

## PAPER ON STATUS OF DOWRY IN INDIA

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Dowry was formally recognised as a 'social evil' by the modern Indian State in 1961 when the Dowry Prohibition Act was passed. Although this legislation has made punishable by law, the demanding, the giving and taking as well as open advertisements for dowry, the practice continues to flourish. By the early seventies the alarming phenomenon of 'dowry deaths' was on the increase. There emerged a clear pattern in the way young women were burnt to death within a short period after marriage. Such incidents were explained away as an 'accidental fire' caused by bursting of a kerosene stove. Delhi reported the highest number of such deaths in response to which 'dowry' became the key issue of a sustained campaign launched by women's organisations and activists in the 70's. In 1975 the report by the Parliamentary Committee on the Status of Women in India was presented before the government. This growing pressure eventually led to legislative amendments in 1983 and 1986 in the existing criminal laws to specifically incorporate the offence of dowry death. Corresponding changes in the rules of evidence were also introduced for crimes which occur within the privacy of the matrimonial home. Another outcome of the pressure of women's organisations\*\* in Delhi has been the establishment of a special 'Crimes Against Women' Cell by the Delhi Police.

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\*\* A list of Women's organisation working on dowry is given in the Appendix to this paper.

Despite the state's measures to combat dowry, the custom which was traditionally an upper caste Hindu practice has now been adopted 'popularly' and widely. It cuts across all caste, class, religions and is a component of both 'love' and arranged marriages. The number of dowry related murders and suicides have correspondingly increased. The official statistics for 1988 report that dowry was the motive for 3.1% of the reported murders and 2.5% of the reported cases of culpable homicide not amounting to murder. By 1992 the dowry murders and culpable homicides had increased to 4.3% and 3.3% respectively. While Delhi continues to lead all other cities in dowry deaths, the states with the highest reported figures are Uttar Pradesh, Bihar, Rajasthan & Andhra Pradesh\*\*\*. This increase according to women activists is not due to higher reporting of cases but reflects an actual increase in the crime.

An assessment of the dowry problem and the potential for success of the state reforms requires examination of the socio economic and cultural issues linked to dowry. The custom of dowry is rooted in Hindu tradition and is symbolic of the culturally differential status accorded to women and men, the bride's family and the groom's family i.e. the bride-givers and the bride-takers. Dowry itself involves the transfer of wealth and property from the bride givers to the bride takers beginning from the time of engagement. It includes the gifts, jewellery and cash given at the wedding to the groom, his family and the bride as well as the expenditure incurred for the marriage and the feasting. The customary 'giving' by the bride givers continues throughout the marriage, on festivals, birth of grand children and eventually the marriage of the grand daughter(s).

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\*\*\* Statistics from 'Crime in India' published by the National Crime Records Bureau, Ministry of Home Affairs, Govt. of India.



The traditional customary nature of dowry has undergone a radical transformation brought about by the changing economy. The capitalist development and the market economy has introduced a variety of modern consumer goods. The traditional dowry of conventional household items has been replaced by the latest available consumer goods. In terms of expenses, this transformation has meant a much greater financial burden on the bride's parents. The traditional items (such as linen, rugs, embroideries etc.) could be prepared at home years in advance of the marriage. The changing styles of contemporary time have compelled families to accumulate money in order to buy the latest status symbols available at the time of the marriage or as demanded by the groom's family.

The social changes brought about by urbanisation and the gradual relaxation of caste rules has facilitated the 'expansion' of dowry among castes and communities which did not practice it earlier. These changes have enabled families to buy a slightly higher status through marriage alliances with higher caste/status grooms on payment of a higher dowry.

The interplay of the socio economic changes have brought about a qualitative change in the custom of dowry. The inflationary trend set afoot by these changes have serious implications for women. Within the Indian patriarchal structure women have a traditionally subordinate status. The inflated dowries have exacerbated the financial burden of families with daughters resulting in further devaluation of their status. The ready money required for a daughter's dowry forces parents to take loans, liquidate assets and undergo

financial strain. This increasing burden of dowry has led to a corresponding increase in the practice of female foeticide. This has been made possible by new reproductive technologies like amniocentesis which enable detection of sex of the foetus at an early stage. Young girls internalise the guilt of financial strain put on their families and begin to view themselves as 'burdens'. As an inadequate dowry can result in postponement or cancellation of marriages, girls are exposed to this psychological trauma. Once married, the bride is hesitant to complain about the harassment, if any, by her in-laws on account of a dowry demand. She carries the guilt of 'burdening' her parents. The huge marriage expenditure is also responsible for the disinclination of the bride's parents and brothers to extend further support to her or bring her back.

