

the marriage. She categorises this wealth as wealth which goes with the bride and is in the control of her husband or/and his family and the bride has no control over it.⁷

But in the ancient texts what went with the bride was regarded as her stridhan (Bride's Wealth) and law recognised her absolute ownership over it to the exclusion of everyone including the husband.⁸ If the husband took any part of it, that was regarded as a loan to be paid back as soon as possible. On the woman's death it was her heirs who inherited the wealth. Ancient Hindu texts gave the list of her heirs which did not include the husband. First among the inheritors were the unmarried daughters followed by any married daughters not provided for. Then came the other daughters, sons and grandchildren.⁹ The notion of decking a girl with jewellery at the time of marriage is so ingrained in the minds of many that, even as late as 1959 during the debate on the Dowry Prohibition Bill when suggestions were made that there should be a ceiling on expenses, one woman member requested the others to remember and respect the Hindu custom which enjoined the daughters to be given as salankrita (Decked in jewellery).¹⁰

Whether ancient Hindu Law and the norms relating to marriage really rule out dowry in the sense of its being wealth going to the husband's family and/or to him cannot be conclusively ascertained. But it was clear that the approved form of marriage was one in which the bride was given to a man "learned in the Vedas" and it was a gift pure and simple of the girl without any consideration.¹¹ Exchange marriage¹² or marriages with the payment of bride's price was the more popular one among the lower castes and the tribals. According to the well known sociologist Srinivas, it was also "universal among south Indian castes". He narrates how he witnessed the wedding negotiations in one of the southern states when the bride's parents were listing their demands. That was as late as 1948.¹³

Ancient Hindu texts also recognised marriages where payment is made, not to the bridegroom's parents but to the bride's parents. The amount so paid is known as sulka.¹⁴ It is this payment which turns the marriage into an unapproved form. But what is of interest is that, even in marriages where payment was made to the bride's parents, they still decked her with jewellery presumably as her share of her father's property.

Payment of bride price has been explained by many as a compensatory payment made to the bride's family for the production loss they were to suffer on the departure of an able-bodied working member.¹⁵ Attractive as this explanation seems, it cannot be a complete one. If it is a compensatory payment for the loss of the labour of the girl in her natal family, would it be just a one-shot payment? It has also been said that bride's price was never as exorbitant as the modern dowry, which would mean that the loss of service was not rated very high.¹⁶ Another point of view is that marriage with payment of bride's price enhances the status of the girl. But does it, when neither in a marriage with a dowry nor with a bride price is she a consenting party? In marriages with a bride price the girl is sold to her husband and his family and sometimes sold again to another by the husband for the equivalent sum which he paid when he married her. Recent studies

have also shown cases where a man borrows money to pay the bride price he often sends her to a city for prostitution to enable him to pay off the debt he had contracted.¹⁷

Dowry understood today as payment by the girl's family-not necessarily to the boy but to his family-did emerge before the modern period. It was possibly the outcome of the sharpened social differentiation that accompanied the emergence of the caste system (jati) within the framework of a fourfold social division of labour known as the varna system in the ancient texts. Hypergamous marriages,¹⁸ that is the practice of marriage to a boy from a superior grade or clan, was the ideal. The competitions, therefore, between parents of eligible girls for marriage led to payments being made in the form of cash precious metals and other valuables to the bridegroom. In the initial stages this gift to the groom was sought to be explained as a dakshina (fee paid to the bridegroom) along with the gifting of the daughter. This gift to the groom "euphemistically called a vara dakshina or ceremonial present to the groom, is nothing less than what today is understood as dowry.¹⁹

Hypergamous marriages, came to earn a price in the form of cash, precious metals and other valuables gifted to the bridegroom. A late 19 century report from Bengal indicates that some men of the high caste, known as Kulin Brahmins were married many times, sometimes too many for them to even remember their wives.²⁰ A highly adverse sex-ratio among the Kulin Brahmins weighed heavily against Kulin Brahmin girls. The system of child marriage added to the unfavourable sex-ratio (and consequently high dowry), led to the wide spread incidence of marriage of two irreconcilable age-groups. An old man dying shortly after marrying a child or an adolescent girl was not infrequent. Early widowhood of girls, too, was wider among the Kulin Brahmins.²¹

Among other upper castes or sub-castes, also marriage of two irreconcilable age-groups came to be socially accepted mainly because the old man had either no price as a bridegroom or a substantially lower price. One important consequence of the dowry system was the practice of female infanticide in some regions of India. Female children become generally unwanted mainly because a baby girl was invariably a liability, which poverty rendered unbearable. The compensating productive value of female labour could have offset the burden but that was more a notion than a fact of real life.

