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DOWRY AND DOWRY HARASSMENT: VIOLENCE AGAINST WOMEN

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ABSTRACT

One of the worst evil of Indian society is the dowry system. Dowry is also a socio-economic problem of India which is eating into social fabric of our society. Dowry refers to 'Jahez' in Arabic. The word 'dowry' means the property and money that a bride brings to her husband's at the time of her marriage. It is a custom that is prevalent in all the section of our society in one form or the other. At the beginning it was voluntary, but later on the social pressure was such that very few could escape from it. Dowry has been a long-lived and one of the ugliest practices in Indian culture.

The underbelly of the dowry system revolves around the treatment of brides. Referred to as "bride-burning", the fact of maiming or even killing whose family cannot or will not meet a groom's dowry demands is a worrying practice in India.

It is surprising that even in these times of the 21st century we are still drowned in the dark depth of these evil.

KEYWORDS: Dowry, Women, Society, Bride, Violence

INTRODUCTION

A concerning socio-economic problem, the practice of dowry in India dates back to the mediaeval time (however, the roots of dowry in India are not indigenous). The evils of dowry are deeply-embedded in Indian society across generations. It is anything given in cash and/or kind to the groom and/or to his parents/family before, during, or after the marriage. If unfulfilled, it often leads to harassment or pressure on the bride and her family.

Contrary to popular belief, dowry is not just an isolated payment made before/after marriage but an array of gifts given over time. It also encompasses the societal and financial pressure that the bride and her family have to endure. It often includes the enormous expense incurred on travel, entertainment of the groom's party, and the conduct of public ceremonies, even after years of marriage.

DOWRY: THE DEFINITION

“Dowry,” as defined by the ‘Dowry Prohibition Act’ is defined as- “a demand for property or valuable security having an inextricable nexus with the marriage, i.e., it is a consideration from the side of the bride’s parents or relatives to the groom or his parents and or guardian for the agreement to marry the bride-to-be.”

According to the Merriam-Webster dictionary, “dowry is the money or property that a wife or wife’s family gives to her husband when the wife and husband marry in some cultures.” Similarly, the oxford dictionary defines ‘dowry’ as- the amount of property or money a bride brings to her husband during/after their marriage.

The word ‘dowry’ owes its origin to the Anglo-Norman French word ‘dowarie.’ Also referred to as “Jahez” in Arabic, the practice of ‘dowry’ which once was a gift exchanging ceremony, has over time metamorphosed into a regressive practice that further widens the educational, economic, and social gap between the two genders. It is thus, an indication of maintaining the inequality between the two sexes (Reddy & Sumangala 1998)

Initially, in India, dowry was not the primary requisite to initiate the selection of the bride. Studying the works of Al-Biruni, one would realise that the dowry system was not practised in ancient India as early as 1035 AD. As a matter of fact, the practice of dowry traces its root to Babylon (present-day Iraq). In the oldest available records- the “Code of Hammurabi” in ancient Babylon, the practice of dowry is described as an already-existing custom.

In India's ancient and the Vedic age, marriage was not a liability; rather, it was an event of peace and enjoyment. The groom would give a present to the bride and henceforth held no right to ask for it back again. Rather, the girl had the discretion in the process and could return the gift if she was not ready to marry the respective groom.

OBJECTIVES OF STUDY

1. To examine the past and present scenario of Indian culture, which impedes the dowry system.
2. To focus on how the dowry system affects Indian society.
3. To examine the crimes related to the system of dowry.
4. To study the existing system of dowry.
5. To know the causes of dowry.
6. To assess the consequence of dowry.
7. To explore the preventive measures of dowry.

METHODOLOGY

The study uses both descriptive and analytical methods. At the time, the study aimed at an exploratory, qualitative and critical approach. The secondary sources are books, published journals, news paper reports, articles etc.

DOWRY AND STATUS OF WOMEN

Dowry and the status of women are interlinked. Variables like education and occupation or women's financial stability have little or no influence when it comes to dowry. Dowry impacts the social status of women irrespective of their economic and academic prowess. Over time, an act that was once a gesture has normalised the practice to commodify the status of women in general. It has lowered and degraded the position of women.

