctity of the socio religious practice was maintained until the beginning of the 19th century, when due to the rising trend of materialism and also craze for money and status.

When it comes to other communities, such as Muslims, we notice that Islam has no idea of providing dowry because dowry is deemed Haram in Islam, yet this tradition appears to be increasing in certain Muslim conventions. In Islam, it is forbidden to owe a woman to a family or to exchange her in such a way that the bridal groom of his family demands dowry or any other sort of money from the bride of her family. Marriage in Islam is a consensual contract performed with the approval of both the bride and groom. Maher is something that the husband gives to his wife at the time of his marriage and according to the Muslim holy book known as the Quran, it is mandatory. The Maher can be any type of money, property, or service, implying that it should be simplified for the groom based on his circumstances. Once the marriage is consummated, the Maher belongs solely to the wife. There is no set amount for the Maher, but according to Sunnah, its value can be 400 Dirhams of silver.

Extravagances, exaggeration, and excessiveness in demanding huge Maher are unquestionably abhorrent, if not outright forbidden, because they create a serious impediment to marriage. To avoid any potential disagreements, it is preferable to stipulate the amount of Maher in the marriage contract.

Because the phrases are equivalent, the notion of Maher has been substituted with that of Dowry. In Indian society, this practice has been responsible for the bulk of alienated marriage violations of rights, and in some cases has ended in the bride's death. Despite the Dowry Prohibition Act of 1961, dowry is still frequently practiced in India today. It is a requested present by the groom's family, with agreement from the bride's family, who provide it in an effort to guarantee that their daughter is well cared for in her new home. This abandoned custom just allows for higher dowries to be extracted after marriage, resulting in mental and physical abuse, and even suicide or murder of the bride.

In 2019 statistics shown that alone 7100 reported dowry death cases were recorded and In 2011 , there were an improvement nearly 8000 death were reported.

Marriage will play a sympathetic role for their wives and takes the consideration of their opinions. This type of congenial environment will affect on their overall developmental aspects which are very important for the survival of the life.

### **Research Objectives**

1. To study the prevalent system of Dowry system
2. To highlight the various problems of women in respect of Dowry
3. To know about the main causes of Dowry
4. To review the consequences of Dowry
5. To discover the major precautionary measures taken by Government of India to curb Dowry
6. Suggestions for the solution of Dowry problem

### **Research Methodology**

The study is to be conducted about the Indian society and the target group of the study are women who have been oppressed since ages due to dowry. The methodology of this research paper is based on secondary data. In order to prepared this research paper the data collected from the secondary sources such as Analytical method, Books , Journals , Newspapers , Websites , Documentaries , Reports and some relevant and valid cases.

### **Literature Review**

Mudita Rastogi and Paul Therly [2006] did a study in which they examined the phenomena of Dowry. They looked on the phenomena of Dowry related domestic violence in this study. According to them Dowry is an exchange arrangement at the majority of Indian weddings. Despite the fact that it was made an illegal in 1961 the practice of dowry continue to thrive among all socio economic groups. The brides and grooms families negotiate the transfer of assets to the groom and his family in exchange for marrying the bride and disagreement with the amount of dowry may result in the bride being abused.

Dowry in India has been logically related to a number of issues including the structure of residence and inheritance system. Women's role in production and social stratification in society according to Sonia Dalmia and Pareena G Lawrence [2005]. The purpose of this article is to look at Dowries in India and to establish an institutional and economic justification for their existence and continuous use. Dowry is defined by them as the amount paid in the marriage market for a good match.

RagavGaina, GeetikaDang, and Vani S Kulkarni [2018] using a national panel survey. They looked at the degree of the spike in dowry deaths and the reasons for it from 2001 to 2006. The marriage

squeeze which causes dowry inflation and deaths is a central premise in this research to explain the rise in dowry deaths. Based on alternative marriage pressure measures their research provides strong confirmation. Other explanatory elements include state affluence, female education convictions for dowry deaths and a significant Supreme Court verdict in 2010 that made it mandatory to earlier dowry harassment of a victim by the male spouse and his relatives. They said that the police and judiciary systems evident flaws in registering people were to blame.