Lower income families among the upper castes were the worst affected. The relevant literature of the 19th century and the first three decades of this century are full of tales of woe of married and marriageable girls and their parents. As late as 1970 the Committee on the Status of Women were told in one place in Orissa that many young girls jumped to their death from particular spots because they knew that their parents would never be able to afford the dowry necessary for getting them married.²²

By the end of the 19th century Dowry appears to have become universal among the upper castes though the trend cannot be substantiated by any quantified data.²³ The most eloquent example, however, is recorded in some letters of Rabindranath Tagore, the first Indian Nobel Laureate. Tagore was in great difficulty

having to collect twenty thousand rupees demanded during the negotiations for his elder daughter's marriage.²⁴ What is particularly ironic is that the Tagore family was known for its leadership in social and religious reform in 19th century Bengal. It had adopted Brahmoism as its faith. Brahmoism, a monotheistic system of personal religion, saw the socially oppressive role of the customs and rituals of codified religious behaviour and regarded them as the product of idolatrous polytheism.²⁵

There was a wide rural-urban difference in the incidence of dowry primarily due to the general rural-urban differentiation which emerged in the four decades of the 1790s. Available evidence suggests that dowry was largely or wholly upper-caste affair., atleast until the end of the 19th century. Urbanisation in India always meant a much higher rate of upper caste migration from the countryside. This was mainly because of a disproportionate growth of the tertiary sector of the economy and a high income-effect of English education concentrated in the urban areas for nearly a century after its introduction. Consequently, dowry as an upper-caste phenomenon became a mainly urban practice to begin with. At the same time, for the affluent sections among the urban upper castes, there was a living rural-urban continuum. This narrowed down the rural-urban differentiation in the incidence of dowry among the upper castes.

This process had wide regional variations. One important reason was the uneven pattern of urbanisation until the end of British rule. The multi-ethnic and widely-differentiated composition of Indian society was another. Even today the tribal communities are concentrated in the north-eastern hill regions, the forest belt of central and eastern India (Orissa, Andhra Pradesh, Madhya Pradesh) and in parts of Bihar, Uttar Pradesh, West Bengal and Maharashtra. Nevertheless, at least 40 of the 388 administrative districts of India have a quantitatively significant tribal population. Similarly, the scheduled castes, known to be the later converts to Hinduism from their tribal origin and constituting about one-sixth of the Indian population, are numerically significant in at least 60 districts (being at least one-fourth of the district population). These two sections together supply about two-thirds of the agricultural wage-labour force. The women's participation rate is much higher among them than in the rest of the population.

Among others too, each regional/national community had a distinctive history of caste differentiation, occupational structure, social mobility and even evolution of family Polyandry, for example, was prevalent in Punjab and its neighbourhood until fairly recently. Conquest of the neighbour's wife by assertion of physical strength has been known among a few castes, jats in particular, in this region. Dowry cannot form a part of the marriage contract in such a practice.

Tribal communities were almost universally immune to dowry. In regions where the tribal population forms the overwhelming majority in a large territory, and therefore where the non-tribal social values or norms have not yet exerted a transforming influence, dowry is essentially unknown. Elsewhere, when tribal and non-tribal societies exist on regular interaction, dowry is in the process of emerging though the traditional system of Bride-Price continues to dominate.

The emergence and spread of Dowry is thus too complex a process to be explained as a straightforward cause-effect relationship. The "demonstration effect" of the upper caste culture is one factor and very important no doubt. But the changing economic status of women in rural India especially, is no less important. The Chinese case offers a good analogy. The close relationship between marriage expenses and women's participation in economic activity is borne out by the Chinese example. "Bride price increased considerably in recent years (1970s) and it was attributed to the fact that as a result of the rural transformation in China women are now performing a larger share of farm work... and a woman's parents now depend heavily on her earnings".²⁶ In India on the other hand the income value of women has fallen due to her participation in productive activity having diminished.