In other words, the notion that if women are educated and are in a better position in occupational structure the quantum of dowry is not necessary has been dispelled. Also, the phenomenon of dowry is not altogether absent when the women are financially independent. It is the socio-economic status and the paternal mindset that aids and perpetuates dowry.

In this situation, she has to take a heavy dowry with her to minimise her dependency status. This further degrades the position and makes them utilise the system of dowry to overcome their economic position. The modern socio-economic forces have given a different meaning to the purpose of marriage among the people of different socioeconomic strata. The sole concern of parents seems to be to pursue their pecuniary interests in the making of marital alliances. In fact, some women also support and encourage this pattern of marriage.

DOWRY SYSTEM AND SOCIETY

Among the many social evils that prevail and plague Indian society, the dowry system is deeply rooted. The regressive practise of dowry has spread out its tentacles far and wide in the society.

Affecting almost every section of it. Even people with high-quality education and financially stable backgrounds practice and promote. Over the course, the practice of dowry has become part and parcel of the institution of marriage.

In the caste-ridden Hindu society, the top three castes and their sub-castes invariably follow and promote the practice of the dowry system. Over the course, it has become an accepted wedding custom. As a matter of fact, before fixing a marriage or engagement, dowry is set as a precondition. And if the demand for dowry is not accepted, a disagreement is reached, and the marriage proposal gets foiled. The personality of a bride or the bridegroom, their willingness for the proposed marriage, etc, which are typically considered the essential prerequisites of marriage, takes the backstage. In other words, without dowry, hardly a marriage is solemnised.



Source: Tayab Sarwar, Activist, 2017

The dowry system is always associated with the status of the parties involved in the marriage. Mainly, in the arranged marriage, the bridegroom's parents demand the dowry to be paid in cash or in-kind, in the form of jewellery, material things like household items, car, bike, house etc. Such demands are made befitting the position held by the bridegroom or economic status of the bridegroom's family, or the actual amount that he earns as salary or in his business or profession. In many cases, the marriage is not solemnised if the agreed amount of cash or kind is not paid before the wedding.

The practise of dowry is also a primary source of post-marital disputes. When the agreed amount of dowry is not paid or is partly paid and promised to be paid later after the marriage, the groom's family emotionally and physically abuses the bride and her family. Such a mindset leads to strife in the marital home, in which the entire family members of the bridegroom are pitted against the bride. Going further, the bride, for no fault of her, is verbally abused in a vituperative language, assaulted or violently beaten by her husband; in extreme cases, the bride is strangled to death or put to flame using petrol or kerosene. The bride is not spared even when she is pregnant or has a baby.

Unable to fulfil the unjustified dowry demands, the bride is mostly sent back to her parents' house. Somehow or other, the bride's parents are compelled to fulfil the dowry demands to ensure a better future for their daughters in their in-law's house. As a result, the bride's parents become heavily indebted and wallow in poverty.

India has witnessed a relentless fight against the dowry system. In recent times activists like Satya Rani Chaddha, ShahjahanApa, and others have compelled the judiciary and executive to make strict laws to eradicate the practice of Dowry. The Dowry Prohibition Act specifically makes the act of demanding or taking as well as giving dowry during the marriage a crime.