The cultural tradition of dowry as practiced in India engenders significant violence against women according to John V Channa [1991] Inter familial harassment for further things and money might lead to the bride's murder or suicide. They proposed that laws and education be used to reduce women's maltreatment. The Dowry Prohibition Act is widely viewed as having failed as a main tool of addressing these abuses. They also proposed that based on a comparative assessment of dowry distribution, Dowry abuses and violence as well as cross cultural conceptions of dowry. The Dowry prohibition Act according to this analysis will not be helpful in reducing what are referred to as Dowry related crimes in India.

### **Causes**

The evil problem like Dowry cannot be understood with only one reason, many factors contributed in increasing this problem. If we talk about the very first and most important cause is ILLITERACY strongly believed that lack of formal education is cause for the occurrence of the Dowry system. A large number of women kept from the schools due to the belief that educating girls will take away from their eligibility as good wives and if we see another reason behind this prevalence in Indian value traditions a lot. They mindlessly follow custom and pay dowry since it has been passed down through generations.

At the present time, ECONOMIC BURDEN has become one of the primary problems. Getting a girl married is connected with a large sum of money by Indian parents owing to direct requests for Dowry by the groom's family, and if we talk about violence against women, Dowry is frequently not a one-time payment. Demands are constantly made by the husband's family, who see the daughters' family as a never-ending source of funds. Inability on the part of the girl's family frequently leads to verbal abuse, domestic violence, and death. Brides getting burnt by their in-laws are nothing new in this nation. Constant physical and emotional torment causes women to experience sadness, anxiety, and suicidal ideation. According to 2007 National crime records bureau [NCRB] over 7000 dowry deaths were recorded in 2007. According to 2011 NCRB report there were 8331 dowry death cases registered in India

While talking about its major causes how we can ignore one of the earliest and worst crime as well as deep rooted problem of Indian society that is FEMALE INFANTICIDE. When the problem of dowry system increases in society it takes a very serious form as a result many parents kill their newly born girl because due to the preferences of male babies and due to the fear of dowry If we turn our attention towards FAMILY DISORGANISATIONS we can say it is also major impact of dowry system when parents of groom do not get things and money which they wanted at the time of their son's marriage they commit atrocities on bride.

Dowry reduces a woman's standing and degrades her dignity. The prevalence of the dowry tradition demonstrates women's poor standing in society. In her birth household, a girl is regarded as a drain on the family's resources. Dowry reduces a woman's position in such a way that each marriage delivers a large quantity of money and property that one could be enticed to contract a second and third marriage only for the monetary rewards. Though such marriages are not common, they have

an impact on the status of the wife. The boy who receives a large dowry may consider himself to be more dignified, to have a better rank, more prestige, and to be more respected than the boy who does not receive a large dowry.

### **Government Measures**

The Dowry death is dealt with under Section 304-B of the Indian penal code [IPC] in 1983 .It states that if a women dies from burns or bodily injury within 7 years of her marriage and it is proven that she was subjected to cruelty or harassment by her husband or any relative of her husband for or in connection with any demand for dowry her death shall be called DOWRY DEATH and such husband or relatives shall be deemed to have caused her death.

Furthermore, section 113 B of the Evidence Act 1872 adds an extra presumption of Dowry Death where it is demonstrated that the ladies were exposed to brutality as a result of dowry demand before to their deaths. Many people who were not captured by the dowry prohibition act 1961 were convicted thanks to Section 304B along with Section 113B of the Evidence Act. In the instance of the death of a married woman within 7 years of her marriage and Section 113 A of the Evidence Act gives a similar presumption of abetment of suicide , which is a crime under section 306 IPC.

In addition, the judiciary contains a murder charge under section 302 IPC which permits courts to inflict the death sentence on those who commit the crime. In situation of dowry recovery , Section 406 IPC which deals with criminal breach of trust applies since the money is meant to go the rightful lady and her heirs.

Conventions of the united Nations as India is a signatory to various international human rights treaties that propose theoretical solutions to the dowry issues. The Universal Declaration of Human Rights [UDHR] International Covenant on Civil and Political rights [ICCPR], International Covenant on Economic, Social and Cultural Rights [CEDAW] are among these international conventions with CEDAW codifying the most relevant to the discussion of dowry related violence \_ women's rights.