The economic status of women in India has been on the decline. Since the thirties of the present century particularly sharply since the mid sixties. One crude measure of this status is the participation ratio defined in Indian decennial population census as the percentage of gainfully employed women to the total female population. Another measure is the differential participation rate among educated and uneducated female population. A third is the ratio of female agricultural wage-labour to the total female population gainfully employed in agriculture. The direction of movement of each of these has been increasingly adverse for women. Surplus female labour has been increasing and the female participation rate is less adverse for educated women than for the uneducated. Finally, a high rate of increase in the ratio of agricultural wage-labour to total female agricultural workers is the surest indicator of increasing alienation from land, resulting in shrinking opportunities for rural women to work on the family farm.

Also during this period the size of the educated middle class-the white collar, the professionals, and the adult population waiting to join the white-collar work-force has grown significantly. The communication network has expanded and a little less than half of India's half-a-million villages have been electrified. In some states the green revolution has brought prosperity to about one-fourth of the agricultural population. Modern productive techniques, higher income aspirations and aspirations for a wider consumption basket, including more of manufactures and consumers durables-all these have been fortified by the specific nature of India's development process.

The post independence era in India has seen the dowry system go through two stages of development: the first two decades, and the next decade-and-a-half. Both largely determined by the cumulative fall-out of the specific process of social and economic development, generally conceptualised in economic and sociological literature as 'modernisation'. The faster pace of urbanisation, a large-size middle class, largely belonging to castes other than the backward and the scheduled ones, and absolute growth in white collar employment fortified consumer aspirations. The value of the dowry also moved upward, ostensibly due to the increasing reliance of the bridegroom and his people on the dowry for the use of consumers' durables and as an asset in the form of cash, precious metals, and sometimes real estate.

The spread of consumerism was faster during the second stage, particularly in urban India. Along with the expansion of formal education - including among some sections of the scheduled and backward castes, and tribals this time - and other factors that reduced the rural-urban gap, rural India was affected by the "demonstration effect". It was mostly during this period that bride-price lost its traditional strength, and dowry came to occupy a respectable position. Today, many in the countryside regret the slow invasion of the dowry system, and some in their effort at modernisation are combining dowry with bride price.

The seventies and the past few years of the eighties have seen the ugliest onslaught of dowry making a mockery of not only the right of equality enshrined in our Constitution but also of the recent constitutional amendment which makes it the duty of every citizen "to renounce practices derogatory to the dignity of women"²³ (elaborated later in this article). The indications are ominous. The organised articulate protest is making some impact on the opinion-leaders. But the impact is not free from its inconsistencies and contradictions. The nature of dowry-legislation, its role and limitations, and the imperatives of eliminating this instrument of women's oppression, are better seen in this background.

Before Independence the only province which had passed a law to deal with the problem of dowry was Sind.²⁸ The law enacted prescribed a limit for the giving and taking of dowry and provided a punishment for its contravention. The law therefore did not put a blanket ban on the giving of gifts but permitted it to a limited extent. Unfortunately no study evaluating the working of this law exists though the recent Joint Committee appointed by Parliament to report on dowry says that "the enactment had neither any impact nor could it create the desired effect".²⁹ The period following Independence saw an escalation of Dowry and it started spreading to communities which earlier were unaware that this was a part of the marriage of daughters. In one state - Bihar - where the problem had escalated to unimaginable proportions the State legislature passed a law to deal with it. Andhra Pradesh followed but unfortunately both the laws defined Dowry as anything given "in consideration of the betrothal or marriage".³⁰ This was a major weakness as it is well nigh impossible to prove that a gift however valuable (including movable and immovable property) is given in consideration of the marriage. In addition both the States made the offence non-cognizable on the stereotyped thinking that offences involving the family are private matters and only the parties concerned should decide whether to resort to the law. How can a person who has given or taken Dowry or the beneficiaries give evidence that the gift was "extracted"? What makes the law practically impossible is the addition of the clause that both giver and taker are liable to the same punishment. In these circumstances who will come forward to give evidence knowing that he or she is liable to punishment? The Acts therefore adorned the statute book without having any impact.