THE FIGHT AGAINST DOWRY



*Such as murder and encouraging suicide

**A woman burned by her mother-in-law and sister-in-law – murder for dowry

***The Supreme Court sentenced the mother-in-law and the husband to life imprisonment

Source: The Fight Against Dowry, Wikipedia, 2021

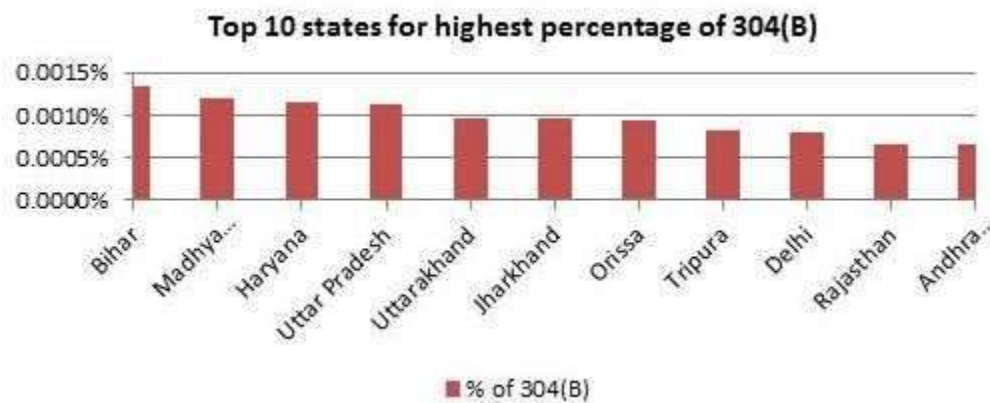
The problem of dowry is not linear; it has multiple layers and is intertwined with other social and religious practices. The long queue of hapless women standing before the women's police station as well as the courts to file a complaint against the members of their marital home is not uncommon. In some cases, harassment for dowry results in the deaths, leading to protracted trials against the family members involved in the harassment.

However, the cases of men being harassed by women misusing the provision of the “Dowry Prohibition Act” is also not a new phenomenon. Some women resort to false complaints against their husbands. Suppose a woman prefers a complaint against her husband on the ground of harassment for dowry. In that case, the police authorities need not immediately arrest him unless a prima facie is made out on enquiry. This, thus, makes the situation more complicated even in terms of a legal technicality.

TYPES OF DOWRY CRIMES

Dowry crimes are far and rampant. They can be a threat or occurrence of violence, so the bride's family is left with no choice but to give more dowry to protect their daughter. Even the recently married woman can be a target for dowry related violence because her new husband is tied economically and socially. In some cases, dowry is

used as a weapon to threaten or hold hostage. The northern and eastern states of India show higher rates of dowry-related violence.



Source: Violence against Women in India, Sreeparna Chattopadhyay (2017)

Dowry is considered a significant contributor to women-related crimes in India. These offences include physical violence, emotional abuse, and even murder of brides and young girls before marriage. The predominant types of dowry crimes related to cruelty (which includes torture and harassment), domestic violence (including physical, emotional and sexual assault), abetment to suicide and dowry death (including issues of bride burning and murder).

Cruelty in the form of torture or husband or harassment of women with the objective of forcing them to meet a demand for property or valuable security is a form of dowry crime. Such cruelty could just be in the form of verbal attacks or may be accompanied by beating or harassment in order to force the woman or her family to yield to dowry demands. In many instances, such cruelty may even compel the women to commit suicide. The Indian Penal Code has specifically criminalised dowry-related crimes under the many anti-dowry laws.

DOMESTIC VIOLENCE

Domestic violence includes a broad spectrum of physical/mental abusive and threatening behaviour, including physical, emotional, economic and sexual violence, as well as intimidation, isolation, and coercion. The laws like the Protection of women from Domestic Violence Act 2005 help reduce domestic violence and protect women's rights.