For the protection of women from dowry the Indian government enacted DOWRY PROHIBITION ACT on 1961 and the main objective of this Act is to eradicate the dowry and any kind of giving and taking of a dowry but this legislation failed to produce the desired results. The status of women committee" in India[1974] reported that the Dowry Prohibition Act, 1962 has been unsuccessful to curb the evils of dowry. In spite of the rapid growth of this evil practice there are very limited numbers of cases reported under this Act .No law can be enforced without the whole hearted cooperation of the people. Social reformers were successful in getting the legislation passed to abolish this practice but they were not successful in persuading the people to accept the legislation in principle no one can eradicate this evil unless the people carry the philosophy behind the law much further . Proper efforts were not made to convince people regarding this evil practice as a result legislation as such prevails but its violation take place uninterruptedly. "P N SAPRA" a former judge of Allahabad High court and then the member of parliament in 1960s had described the Bill as ridiculous and even went to the extent of suggesting its withdrawal. What he meant was that it would be meaningless to pass legislation which cannot be enforced.

### **Suggestions**

Dowry system in an Indian society has now taken deep roots and we need to remove it as if no concrete steps will be taken to curb it on time then that day will not be far away when an Indian society will be called as Dowry Stack Land. This problem can be solved by making a proper plan such as strict punishment against the women exploitation and in this regard not only laws made by the

government but also socio reform organizations and NGO's should play a very important roles in it, if these organization will work for the benefits of females no one will exploit them in any way. In this regard Indian government passed a law regarding this that is Dowry Prohibition Act in 1961 but there were many defects in it and without removing such defects we cannot expect desired results and there should be changes in Dowry Prohibition Act, where dowry seekers should be strictly punished. Modern media of propaganda including the electronic media such as radio, dramas, newspapers, internet and social networking system etc must be effectively made use of to convince people that this practice is not only illegal but also an unethical and it is against the familial and the social harmony of the society. We should make an appeal to Idealism of the youth because youth are the only ray of hope to combat effectively against the dowry, youth must be given education and inspired to take initiatives towards its actual abolition. Social reformers such as Vivekananda, Jayaprakash, Nehruji, Gandhiji and others could appeal to the Idealism of the youth and make them committed to the non acceptance or total rejection of the Dowry, In fact Gandhiji had given a call to the social boycott of the supporters of the Dowry. Jaya Prakash Nayaran who for sometimes spearheaded a Movement known as "SAMAGRA KRANTI" which means "TOTAL REVOLUTION" had made an appeal to the young men and women of the day to take an oath that "they would never ask for dowry and reject and boycott those who ask for it".

Moreover, Voluntary Associations should take initiative in this matter and should fight and support against such practice in society. It is also advocated that such associations should take up the cases of victims of dowry harassment and get them justice with the publicity. This will surely create a social wave in this regard. In fact Organizations such as SAHELI in Delhi, WOMENS CENTRE in Mumbai, SHAKHI KENDRA in Khanpur and STREE ADHAR KENDRA in Poona are doing some work in this field.

With this we should change our thinking because thoughts will change reconnaissance will also change we should socialize everyone through the means of Education as it can play major role in eradicating it by organizing Dowry awareness programs through which a common man will understand that whatever customs and traditions he thinks are an integral parts of his life are nothing but hoax in society.

We should educate girls and encourage them to have their own career and teach them to be independent and responsible. "One tiny moment of courage to shatter centuries of Dowry system"

### **Conclusion**

After analyzing the whole data about the phenomena of Dowry, I came to the conclusion that we cannot end it by shouting slogans and writing papers, young generation will have to come forward to wash off this worst social evil, women will have to become bold, women should be educated so that they can become self dependent and be aware about their rights, they should refuse to marry dowry seekers and we should teach them to stand boldly against the greedy in laws. Moreover it is the responsibility of every male member of the society to take a vow not to accept any dowry or demand dowry at the time of their marriage.

The successful abolition of the practice of Dowry would be landmark towards social reform but it is not an easy task because some of the well educated men are still cherishing and supporting it. They should realize and should make proper use of their education and at the same time determined efforts should be made on an all India basis to combat this social problem. After all the success of legislation depends upon the supports of general public. Marriage is such a pure and an union of

sacrament not the business. The sooner it disappears the better it will be for the progress and prosperity of the society

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