

WOMEN'S CENTRE, BOMBAY

D O W R Y I N B O M B A Y

SOME OBSERVATIONS

By,

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A W O M E N ' S C E N T R E P U B L I C A T I O N

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superior status to begin with and this is unquestioned whether the marriage takes place with or without dowry. There are communities where there are no dowry like Brahmins, Baniyas or Lohanas of Gujarat or like most working class communities but among all these people there is no doubt about who is the boss. The bride and the family are always in a lower position. In such circumstances, it is very difficult to question dowry without questioning the general status of women.

Modern form of Dowry :

With cost of living going up, more and more middle class men want to marry working women. This is more common among certain South Indian and Maharashtrian communities where the middle class taboos against working women were broken two generations ago. It is also found increasingly among Gujaratis and other communities. Anavil women from Pardi Taluka in Gujarat used to covet jobs as teachers in Municipal Corporation in Bombay because with their Junior College level education these jobs gave maximum security and that reduced the dowry amount required. With the number of Gujarati schools in Bombay declining. These women are desperately trying for other good jobs. This situation is aptly portrayed in the Marathi play ' Mulgi Zali Ho ' (A girl is born) performed by Stree Mukti Sangathana, Bombay where the prospective bridegroom demands to see the payslip of the girl when he comes to see her. Even matrimonial ads in newspapers give a fair idea of this new trend. It is also the experience of social workers and people in public life that girls or their parents beg of them to find atleast temporary jobs for them until they are married. The productive value of the women's labour is treated as monthly payments of dowry because once married these

women seldom have control over their own incomes. This has also been observed in cases of Indian women in U.K. and Canada. Obviously, higher education and earning capacity or economic independence while prerequisites of women's equality do not liberate individual women by themselves. These women who contribute to the family income are also expected to do all the routine housework traditionally assigned to women.

Another new item of dowry peculiar to Bombay is a room or a flat. Accomodation situation is terrible in Bombay. Even an apartment in distant suburbs can be had only at the rate of about Rs. 800/- per square foot or so. A small room in the city can fetch a rent upto Rs. 1,000/- per month where the paying guest does not even get a rent receipt. It is uneconomic for a landlord to own too much urban property and to have tenants so the only way to get accomodation is to buy it. Old buildings are pulled down and ownership flats came up in their place.

Controlled rent and other regulations have put an end to leave and licence tenants. The city generates lot of employment and attracts many people in search of jobs. The poor live in slums and on footpaths. The middle class men try to solve the problem by advertising their educational and other qualifications in a matrimonial column and declaring that they want brides of such and such communities having their own accomodation. Everybody knows that in the group of these ads a woman of average marriageage is in her twenties. Therefore, she would be too young to be senior enough for getting married employees' quarters which ~~is~~ any case came with very few jobs. Also she is not likely to have earned and saved enough to have invested in an apartment. Young women in India seldom lives by herself. Young and single working

women in Bombay usually live in hostels when their families are settled in their hometowns. Otherwise, they live with their families. So why would they be having their own accomodation ? The advertisements clearly hints that the dowry amount should be enough to cover the price of atleast a small apartment which in Bombay would cost quite a lot.

Perhaps the most disgusting practice is that of a woman having to earn her own dowry. Indian nurses from Kerala for instance, have gone all over the world to earn enough to pay for their dowry. Anna, one of the first women to drop in at the Women's Centre, Bombay, was one such nurse. Being a good girl and an obedient daughter she went to a Gulf country after training as a nurse to collect a dowry for herself. Her father was not very well off and it had never occured to either of them that she could stay unmarried or marry outside her community . After her marriage her husband insisted that she again goes abroad to work and she had become pregnant after her marriage and still she had to go back and earn more for him. She returned for her delivery and found another job in Bombay. Whether it is paid by parents or by herself, dowry is a never ending demand. Besides, a woman having to earn in order to save for her own dowry is one of the biggest contradictions of modern society which is conservative enough to retain caste and dowry systems and again conveniently modern enough to allow a woman to go anywhere under the sun to earn it herself, for isn't it argued that in working class communities a brideprice is traditionally paid because of the value of the woman's productive labour which passes on to the on to the husband's family from her father's ? Here are the cases like Anna's where the bride's productive labour benefits the husband and yet a dowry has to be paid. This is clearly a long term economic exploitation of a woman's

labour power over and above on the spot dowry amount at the time of marriage which was traditionally given in communities where women neither went out to work nor were entitled to family inheritance. It is not only double economic exploitation and humiliation of the woman but also the degradation of getting the victim to dig her own grave. For isn't it this payment of dowry that gives rise to further dowry demands leading to dowry deaths or other forms of violence against married women ?

