

## **The Dowry System in India – Problem of Dowry Deaths**

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### **Introduction**

The concept of dowry system dates back to the ancient Roman and Greek Civilization, (Anderson, 2007). Historically, some areas of Europe, America, East and South Asia have been victimized by the custom of dowry. With progression and modernization, there has been a significant decline in the importance of dowry system in many societies. On the other hand, India is facing dowry inflation since the last five decades due to the customs and tradition that are deeply rooted in their society, (Anderson, 2003).

Every year thousands of brides are injured, burnt or killed by their family members in the South Asian communities, primarily in India and Pakistan for the reason being that the bride's father was unable to meet the dowry demands imposed by her in-laws, (Menski, 1998). Dowry was formerly a method of providing financial help to the newlyweds. The present system of dowry has completely changed the concept of marriage. Marriage was a sacred institution grounded on love and cordial relationship between the husband and wife. Now, it is merely a business between the two families negotiating over dowry demands (Knapp, n.d.).

Bride deaths are increasing at a fast rate, despite having laws, increasing literacy rate and organizational efforts. The problem of dowry still prevails in the Indian society, depicting the strong hold of materialism and self-interests.

### **Dowry – bliss or burden?**

Marriage is a blessed ritual which is doomed by the concept of dowry. Dowry is the money and property that a bride brings during her marriage to her spouse's place. It comprises of cash and household goods such as appliances, furniture and utensils. Dowry rates differ from person to person in respect to their education background, facial characteristics, social and economic status and caste. A woman's status is directly linked to the dowry size - greater the dowry results, better the status in the family. It is unclear how the dowry system came into

existence. Its origins derived from the Brahma ritual of *Kanyadaan* – the bride is gifted to the other family only after dressing her in expensive attire and presentation of dowry. Traditionally, dowry was a sign of honour for the bride's parents. But now, it has become a form of burden on the bride's family, especially for families belonging to middle and lower class level (Teays & A., 1991).

The consequences of dowry are suffered in different ways by the unmarried and married women. Daughters are considered as a burden because their marriages are attached to many economic liabilities. Therefore, birth of boys is preferred over girls. Married women are agonized mentally and physically by burning, torturing and killing them if her parents fail to meet the dowry requirement (Anderson, 2003). In addition, the education of girls is also neglected in order to save money for the dowry. As a consequence, sometimes young girls decide to remain single for lifetime or commit suicide when they see that their parents are unable to make up for the dowry requirements.

### **Current Situation: Dowry Death**

Failure to provide dowry results in two types of violence: mental or physical abuse. Mental abuse is a primary stage of violent behavior in which the bride is verbally abused in the form of torture, harassment, even teasing or threatening. The latter consist of psychological and physical injury. It includes abduction, rape, forcing her to commit suicide or dowry death (Umar, 1998). Dowry death is a planned, unemotional act of killing a woman, committed by the husband, father in law, mother in law, daughter in law or anyone belonging to the marital family (Menski, 1998).

According to the Law Commission of India, some of the common features found in majority of the dowry death cases are as following: the person who mostly dies in a dowry death is a married woman, mostly in her twenties. The type of death is burns resulting from fire or poisoning. The woman is unhappy with the increasing demand of dowry from her in laws. The incidents take place behind the doors that is within the boundaries of the house. Generally, husband or his relatives report the bride's death as a case of suicide (Umar, 1998). Majority of the victims belong to the middle class, than the lower class. Upper class is less disturbed by the dowry system because they have money to purchase the dowry requirements. Women, with or without educational background, suffers from the dowry problem (Teays & A., 1991).

The latest statistics issued by National Crime Records Bureau (NCRB) of India states that in the past years the crimes related to dowry have increased. In 2001, 6851 dowry deaths were reported; in 2006 it reached to 7,618 and in 2013 it extended to 8,233 whereas the rate of conviction stayed at 32 percent only (Domínguez, 2013). This means, on average, one bride is burned every ninety minute (Ferraro & Andreatta, 2014). Dowry related violence is practiced in Kanpur, Agra, Lucknow, Delhi, Punjab, Madhya Pradesh, Rajasthan and Haryana (Mathews, 2001). The Hindu newspaper (2013) stated that the dowry deaths were exceeding 2,000 in UP, 1000 in Bihar, 800 in Madhya Pradesh. In twelve years'

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time, 1,582 dowry deaths were counted in Delhi. In the state of Nagaland and Lakshadweep, no dowry deaths were informed.