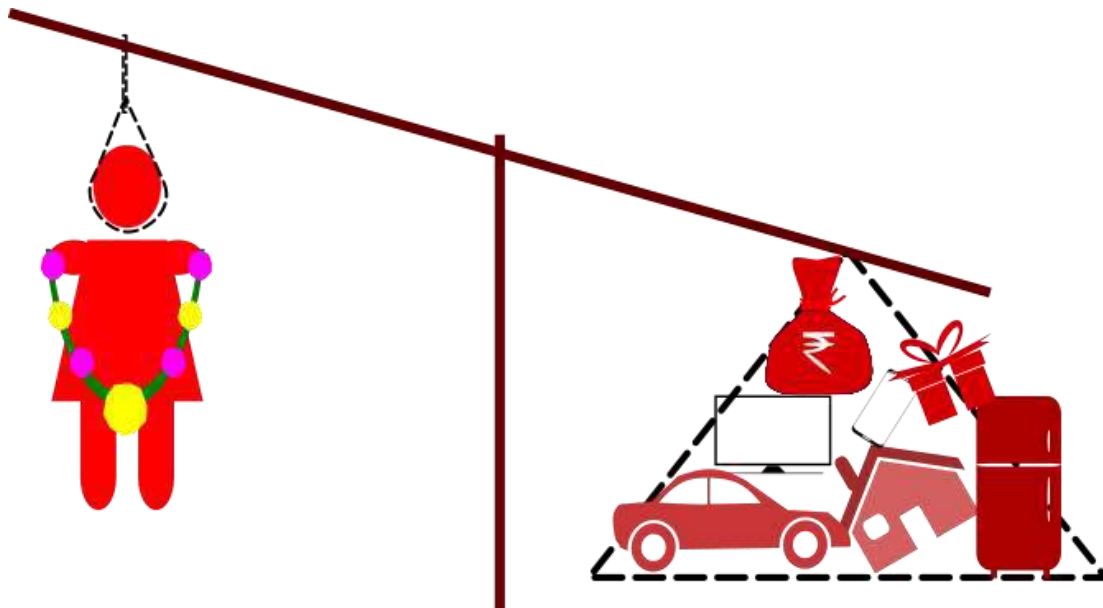
ABETMENT TO SUICIDE

Continue abuse by the husband and his family with threats of harm often compels the woman to commit suicide. In such situations, the dowry crime even extends to abetment of suicide, which includes all acts and attempts to advise, encourage, or assist in committing suicide intentionally (the bride's own will). The impact of dowry can leave women helpless and desperate, which cumulate in emotional trauma and abuse. Dowry related abuse causes

emotional trauma, depression and suicide. The offence of abetment to Suicide is significant because, in many cases, the accused persons often argue in their defence that the victim committed suicide of her own volition, even though this may not be true in reality.

DOWRY DEATH

Dowry death relates to a bride's suicide or murder committed by the concerned's husband or family soon after the marriage because of their dissatisfaction with the dowry. Most dowry deaths occur when the woman, unable to bear the harassment and torture, commits suicide by hanging herself or consuming poison. Dowry deaths also include bride burning, where brides are set ablaze by their husbands or his side of the family. Sometimes, due to the constant harassment and abuse, the bride may end up setting herself on fire.



Source: Dowry Deaths in India: Violence against Women, Priya Singh

India reports the highest number of dowry-related deaths in the world, according to the Indian National Crime Record Bureau. In 2012, 8,233 dowry death cases were reported across India, while in 2013, 8,083, dowry deaths were reported. This means a dowry-related crime causes the deaths of a woman every 90 minutes or 1.4 deaths per year per 100,000 women in India.

CONCLUSION

To conclude, dowry is not an individual's problem; it is a problem that concerns humanity. It is not a problem of the past, but a social nemesis of the present with an age-old custom with social and religious sanctions. The pernicious dowry system in its present form is a product of patriarchal tradition and the unequal socio-economic development introduced by the colonialists and the post-colonialist governments. The practice of dowry adversely

affects the less-affluent and the poor classes/castes. It has not only impacted the position of women but miserably degraded their status in society.

The custom of dowry, with time, has been generalised and normalised; even people from financially stable backgrounds and good education promote the practice of dowry. It has generated a vicious evil of sociological corruption and is of the most challenging and severe challenges in present-day society. Such a complex problem requires an integrated social endeavour to overcome it. It has to be strategically fought on legal, social, educational, cultural, and political fronts.

To everyone's knowledge, there are already laws in place that criminalise the practice of dowry. Nonetheless, the evil practise continues unabated. The legal battle against dowry is one, and social movement another, but what is more urgently required is a radical change in the human psyche. As Gandhi rightly quotes, "Any young man, who makes dowry a condition to marriage, discredits his education and his country and dishonours womanhood."

No matter what legal actions and social movements are resorted to, all legislation and social movements are external to man. These may bring some peripheral changes in the structure. But it is ultimately the individual, the basic unit of the society, who can bring more significant changes. And this is possible only when a radical and positive metamorphosis occurs in the human psyche.

The change can be brought out by three important organisations: voluntary agencies, academic institutes, and media. Voluntary agencies, particularly those involved in social activism, can make an impact. There is a need for research and evaluation on women's issues. Constant interaction by the academic institutions with the women activists and the society, in particular, can create effective transformation in the psyche of the women; on the other, the media have to play a more aggressive role in women's development by publishing through-provoking articles. These bodies will help empower women by reinforcing their rights and asserting their individuality in the long run.

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