The converse effect of high dowries is an enhanced desire for a son. Families with sons use marriage as a pretext to make money, establish new business ventures and make capital gain. As observed by a women's activist in Delhi, dowry has now become a legitimate means of 'getting rich quick'. Parents who have just married off a daughter recuperate through the marriage of their son. Where the groom's family feels that the dowry is less than what their status commands in the society, they feel cheated. This resentment is expressed by taunts, harassment, and violence inflicted on the bride to pressurise her parents into meeting their dowry demands. In such situations it is not uncommon for a bride to be driven to suicide or subjected to homicidal violence, leaving the path clear for a new marriage and another dowry.



The socio economic and cultural issues linked to dowry show that dowry cannot be isolated as a problem. It is linked to the larger issue of the status of women in India. Dowry is one among the multiple devices of the patriarchal system which devalues, disempowers and denies women any significant measure of autonomy. Any measure of reform which isolates dowry from these related issues is simplistic and bound to fail.

The state measures to control dowry by legislation are limited to 'criminalising' dowry related crimes. Only in situations where the marriage has broken up do people resort to claiming back dowry property or taking action under the Dowry Prohibition Act or the criminal laws. The Act prohibits the giving and taking of dowry ( thereby making the bride's parents also liable to punishment) but allows the gifting of 'presents'. Although a large amount of expenditure goes into conspicuous consumption during the wedding feasts, there is no mechanism to control that. The state governments and the centre have intermittently discussed the imposition of guest control during weddings but this has yet to be implemented.

The Crime Against Women Cell set up by the Delhi Police has come to be euphemistically known as the Anti Dowry Cell. In complaints of wife battering the cell often refuses to intervene as its treated as a private matter. A woman activist who is stationed at one such cell says women are often counselled to 'compromise' the matter and 'uneasy truces' are drawn to patch up domestic disputes. This in turn has led to granting the dowry problem a legitimacy which is denied to other domestic violence or 'quarrels'.. As a result women are increasingly adding a false dowry angle to their complaint in order for it to be taken

seriously. Even so, it takes a long time and effort to register complaints which induces complainants to withdraw their case.

The investigation in cases of dowry deaths has largely been indifferent and poor. Most judgements on dowry deaths reveal major lapses in collection of evidence. This gives the defence and the judiciary a large ground to discount the prosecution evidence on technical grounds. As the evidence often falls short of proving the guilt beyond reasonable doubt according to the strict standards of criminal law, the accused for murder gets acquitted or serves a smaller charge of cruelty. For similar reasons what are probably murders get judged as suicides. Both the investigation agency and the judicial process, in its collection of evidence and exercise of judicial scrutiny, reflect the indifference or the same patriarchal values that inhibit the victim from taking recourse to law.

The states measures relating to dowry continue to be duplicitous and limited. Hence the law declares dowry illegal while presents remain legal. Even as dowry is criminalised by law the women continue to be denied right to an equal share in parental property by the unequal personal laws on inheritance. Similarly, while anti dowry legislations are passed, the state continues to openly advertise capital investment schemes through its trusts, corporations and banks as methods of saving for a daughter's marriage. Although there is concern and alarm expressed at the crimes perpetrated on account of dowry, the custom and the status quo it preserves remains unproblematic. The focus of state will have to widen to incorporate the larger question of women's rights, status and empowerment for a serious effort against dowry.



## APPENDIX

Given below is a list of some of the Women's organisations engaged with issues of domestic violence ( including dowry) in India. The organisations are listed under their respective states. Against the names of some is given the year in which they were established. The addresses alongwith a brief description of their activities is also given.