Dowry and Consumerism :

There is a widespread practice of ' exchanging gifts ' at the time of marriage. These gifts are, of course, not mutually exchanged. They are given from the bride's side to the bridegroom's and can include anything from saris and shawls for relatives to bicycle, scooter, car, radio, T.V., video set, three-in-one, foreign trip and so on for the bridegroom. A number of new and expensive products keep coming in the market. They are tentatively advertised to create a demand for them. Many of these get into the list of ' gifts ' to the bride, bridegroom and his family. Every bit of technological advance in consumer goods can be turned into a dowry item whether it is ovens and grills or tape-recorder or three-in-one (radio, recordplayer and cassette player) or the latest model of a motor-bike. If a middle class family fancies them, a son's marriage is the time to acquire them free for themselves.

Amendments of 1984 to Dowry Prohibition Act says the punishment for giving or taking dowry is now minimum six months imprisonment going upto a maximum of two years and fine may be upto Rs. 10,000/- or the value of the dowry whichever is more. However, Section 3 of the original

Act is further amended to provide that it does not apply to presents given to the bride or to the bridegroom. Such presents are required to be entered into a list maintained according to the Rules. Further, such presents are required to be of a customary nature, and their value must not be excessive having regard to the financial status of her parents.

As Indira Jaising comments (Recent Changes in Laws Affecting Women - a short note prepared by Indira Jaising, on behalf of Lawyers' Collective, Bombay) although Section 2 (of the Amendment Act) includes presents in the definition of dowry, this section to a large section nullifies the effect of that amendment. Presents can still be made in unlimited amounts to the bride. The only safeguard is that they must (a) be made to the bride (b) be entered in a list (c) be not excessive. These cannot be said to be safeguards. Household goods will obviously be utilised by the family though stated to be made to the bride. Presents can be accepted without entry in the list. Financially status of a girl can be a matter of dispute.

Besides, given the lower position of a bride's family how can it insist on making a registered list? We have also to consider the unaccounted money or the 'black money' that is spent in our country where parallel economy is a recognised reality.

It is not only middle or lower middle class family that demands the latest consumer goods as dowry items, it is also the richer families that take pride in showing off what the newest bride in the family has brought with her. After all, that is one way of showing how important they themselves are and how much a boy of their own family is worth. The rich are no less acquisitive in all this than the middle classes.

In the pre-Independence days two major communities living in Bombay were Maharashtrians and Gujarathis. Within these two language groups there were several castes in which dowry system existed. However, these communities like Maharashtrian Brahmins or Gujarathi Leva Patitads or Anavils had their own kind of traditional dowry. Marwari business families in Bombay used to spend much more on weddings and their dowry amounts were also very high. Practices of lavish weddings and giving innumerable gifts to the bride did not spread among other communities. Maharashtrian and Gujarathi middle class was considered more advanced and progressive. Marwaris did not set a model for them to aspire to. This is changing now. A large number of Sindhis and Punjabis have now settled in Bombay after Partition. Many of them have become successful businessmen. Their next generation have developed a more Westernised lifestyle in the sense that they speak English, dine out often, dress in a modern way. However, they also have traditional weddings, and other conservative practices. It was, for instance, unusual for a Bombay bridegroom to wear a turban and ride a horse in the wedding procession. This was considered feudal and was done away with. Several Punjabi families have adopted this kind of weddings in the city. This plus mehndi ceremony jalsas and other entertainment programmes, cocktails etc. are a part of their kind of modern wedding celebrations. These have now been adopted by Gujarathi business community which had been under Gadhian influence earlier. The Punjabi model is also being imitated by a section of Maharashtrian upper class, specially from intermediate class. Whereas a plate of ice cream at a wedding was a novelty in forties and wedding receptions were introduced as recently as mid-fifties, with only cold drinks or ice cream served today large buffet spreads at receptions are a must for every middle class wedding. All this is usually paid for by the bride's father.