Several cases related to dowry or bride burning are never reported to the police department (Anderson, 2003) because it destroys the reputation and status of the bride's family and it further deteriorates their relationship with the groom's family. Parents are hesitant to seek for justice for the reason that scandalizing an event would harm their other daughters' chances of marriage. The main cause of death is concealed. The one which is reported usually describe the cause of bride's death due to kitchen accident or suicide.

### **Laws against Dowry System**

#### **The Dowry Prohibition Act of 1961**

Dowry Prohibition Act of 1961 was the first law that restricted the practice of dowry in India. It objected to the custom of dowry and bride price in India, stating that demanding, giving or taking dowry is a punishable offence. However, despite the law, the practice of dowry was still practiced throughout India. This proves that social norms are more important than the legal norms (Anderson, 2003). Dowry Prohibition Act of 1961 proved to be a failure. In 1984, the amended prohibition act stated that the dowry practices will be imprisoned from minimum 5 years and fine of minimum 15000 Indian Rupees. It was sanctioned in order to end the harassment and death caused by dowry (Umar, 1998). States of Haryana, UP and Punjab have passed Dowry Prevention Act which worked on the ambiguities of Dowry Prohibition Act (Gangrade, n.d.).

#### **Indian Criminal Laws**

The Indian criminal laws regards dowry as a punishable crime. Section 304 of the Penal Code declares a minimum 7 years of imprisonment to maximum life imprisonment for the perpetrators. It also states that if a married woman dies of burns or any bodily injury within the seven years of marriage and there are evidences which prove that she suffered from harassment and cruelty related to dowry by her husband and in laws, then the husband or relative would be accused of her death. The Evidence Act enabled the conviction of those who were not caught by the Dowry Prohibition Act, (Nalwa & Kohli, 2011).

#### **Protection of Women from Domestic Violence Act, 2005**

The Protection of Women from Domestic Violence Act was promulgated in 2005, which added extra protection from dowry practices. The main objective of this act was to protect women from all forms of domestic violence: emotional, verbal, sexual, physical and economic abuses. Section 3 of this act highlights about all forms of harassment and violence faced due to unlawful demands of dowry. Some

of the common remedies under the Domestic Violence Act include: prohibiting the husband or in laws from perpetuating violence, separating the person from shared household, granting child's custody and paying of compensation.

### **Policy Options: Education and Legal Action**

Dowry problem is a multi-dimensional and cannot be solved only with the assistance of laws. Good governance and proper implementation of laws, and education are equally important in eradicating the practice of dowry. The rate of corruption and bribery amongst police is widespread. From the outside, it seems that the government is taking a serious stand against the problem of dowry because of number of arrests. The reason for limited number of arrest is because of poor quality of investigation and corruption inside the police. A few years of imprisonment is unworthy enough to create fear that could reduce the crime level.

Nowadays, parents have to make a decision between good education and big dowry. The opportunity cost of neglecting education or dowry is very high. If the girl is educated, greater dowry will be demanded. If the dowry is big, the woman is uneducated. Education is the key to social cohesion and prosperity. Education provides better job opportunities and broadens the human thinking hence removing custom barriers. Higher education, western cultural influences, social mobility and legislation raises the conscious among parents and youth regarding dowry as a social dysfunction, (Rao & Rao, 2013).

The dowry problem in India is being tackled by the government and many domestic and international non-governmental organizations. The concern of the organizations is to determine how the dowry issue and other social problems have obstructed the lives of girls and women. They believe that dowry prohibition along with social awakening and determination can give fruitful results. Self-hate amongst women is rising because the Indian traditions and religious literature considers women inferior to men and the implications of dowry are brutal on women. Human rights activist stresses on the development of shelter places for distressed women. They are working towards laws that will be safeguard the dowry victims from harassments and deaths.

### **Conclusion**

Dowry is a menace crippling the Indian society. It is boosted due to systematic disorders – mythology, religion and tradition and inefficient policy making and governance from the legislature courts and police. Dowry system is no longer a traditional practice that will be eliminated with the process of social change rather a materialistic component of the Hindu marriage system. The stringent impact of dowry demands created preferences towards sons leading to female infanticide and fall in the India's sex ratio - 940 women is to 1000 men (Williams, 2013). Dowry problem is a clash of class and caste structure. They are no solution to untangle the religious, social and economic factors causing the dowry problem.

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To some extent, education and media exposure can diminish the support for dowry but modernization has an edge over it. The society is more materialistic and greedy where goods are valued thus there is an inclining trend towards the demand for dowry. It is more of a display of social and economic status than a traditional custom. South Asian countries practice the custom of dowry, not on the basis of religious obligation, but solely out of greed and other materialistic objective. Therefore, in order to control the influence of dowry system in the society, it is necessary to make strict preventive measure and implementation against dowry.

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