

Dowry and the Indian Woman

The need for a two pronged attack

— Meera Mohanty

Perhaps there is no social evil as pervasive in our society as dowry. In many Hindu households today where there are unmarried girls, the topic of family discussion in course of time shifts to the topic of her marriage and consequently the amount of dowry required to get her married to a suitable groom. This is when the parents start lamenting the fate, which decreed them a daughter. One daughter's marriage would easily cost them their entire life savings and push them deep into debt.

The Concept

What then is dowry? was it always a social evil? Broadly, dowry refers to the wealth that the bride's parents must pay the groom and his family as part of the marriage arrangement. Dowry is demanded and is negotiable. It refers to gifts given both in cash and in kind. Often the demand for dowry continues for months or years after the wedding. Today, the groom's parents, in order to raise their socio-economic status and standard of living, increasingly demand dowry. Inability to pay dowry or insufficiency of dowry paid often results in abuse of the

woman, which in time leads to her murder or drives her to commit suicide.

However it is important for us to make a distinction between dowry and three other presentation systems involved in traditional Hindu marriage: Streedhan, Kanyadaan and Brideprice. Kanyadaan refers to the gift of the bride by her father to the groom. Streedhan refers to the gifts given to a woman by her natal kin or by her husband at, or after, her weddings, and the money she inherits from her parents, or earns by her personal efforts. The woman is the complete owner of her streedhan. Brideprice refers to the gifts paid by the groom to the bride's family as a compensation for the loss of services of the bride to her family. While dowry is mostly practised amongst the upper castes, bride price is mostly a practice of the lower castes.

The Genesis of Dowry

The practice of 'Dowry' has had an interesting journey down the ages. In the hymns of the *Rig Veda* and *Atharva Veda*, one can find mention of royal brides and princesses carrying dowries of gold or cows to their in laws

house. Popular literature like the epics, also tell us how Draupadi, Subhadra, Uttara, Sita etc were given valuable presents of horses, elephants and jewels by their parents at the time of marriage. Tulsidas in his *Ramacharitamans* also refers to this practice as being prevalent. However the crucial difference was that these gifts were not dowry in the sense of the term we use today. This dowry was part of the ritual of kanyadaan and was moreover prevalent mainly in the royal families. The Smritis recognized eight forms of marriage. Of these only in the Brahma marriage, the father gives away his daughters with such gifts and presents to a man of superior character. Even here the decision regarding gifts given in dowry remained the sole prerogative of the father of the bride.

With the passing of time, in the later vedic period, pre puberty marriage for the girls came into prominence. Thus the fathers were pressurized into finding suitable grooms for their daughter within a stipulated time, after which the presence of an unmarried daughter at home was deplored by society. Further, Manu's dictat that the woman is subordinate to

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her father when a girl, subordinate to her husband when married and subordinate to her son when a widow, meant that the woman is in every sphere of her life subordinated to the man. All this laid the ground for the transformation of dowry from having a religious character as 'dakshina' to gifts given unwillingly to the groom's family.

The spread of British rule unleashed forces into Indian society which resulted in monetisation of the economy, spread of education and introduction of organised industry. This created English educated youth and government employees whose value as suitable grooms skyrocketed. As a result they also began to command huge dowries.

The Dowry System today

Today the dowry system has assumed scandalous proportions. It has wide ramifications for society. The pervasiveness of the traditional Hindu arranged marriage creates conditions where dowry is demanded and accepted by the groom's parents in the name of tradition. The amount of dowry paid is determined by factors like the profession of the boy, his salary, socio-economic status of the girl's family, the social status of the boy's family, educational qualification of the girl and her employment status etc. Dowry nowadays comprises mainly cash and household items, electronic goods, clothing, jewellery and so

on. This is given to the family of the bridegroom and the bride has no right over them. The amount of dowry given is taken as an indicator of the status of the bride's father.

Region is another important determinant of the dowry system. M N Srinivas remarks that it is as important for us to distinguish between dowry in India to the north of the Vindhyas-continental India and dowry in peninsular or South India¹. According to Srinivas, the former region broadly experiences hypergamous marriages i.e. when a man from a superior Jati marries a woman from an inferior jati. This produces asymmetry in relations and social status that is compensated for by dowry. In the south however marriages are mostly isogamous, further reinforced by cross-cousin marriage. Dowry thus developed as a system of affinal presentation here. Also, in South India dowry is mainly practised among the high castes and bride price among the lower castes. However this seems to be changing now. Brideprice is increasingly being replaced by dowry. Further even where dowry was present formerly, it was always a fixed amount and more in the nature of a symbolic gift. Scarlett Epstein describes how increasingly dowry has replaced bride price among the Okkaligas of Karnataka². According to her there are four factors involved in this shift:

- Increasing wealth of lower castes, which encourages conspicuous consumption.
- The transformation of the woman from being an economic asset into an economic liability as it is considered a matter of prestige to have a woman do no work outside the home.
- The parents of the grooms feel justified that the cost of educating their son, be recovered from the bride's parents.
- Sanskritisation and thus imitation of high caste customs.

Causes for Dowry: the macro-structure

In his article 'Bride burning and dowry deaths in India' Partha Banerjee asserts that the main factors influencing dowry and its related problems are³:

- Retention of the caste system: jati endogamy and hypergamy are major reasons for dowry demand.
- Religious orthodoxy and social patriarchy: ancient scriptures eulogises dowry and patriarchy reinforces it.
- Ever increasing greed of the bridegroom's family.
- Lack of adequate support to unmarried women from society.
- A morally depraved political system run by pro-status quo conservatives.