Dowry and Caste System:

Dowry is not paid merely to get a girl married. It is paid in order to marry her to a boy of the same caste. Dowry is directly related to the caste system and yet no attack is made on the caste system, especially in the post-Independence period. It is mainly condemned because it perpetuates untouchability and because it plays a perverse and divisive role against the process of national integration. Not because it perpetuates and rationalises dowry and other discriminations against women also. No campaign against dowry can be successful without a campaign against evils of caste system also. Almost every caste has its own discriminating against women. In all castes sons are the 'natural' inheritors of the family property and this remains so in spite of changes in the inheritance laws, due to the caste conventions and other economic factors. (Pritam Singh, 'Dowry Among Jat Sikhs in Punjab') Over and above these there are traditions like a woman not being allowed to plough the land although she may perform more back breaking tasks of paddy transplantation or leave picking. In extreme cases she may even be used as a bullock as amongst poor farmers in Rajasthan Andhra Pradesh and elsewhere but never is she to actually drive the plough. Land and plough - both means of production - are owned by men in the family. The same applies to the potter's wheel in case of potter's community (Kalpana Shah, Centre for Social Studies, Surat) where women dig and fetch soil, mix it heat the clay products, paint them but never ever sit at the wheel. And of course, it is the Brahmin who are twice born and Bania's sons who learn the business so on.

The matter becomes much worse where dowry is involved. Dowry amounts, in many castes are spiralling. There is no natural mingling among boys and girls that would result in dowry free intercaste marriages in the normal

Not surprisingly, many other compulsions of the caste systems like exclusive caste dinners in the event of a birth, a marriage or even a death have practically vanished in large cities. It is common for people of various castes within a broad range of middle and upper caste groups to eat together which was tabooed two generations ago. Nor a taboos on foreign travel or girls' education surviving. This happened when more men began to go abroad and educated men wanted educated wives. Child marriages are also a matter of history for members of many castes. Whenever men also suffered oppression of the caste traditions and when it violated their dignity and personal freedom the oppressive practices have been challenged or silently dropped. Not so when it comes to a custom like dowry which has increased in amount and scope. Unless the anti-women bias of the caste system is brought to light and challenged it will continue to support dowry system and make anti-dowry laws null and void in effect.

The dowry system connected with the caste gives rise to strange situations at times. The men who forsake dowry feel vastly superior and act as though they have done a great favour to their wives where as actually all that has happened is that they have refused to be a party to their own degradation. After all, dowry makes a man something of a purchasable commodity. Besides refusal to commit perjury, the or murder is no favour to anybody else. Why should refusal to commit a crime against women be considered a great thing in itself. Of course, given the present day social reality one does feel happy about the decisions of such men not to take dowry but these decisions by themselves are no guarantee that these men will not beat their wives, murder them or drive them to suicide just as others do in what has come to be known as dowry deaths. There are atleast six cases of battered women

with Women's Centre in Bombay in which the husbands concerned had not taken dowry although they belonged to communities where dowry was common. There was also the case of Dr. Varsha Venkacaraman who died an unnatural death by hanging. She is supposed to have committed suicide. The matter is under investigation. In her case, it is said, her doctor husband and her in-laws constantly reminded her that they would have got atleast rupees had he married a girl of his own Tamilian Brahmin community instead of Varsha who was a Gujarathi Lohana community. It was also being pointed out to her, it seems, that such an amount would have been very useful for marrying off her husband's sister. Varsha's was a 'love marriage'. The few arranged intercaste marriages that do take place are usually amongst the very rich. They are like alliances between two industrial houses or two families of high financial standing. The new cosmopolitanism of the super rich cuts across caste at times but does not shed off any other trappings of a traditional marriage. These marriages are very expensive and the bride brings a fantastic amount of jewellery and gifts with her. Mere non-acceptance of dowry or a dowry less inter caste marriage does not cease to give dowry related problems to women if dowry itself is seen merely as an evil by itself and not as a manifestation of a far more blatant inequality.

Dowry and Role of Bride's Parents:

It is true that the parent's of the bride and the bride groom share the same values and morally the bride's parents are as much to be blamed as the bridegroom's for the practice of dowry. Also, the parents of girls and boys are not mutually exclusive categories. The same set of people generally have both - daughters as well as sons. When we sympathise with girls' parents we need to consider the fact that they too usually demand and accept dowry as

boy's parents. This is how the vicious circle continues with the exception of some families being 'saddled' with more girls or all girls and some 'lucky' ones having all boys.