### Andhra Pradesh

Progressive Organisation for Women :

60/A Old MLA Quarters, Hyderabad.

Publish literature on women; campaigning; counselling & follow up of individual cases.

### Bihar

Mahila Jagriti Kendra :

I-E Gomia, Jila Girindia-829112, Bihar.

Violence intervention centre, counselling in cases of battering, dowry, rape.

### Delhi

Action India :

5/24, Jangpura-B, New Delhi-110014.

Different projects with women such as training, income generation, Skill sharing, campaigning etc.

All India Women's Conference (1927) :

6, Bhagwan Dass Road, New Delhi-110001.

Working Women's hostel; printing press; campaigning; liaisioning with government on women's issues.

Crime Against Women Cell :

Nanakpura, New Delhi.

Headed by a District Commissioner of Police, this is a Police Station which also extends counselling to women. There are about 10 other police stations in Delhi where the branches of this cell are located. Representatives of some women's organisations work with the Cell.

Janwadi Mahila Samiti :

14, Vithal Bhai Patel House, New Delhi.

Campaigning; taking up issues of violence and social operation of womens, legal aid.

Karmika (1982) :

B-26, Gulmohar Park, New Delhi-110049.

Counselling; legal aid ; lobbying with government.

Mahila Dakshata Samiti (1978) :

2, Telegraph Lane, New Delhi-110001.

Campaigning; discussions; seminars; protest action on consumer interest and women's issues.

National Federation of Indian Women (1954):

1002 Ansal Bhawan, Kasturba Gandhi Marg, New Delhi-110001.

Working with women in trade unions; organising campaigns; discussions on women at the governmental level.

Sabhla Sangh :

G-Block Jahangirpuri, Delhi-110033 and F-1/88, Sundernagri, Delhi-110093 and B-350, Dakshinpuri, New Delhi and B-408, New Seemapuri, Delhi-110032.

Campaigning; consciousness raising; income generation with women in slum areas of Delhi.



Shakti Shalini (1987) :

J-13, Jangpura Extn. New Delhi-110014.

Counselling; campaigning on issues of violence, dowry etc.  
Provision for shelter home.

#### Karnataka

Vimochana (1980) :

7, Balaji Layout, Wheeler Road Extn. Bangalore-560005.

Forum for Women's rights; conscientization; organises slum meetings; newsletters; campaigns and marches; research; follow up individual cases of victimization and harassment.

#### Madhya Pradesh

Anti Dowry Front Viderbha :

9, Ramtelke Bunglow, Tilak Nagar, Nagpur-440016.

#### Maharashtra

Forum Against the Oppression of Women (1979) :

120, Safalaya Bldg.-2 , Ist Floor, Curry Road, Bombay-400012.

Counselling and legal aid ; demonstrations; meetings.

Majlis :

Shop No.51, New Shopping Centre, Bandra (E), Bombay-400051.

Counselling and legal aid for women.

Sakhya :

College of Social Work, Nirmala Niketan, 38, New Marine Lines, Bombay-400020.

Counselling, Legal aid and rehabilitation centre. Awareness raising programmes.

Stree Atyachar Virodhi Parishad :

Plot-17, Ganesh Colony, Ring Road, R.P. Nagar Sqr. Nagpur-440022.  
Campaigning against dowry and violence; legal aid.

Special Cell to Help Women & Children (1984):

Police Commissioner's Office, Crawford Market, Bombay-400028.  
Cell set up by the police in collaboration with social workers.  
Provide counselling and legal aid.

Women's Centre (1982) :

104-B, Sunrise Apts, Nehru Road, Vakola, Santacruz(E) Bombay.  
Counselling, campaigning, legal aid.

### Rajasthan

Idara Jaipur - Women's Development Programme :

C-85, Ramdas Marg, Tilak Nagar, Jaipur-302004.

Conscientization and organisation of women on health & gender issues.

Mahila Samooch (1989) :

Mukund Gardens, Adarsh Nagar, Ajmer-305001.

Intervention in crisis, mobilisation and organisation of women. Functions as a collective.

Women's Rehabilitation Group:

S-5 Bajaj Nagar, Jaipur-15.

Counselling, legal aid and short stay home for women.