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The author provides evidence from five geographic regions and shows how the Hindu-Hindi belt comprising Delhi and neighbouring states are the hotbeds for dowry related violence.

Thus it is seen that dowry is a result of the social structure. Whereas the hypergamous marriage was the *raison d'être* for its existence in pre-British India, the forces of Sanskritisation fueled the fire during the colonial period. However today the declining caste system and the emerging class system have heightened the craze for easy money in the form of dowry. In a status conscious society today, no doubt caste indicators play a role, but increasingly the secularisation of our customs leads to a purely materialistic evaluation of social practices.

The Rationale provided for Dowry: the micro-structure

How do the actors themselves justify dowry? There are primarily three rationales provided for the institution of dowry. The first rationale in McKim Marriot's words 'behind this organisation of marriage is the feeling that one's daughter and sister at marriage become the helpless possession of their kinship group'. To secure her good treatment, lavish hospitality must be offered and gifts made to the groom's family. The second rationale is a fallout of the first, that when the girls is married, she becomes an economic burden to the groom's family to be taken care

of and tended for the rest of her life, hence the offering of compensation. There is also a third rationale, which treats dowry as compensatory gifts given by her family in lieu of her share of inheritance in property. However this fails to satisfy the lack of control of the bride on the items given as her dowry.

The problem of Dowry Deaths

Dowry deaths is the term collectively used to denote deaths caused by abuse relating to dowry. This includes both murders as well as suicides. However many of these incidents go unreported, firstly for fear of publicity by the girl's parents. Secondly the groom's parents tamper with the conclusive evidence and since most of these deaths takes place within closed doors, the truth never comes out. Thirdly, as a settlement the groom agrees to marry the bride's sister for keeping the bride's family quiet. Thus many of these deaths go unreported.

Combating dowry

Laws

The Indian government has tried to combat the growing incidence of dowry death by enacting various legislation. The *Dowry Prohibition Act* was enacted in 1961. To increase its effectiveness, the government has twice amended the Act, in 1984 and 1986. The 1986 amendments require the police and a judicial magistrate to investigate every unnatural death of a

woman married for less than seven years. Currently, the Act prohibits the "giving, taking, or demanding of dowry." The Act defines "dowry" as property that is given or agreed to be given to a newlywed by the other newlywed or either set of parents "in connection with the marriage." Violations of the Act are "punishable with a term of imprisonment of between six months and two years, plus a fine of up to ten thousand rupees or the value of the dowry, whichever is higher."

The Indian Penal Code, amended in 1983, outlaws dowry-related cruelty by the husband and his relatives. The Parliament further amended the Penal Code in 1986 to explicitly provide that dowry deaths are punishable with imprisonment between seven years and life. Additionally, the Code of Criminal Procedure now mandates a police investigation into deaths of women under suspicious circumstances that occur within seven years of marriage.

Finally, in addition to criminal laws, the *Indian Evidence Act* creates a presumption of dowry death whenever a woman is subjected to dowry-related cruelty or harassment soon before her death.

The National Commission for Women was set up in 1992 to look into women related issues, probe the status of women, examine various legislation and assess causes of discrimination and vio-

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lence against women and suggest possible remedies.

Despite these measures, the practice of Dowry still continues and dowry deaths persist. Indeed M N Srinivas considers dowry as the modern day Sati. What are the reasons for the failure of these measures?

- Dowry included only money and property given at the wedding ceremony. Consequently, the laws did not prohibit gifts demanded after the wedding.
- Tardy investigations by the police and corruption.
- Unwillingness of the girl's parents to report the deaths as they consider it as an internal

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matter of their in laws family. Explanations of 'kitchen-accidents' are meekly accepted.

The *economic dependence* of the women on the men is seen as a major reason for their continued exploitation. In 1996, TARAGram was created as a pilot hand made paper unit near Orchha, Madhya Pradesh, India. It has evolved into an appropriate technology research and training centre. Today, TARAGram serves as a model for sustainable livelihood generation.

Such initiatives provide the strength and confidence to women to face the exploitation of caste and patriarchy.

But more importantly social awareness of the evils of dowry, created through journals and organisations taking up the cause of women has an increasingly larger role. Dowry is an evil that needs to be combated at two levels: at the level of the macro structure through legislation and social engineering and also at the level of micro structure, by creating awareness and changing belief systems. Such a two pronged attack is the only way of banishing this evil once and for all.

References

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4. Sheel, Ranjana, "The Political Economy of Dowry: Institutionalization and Expansion in North India", 1999, ISBN 81-7304-264-0.

Incidence of Crimes Against Women - All India (1996-1998)

Sl. No.	Crime Head	Year			Percentage variation in 1998 over 1997
		1996	1997	1998	
(1)	(2)	(4)	(5)	(6)	(7)
1.	Rape	14846	15330	15031	-2.0
2.	Kidnapping & Abduction	14877	15617	16381	4.9
3.	Dowry Death	5513	6006	6917	15.2
4.	Torture	35246	36592	41378	12.9
5.	Molestation	28939	30764	31046	0.9
6.	Sexual Harassment	5671	5796	8123	40.1
7.	Importation of Girls	182	78	146	87.2
8.	Sati Prevention Act	0	1	0	-100.0
9.	Immoral Traffic (P) Act	7706	8323	8695	4.5
10.	Indecent Rep. of Women (P) Act	96	73	192	163.0
11.	Dowry Prohibition Act	2647	2685	3489	29.9
	Total	115723	121265	131338	8.3

These statistics are from the National Crime Records Bureau, Ministry of Home Affairs, 1999 Report.