However, a distinction has to be made in law. In their capacity as girls' parents the dowry givers can just not be blamed as much as the boys' parents. Already victims of a vicious social system they need not be victimised further by law. Also a girl or her parents cannot be expected to lodge a complaint about dowry if they too can be arrested for having given it. That is why, although the Dowry Prohibition Act was passed in 1961 no complaint had been lodged until 1975 and only one was lodged after that. Forum Against Oppression of Women, Bombay as well as several other women's organisations made this point before 1984 Ammenment Act was passed. Even the report of the Joint Committee of the Houses of Parliament to examine the question of the working of the Dowry Prohibition Act, 1961, presented on 11 August, 1982 observes :

The Committee feel that the giver of the dowry i.e. the parents should not be equated with those who take dowry. The giver of dowry is more avictim than a criminal. The parents do not give dowry out of their free will but are compelled to do so. Further, when both the giver and the taker are punishable no giver can be expected to come forward to make a complaint.

The Committee are, therefore, of the opinion that only those who take or abet the taking of dowry should be punished.....

Despite this, the 1984 Ammendment makes taking or giving of dowry as a crime punishable with 6 months

imprisonment.

As far as bride's parents are concerned they are often victims of the dowry system and more specifically of the oppression by the groom and his family on one hand and victimiser of the girl on the other. The socialisation of the girl starts in her parental home where her initiative is often curbed and she is not encouraged to have a strong personality or to have higher aspirations in life. Many fathers now make special wills and arrangements to deprive the daughters of their equal share of inheritance. Often, girls are denied useful higher education and are prevented from taking up jobs. They would much rather invest in her dowry and get her what they consider a good match. With such conservative ideas they compel the girl to stay at her matrimonial home even when she is harrassed there because they really believe that a girl's place is in her husband's house no matter what. It is also because they must guard their investment that they have made in form of dowry. That investment brings yield in form of the girl continuing to stay with her husband. In most dowry deaths or other wife murders the parents of the bride are aware that she is very unhappy and the situation is quite dangerous for her. In several cases, she has left her husband's house and taken shelter with her parents or relatives and then these people have persuaded her to go back after which she dies an unnatural death.

The girl's parents are kept on tenterhooks when the boy's people do not clearly say what they expect as dowry. At least in one case in our knowledge the betrothal was about to be called off because the girl's father misinterpreted the the bridegroom to be's statement that he did not want any dowry. The girl's father had risen in life and he and his wife

together had worked and saved up for daughters' marriages. He wanted to prove that though he was a ' Babu ' (in service) he could meet the demands of a ' Lala ' (traders) family. He also felt that the boy whom he knew rather well was not demanding anything directly but that he or atleast his family would expect a large dowry for this highly educated man. He suffered great tensions and anxiety due to this suspicion and insisted on paying a dowry which led to strife between the two families because the boy was serious about his decision not to take dowry. This happened many years ago. Needless to say that such a case is an exception. It is mentioned here merely to emphasise the point that dowry is so common and so widely spread that even when in a rare instance a boy is genuinely opposed to it, the girl's family is agonised because it just cannot believe it is true. It also indicates how ability to give dowry can also be a status symbol for brides' parents. Such perverse status symbol seeking raises dowry rates which is criticised by other dowry giving parents.

Another peculiar case handled by Women's Centre was of a 24 year old girl who was being coerced by her father to marry any man of their community living in a village or a small town. The reason behind this was the smaller sum demanded by non-Bombayite bridegrooms. The girl who was born and brought up in Bombay was not ready to settle in a small place. When the matter was brought to Women's Centre by a friend of hers she had been prevented from making a police complaint her father and packed off to her native place near Mysore in Karnataka. It was feared that surrounded by her clan there she would not be able to escape and would be married off against her wishes. Such a possibility was prevented due to Women's Centre's intervention.

However, what is confounding is the fact that this girl and her friend had inserted an ad in Times of India in response to which two or three candidates of the same community had shown interest in marriage without dowry. The father opposed such a match vehemently and insisted that she should marry with some dowry in her native place to a man of his own choice. It was a clear case of male chauvinism strengthened by adult chauvinism. He could not stand the idea of the girl having a mind of her own.

Dowry and Law :

Neither 1961 legislation nor the 1984 Amendment to it has been successful in arresting dowry practices or bring the culprits to book. Victimised parents or wives rarely ever lodge a complaint except when a woman is killed for more dowry or she is driven out because of her inadequate dowry. The issues which then arise are not just matters of dowry but also of murder, wife-beating and other forms of harrassment, divorce, maintenance, restoration of conjugal rights etc. Somehow none of these other very important and other dowry related issues has received as much attention as the phenomenon of dowry itself. It may be due to the fact that the more gruesome incidents of dowry deaths have taken place or atleast come to light in larger numbers in Delhi where the Central Government is situated. Due to the public outcry that takes place because of press coverage and protests by Women's organisations seems to have forced the Parliament to look into the ineffectiveness of 1961 Act and make Amendment of. One also suspects that dowry is relatively a more convenient women's issues for the government to highlight. After all, it can blame caste system, centuries old traditions

and the parents of the bride and bridegroom for the phenomenon. It does not become a failure of law and order as in case of rapes. Not that rape is merely a law and order problem. It too is very specifically a violent gender based crime against women but is somehow lumped together with murder and other generally violent crimes mindlessly. There are other women's problems which do not receive enough attention and they are high rate of unemployment amongst women. Less pay for equal work in unorganised sector in which majority of employed women work and so on. These problems reflect the failure of the the Government to provide security to women more sharply. Dowry is far more common among the middle and upper classes and the problems of this powerful and articulate sections are naturally taken far more seriously. When a middle class woman in a city is killed the event creates far more noise than the rape of a female landless labourer in a village.

This is certainly not in any way to suggest that dowry is merely an upper class phenomenon and not a real women's issue. It is definitely a women's issue but it can never be handled in isolation from other women's issues. The attempts of the government to take only dowry problem more seriously and to channelise its resources basically to prevent dowry or to help dowry victims is a wrong approach to it.

The Amendment to Dowry Prohibition Act has already been criticised elsewhere in this paper for two things. Firstly, it holds givers and takers of dowry equally responsible and both are liable to the same punishment of jail and fine which seriously prevents the giver from making a complaint. It is also unjust to treat victims and victimisers as equals. Secondly, it gives sanctity to any amount of gifts made to the bride and bridegroom

which can lead to relabelling of dowry as gifts among other things.

However, Section 4 of the 1984 Amendment says that not only taking but demanding dowry is also an offence is a welcome step. So is the Amendment in Section 7 that the courts themselves can take cognizance of dowry offenders by themselves, on a police report or a complaint by the aggrieved party, a parent, a relative or any recognised welfare institution or organisation. The last category that i.e. welfare organisations are important because they cannot come under the family or caste pressures like parents or relatives of the girl. Amendment to Section 8 makes the dowry offence cognizable which means it has to be taken much more seriously. However, it continues to be brutable.

Different states like Bihar, Orissa and others also have their own Dowry Acts and have made Amendments to them. But the most crucial law in matters of dowry offences, especially on violence part of it, is not the Dowry Act (Amendment) of 1984 but the Criminal Law (Second Amendment) Act of 1983 in which Section 498A has been introduced to deal with cruelty by husband or relatives of husband. Cruelty has been defined as driving a woman to commit suicide or to cause grave injury to her mental or physical health because of her failure to meet property demands. It is an important step forward to recognise that not only wife murders but driving the wife to suicide is also criminal. Too many wife murders cannot be proved due to lack of evidence that the woman was actually killed by her husband or his relatives. However, if it is argued that the woman took her own life it can still be an offence if she was driven to it. A number of cases have been registered under this section in 1984 all over the country.

Dowry Deaths, Police and Law :

' Dowry death ' is perhaps a misnomer. It is not like a cholera death or a typhoid death. Nobody dies of dowry the way people do of a disease. So called dowry death is a usually wife murder or the case of a woman driven to suicide due to dowry demands. Like most crimes against women these too are difficult to prove. There can be no outside witnesses of rape or wife murder. If the witnesses were there, the crime not have been committed, especially a crime like wifemurder which is committed in the privacy of a home and in the presence of only husband's family members. The victim has no chance to leave a note or any other evidence that cannot be destroyed before the death is reported. Advocate Mihir Desai of Lawyers' Collective, Bombay suggests that the Woman's relatives should be informed before the police is brought in. They should bring their own doctors too. They should be present when the police makes first inquiries and collects evidence. After all the role of the police in such matters has been unreliable enough for a rule to be made that a dowry case will be handled by a police officer of a rank not lower than Assistant Commissioner's. Mihir Desai and Gayatri Singh also had several other things to say from their experiences in dowry death cases. They feel that at the time of the post-mortem a doctor from woman's side should be present.

These lawyers - activists also feel that before police drops the matter in the criminal court full hearing should be given to the woman's relatives. In the case of Rita Lala's death, Forum Against Oppression of Women had made a public protest in which even neighbours had joined because they were aware of the harassment the dead woman used to suffer. The matter

was in the coroner's court where Lawyers' Collective was handling it. However it was dropped in the criminal court by the police and the accused were discharged. The coroner's court cannot give a finding which is inconsistent with the criminal court's and so it was dropped there too. "A discharge is not an acquittal" says Mihir Desai, "it is neither a conviction, of course. But then the discharge is made because of lack of evidence and not because the evidence is conclusively proved that the crime was certainly not committed by the accused. With discharge from the criminal court there should be no reason to stop the coroner's hearing too. We challenged the practice with this argument in a petition to the High Court but our petition was not admitted."

What these lawyers also point out is that the Dowry Act does not say anything about the death of the woman because of the dowry demands. Most of the cases come up because a woman has actually died. These deaths have created an uproar and the Dowry Prohibition Act has had to be amended. Even then, the Amendment does not take up the issue of these deaths at all. It is silent about punishment to the guilty in these cases.

The famous documentary film "A Gift of Love" on dowry has recorded statements from hospital staff that when a woman is brought in after she is burnt she initially gives the statement that it was an accident. However, later on when she talks to them she talks of the harassment by

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husband and/or in-laws and sometimes also says that they had tried to set her on fire. Why does this happen? There is also the question of the integrity of the officer noting the dying declaration. It is suspected that these are changed at times because the husband's family is ready to spend any amount to hush the matter. However, even when the matter is not hushed a woman often tries to absolve her husband and in-laws of guilt. This particularly happens when there are children and she does not want them to live as a murderer's children or create any complications for them. Secondly, if she survives she knows she has to go back and live with the same people. She is not free to select an alternative way of life. There are hardly any alternatives. If there were and if such alternatives were not demeaning herself further like being an unwanted dependent or living off charity etc. etc. she might not have tried to take her own life or stayed on to a violent end. Thirdly, woman is usually not accustomed to making statements to strangers. When she is dying or badly injured is hardly the time for her to become conscious of justice to herself and punishing the oppressors. The dowry law, if it is to be effective, will have to go into the question of dowry deaths as a specific women's reality.

It has been known that in all the seventeen cases or so handled by the special dowry cell of Delhi police the accused have been acquitted or discharged. In recent cases of Manjushri Sarda from Pune and Sudha Goel in Delhi, the higher courts have totally reversed the judgement of Bombay High Court and Delhi Sessions Court convicting husbands and their relatives of murder. In both cases local women's organisations have worked very hard to make them public issues and were demoralised to see the husbands go scot free. None is saying that a husband or his family has to be blindly punished every time a woman dies in strange circumstances but the very poor rate of convictions

lead one to think that according to authorities concerned there is no violence related to dowry and that dowry deaths do not take place.

Dowry Among Working Classes:

It has already been mentioned that dowry is being introduced in communities where it did not exist earlier. They are taking up the characteristics of higher castes in this matter as they do in other matters like elaborate pooja witha Brahmin called in etc. According to Arati Luthra (Practices and Perceptions of Dowry in the Lower Income Groups in Delhi) the values of hypergamy where the girl marries a boy of higher standing have seeped into the new immigrants to the city who practised brideprice in their villages. Rukmini Rao notes in her study (Working Class Women and the Practice of Dowry) that the practice of dowry appears to be spreading among the working class. For example, she notes, one girl from the community of Paharis of Himachal Pradesh says that seeing Punjabis their men too have started demanding dowries. While the material available on dowry among working class is very little one can see that even when the general conditions of the working class is not good, women have even worse jobs as domestic servants or in small scale factories and a higher degree of unemployment so that the men who are somewhat better off put a premium of themselves.

In Bombay too, dowry has come to working class communities from Konkon and other parts of Maharashtra. It was in the sugarcane belt that dowry was introduced and then raised among Maratha Kshatriyas. It has spread to Marathas else where and now is common among Kumbhis, Sunars and even Dalits. In many of these communities men have acquired better education and moved into organised sector whereas women work as domestic servants or remain back in villages. to cultivate family plots of land. Many work in small

scale factories, hospitals etc. In most of these communities, there was brideprice amounting to a few hundred rupees until ten or fifteen years ago. Now the reverse is taking place. The bride's father has to pay some money, bear wedding expenses that were earlier borne by the bridegroom's side and also give gifts.

Dowry among non-Hindus :

The nurse Anna who had to go to a Gulf country to earn her dowry is not a Hindu. She is a Syrian Christian. Many Keralite women working in Bombay as nurses, teachers, typists etc. are Christian. They have to pay dowry when they marry. So must Mangalorean Christian girls so many of whom live in hostels here and work. SEWA, Delhi made a study of Muslim women of three generations with casestudies of marriages with dowry called ' Dowry amongst Muslims in Old City - SEWA (Delhi) ' Bulbul Pal reports in Times of India of 24th February '85 that one of the main reasons why marriages of teenage Hyderabad Muslim girls to old Arab men take place because the poor parents cannot attend to pay huge amounts of dowry that local Muslim boys demand. Many of these families are of Arab stock and have married their girls to Arabs before. However, after the oilboom too many old Arabs came here literally to buy a bride. The brideprice is very steep in their own countries. What happens to many of these women is well known. Their Arab husbands often leave them behind and are never heard of again. They cannot remarry because they are not divorced. And this is not the worst that can happen to them. They can even be taken to Gulf countries and divorced or made to do a maid's job free of charge.

It is possible that dowry was meant to offset the girls

disadvantage in getting the family inheritance. However, inheritance laws are different for people of different religion and yet the dowry laws are meant for all. **So Christian and Muslim women citizens of India must suffer double discrimination.** They cannot have equal inheritance rights like Hindu Women but they must suffer from dowry system like many Hindu women. Shehnaz Sheikh has challenged among other things, the Muslim Personal Law granting a daughter only one half of the share that a son gets. Mary Roy has challenged the old Travencore and Cochin Act that applies to Syrian Christians because it gives a smaller share to daughters. The Christian Law as it applies to non-Syrian Christians does not give any inheritance rights to women. Shehnaz Sheikh argues in her petition to the Supreme Court that Government of India has discriminated in favour of Hindu women by continuing the security of equal right only to them under Hindu Personal Law passed in 1955 and 1956. The question of dowry cannot be handled realistically if we ignore the conditions of non-Hindu communities where there is also dowry.

Dowry and Women's Education and Employment :

Education and employment are certainly two important social bases of women's liberation. It is nice to know that the newly formed ministry for women is going to concentrate on these aspects. With 25 percent literacy and 14 per cent employment rates Indian women can certainly do with more or both. But by themselves they do not help solve dowry or any other women's problems automatically. A time was when people believed that with spread of education all social evils will disappear. We have seen that the more educated a man is the bigger the dowry he demands. Similarly, educated women do not

usually mind paying dowry to find a 'suitable' match. Even if they do mind they do not have much choice. The choices limited to one's caste and the social pressure that a woman must get married force her to marry by paying dowry. Some parents even complain that now that girls study more it costs far more to find a boy who is highly educated and for whom only a reasonable amount is to be paid.

The education system will have to be overhauled if it is really expected to fulfil its social objectives. The education system is devised, whether by our former British masters or later by national elite, to fulfil needs and aspirations of the rulers and more powerful sections of the society. Women, like other oppressed sections, receive only token representation and lipservice. A year long study by Education Ministry and its Textbook Beaureau reveals how little women are represented in our textbooks even in illustrations or questions. Where is the question of such a system preparing anti-dowry citizens ? It has already been mentioned that a permanent job as a teacher itself is a part of dowry demands by some. Such teachers can hardly prepare their students to fight this evil.

When women go out to study or work it does expose them to different social values. Going out by themselves and relating to outside people in non-family situations prepare women more for real life. Having an income of their own and meeting colleagues everyday also adds to their self-confidence. Dowry is paid by many of these women but fewer dowrydeaths occur among them which is a step forward. The spread of education and employment is to be encouraged along with other measures to remove their interior status in society.

Measures Against Dowry and Role of Various Agencies :

It has already been discussed as to how law and law enforcing agencies need to be geared to handle crimes against women which are of a different nature from general crimes. As SAHELI a Women's Resource Centre in Delhi puts it in its circular dated 25th November 1983 the judiciary has contributed to the democratic rights movement by making public litigation a vital part of that movement. It further says, " However, its new perspectives are not reflected in the attitude of the judges and the Bar, who still work on the premise that State law strives to attain justice inter pares (among equals) through 'impartial' judges and elaborate procedures for ascertaining 'truth'. The special kinds of oppression and violence that we, as women, face has to be given judicial recognition. "

Women's organisations in Delhi protesting against the High Court about the Sudha Goel judgement were issued show cause notice asking why contempt of court proceedings should not be issued against them. SAHELI asks if women are to be silenced by such notices when it has taken more than 30 years for independent India's women to speak out.

The attitude of the judiciary and police reflect the values of a patriarchal society. Judges and officers

including few women among them 'manning' these 'services should undergo a refresher course to orient themselves to women issues. (This point has been covered in the draft of a national policy on women released by the Government of India since this paper was originally published. The policy draft also goes into the question of better education and job opportunities for women).

When backgrounds of people in public services including judges and politicians are investigated it should be found out whether they have taken dowry or not.

The authorities should involve the dowry victim's family and women's organisations at every stage of investigation, especially at the beginning when police collects evidence.

Women's organisations especially the traditional ones, should make it a point never to elect as an office bearer or committee member a woman who takes or pays dowry and then comes to do 'social work'.

The government should take up the anti-dowry campaign as seriously as it has taken up the family planning and other campaigns. The campaigns should be imaginative and women's organisations should be involved in planning them.

Women's employment should be encouraged. Forum Against Oppression of Women, Bombay and other organisations have demanded that 25 percent of all jobs should be reserved for women from amongst reserved jobs for Scheduled Castes, Scheduled Tribes and Other Backward Communities. 25 Percent of jobs should be kept for women of these sections. That there is a lot of unemployment amongst men is not a valid argument

because women are not to wait for justice until all problem of men are solved entirely. In any case, a larger percentage of what a woman earns goes into the family as women do not generally waste money in liquor, gambling and other vices.

There has to be more working women's hostels. There should also be more women's shelters. Both these hostels and shelters should keep new women's needs and aspirations in mind and not be managed like some correctional institutes for delinquents. The atmosphere in these places should create and strengthen women's self-confidence. Some of the women's shelters are so old fashioned and oppressive that women sometimes prefer to go back to an unhappy marriage rather than live in them.

The same applies to counselling. The counselling has to be mutual and interactive. As Flavia D'Mellow points out in her study in wifebeating a woman goes for shelter and counselling when she is desperate and all other measures have failed. She has generally run out after a violent beating. The husband is by then in a state of remorse. So if the counselling takes place immediately after her coming to a shelter and her husband is called for it too, he is likely to be ready for compromise whereas the woman is hostile and cynical about it. After all, she has seen many compromises made with or without help of relatives prior to this latest 'counselling'. Counselling is needed for the woman to regain her faith in life, develop a better self-image for herself and to understand all alternatives open to her and not for forcing her to patch up anyhow. Sanctity of marriage cannot be higher than security and dignity of women. There has to be many counselling, information and resource centres for women to which

they can turn in times of crisis or even before that for guidance as well as for warmth and fellowfeeling - feminists have set up examples by having centres like Women's Centre, -Bombay, Saheli, -Delhi, Sakhi Kendra - Kanpur, AWAG - Ahmedabad, Stree Shakti - Hyderabad, and Vimochana - Bangalore.

There has to be Uniform Civil Code as the menace of dowry exists in all religious communities whereas marriage and inheritance laws are different for them. Only Hindu women have some equality and security atleast on paper. This is not fair. The recommendation of Minority Commission against charges on Muslim Personal Law should be disregarded.

Is it really difficult for the authorities to catch a dowryseeker ? The newspapers are full of advertisements seeking or offering 'decent' marriage thereby meaning the indecent fact of dowry. There are these ads in Bombay where grooms are seeking brides who own flats thereby hinting that dowry should be able to cover the price of an apartment. Why should it be difficult to set a trap for them ? After all police and intelligence branches have been able to catch brothel keepers and corrupt officers redhanded by planting dummy customers or using previously treated currency notes. Why can they not do it for dowryseekers ! There is attraction of prizemoney for people who bring information about smuggling, evasion of incometax etc. This information brings money to the Exchequar. Similar prizes should be offered to people who bring information about when and how a dowry is being paid even if it does not directly bring money to the government.

The role of social activism cannot be over emphasised. But these activists are not there merely 'to strengthen

the hands of the government'. They have a capacity to challenge the government agencies when they hide behind beaurucratic rules and regulations, reflect an orthodox anti-women attitude or insist on fossilised methods of functioning. As Saheli puts it " We shall protest, we shall demonstrate, we shall fill the jails but we shall no longer remain silent. Our protest is a challenge to every institution - The Parliament, the Judiciary and the family ". The government should be able to digest criticism from social activists otherwise it will end up getting mere yeswomen who have very little contact with women's reality and even less imagination, inclination and courage to deal with it.

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