The post-independence period was marked by vacillation on the part of the policy makers while Dowry demands kept going up and up. The question that the legislators and others pondered on was whether a comprehensive law dealing with all aspects of family like marriage divorce and inheritance should be undertaken first or should the problem of Dowry be tackled. The choice was the former and it took more than five years for the Hindu Law governing family matters to be amended.³¹ Far-reaching changes were brought about like the right of divorce for both men and women, all marriages to be monogamous, and equal rights of inheritance for sons and daughters. These laws created an euphoria and most legislators felt that all the problems which had proved obstacles to women's equality would be removed as would all social evils like dowry or child marriage. Unfortunately this did not happen and the pressure from the public ultimately led the Government to bring forward a draft Bill to deal with Dowry.³² Going through the debates one is struck by the lackadaisical manner in which the problem was tackled. No attempt was made to study why the laws in Bihar and Andhra Pradesh had not produced any effect. On the suggestion of some members that a ceiling of Rs 2,000 should be placed on gifts the then Law Minister did not even consider it necessary to give any reasons as to why he could not accept the amendment but rejected it outright.³³ Another point of view canvassed strongly was that with education and employment for women the problem of Dowry would automatically disappear. One member argued eloquently that "the whole problem can be solved ... very easily and more quickly not by legislation but by rousing the social conscience. As soon as our women get economic freedom ... as soon as they become

Independent of their families ... the problem of dowry would evaporate".³⁴ Attractive as the argument was its unrealism is proved by rising dowry marriages inspite of more women getting white collar jobs and generally getting more opportunities of employment than they did in the days when the member spoke. More telling is the fact that it is more among the educated that Dowries have escalated and they are the norm-setters for the urban poor who can ill afford the luxury of Dowry.

The Dowry Prohibition Act, when it did emerge as law, had successfully incorporated all the lacunae in the two earlier state laws. Dowry was defined as "property or valuables given or agreed to be given either directly or indirectly:-

- a) by one party to a marriage to the other party to the marriage; or
- b) by the parents of either party to a marriage or by other person, to either party to the marriage or to any other person at or before or after the marriage as consideration for the marriage of the said parties...

Not only was "in consideration of the marriage" made a condition precedent for it to be regarded as dowry but the Explanation to the section made it clear that ornaments, clothes or other articles shall not be deemed to be dowry unless ~~given as~~ gifts however valuable. "are made in consideration for the marriage of the said parties". It was pointed out by members that this "definition will allow people to get away because it will be very difficult to prove that it is 'in consideration' of marriage". But the Government turned a deaf ear to this objection. As in the two earlier State laws the offence was made non-cognizable and no machinery was set up for its proper implementation. Look stock and barrel the provisions of the State laws were adopted though it was pointed out that "It is not the passing of the measure alone but the actions that we take in implementing the measure that will really help to root out this evil and help the Indian womanhood to come to its own".³⁵ The point on which many of the members spoke at length was the need to exclude the giver of the dowry from punishment. They expressed the view that he was under a compulsion to give and that ~~that~~ was penalty enough for him; to punish him again would mean not only punishing him twice but really penalising somebody for an act which he did not do voluntarily.³⁶ The Government spokesman was adamant and took a narrow legal view. The offence required the giving and taking; so why should one party escape punishment? Little thought was given to whether this provision would bring out any evidence. After a ding-dong debate the law was put on the statute book in 1961. That the Act was doomed to failure was evident but it continued to adorn the Statute Book for more than twenty years.

The inadequacy of the definition over which so much of discussion had taken place was brought out clearly in two cases — one from the lower court and the other from the High Court. In the first case a young girl married for about a year and pregnant was found dead from severe burns. The mother of the girl

lodged a complaint with the police that the husband had been harassing her for a scooter. Because she had been unable to give it he had first ill treated her daughter and now she was dead. This, she submitted, was a clear case of a dowry demand. From the evidence produced before him the judge accepted that the son-in-law had been making the demands for a scooter but held that it could not be considered a dowry demand as it was not in consideration of the marriage which had taken place much earlier. The son-in-law was therefore held to be not guilty, and ~~he~~ got off.

In the second case while the marriage ceremony was in progress the father of the bridegroom attempted to stop the marriage and said that Rs 50,000 should be paid for use as the passage money of his son and his wife who were due to go to America. He also threatened that if the money was not paid he would not permit the marriage ceremony to proceed. This demand was made in the presence of a number of people who were witnessing the marriage. On their intervention the boy's father reluctantly allowed the marriage ceremony to be completed. After marriage the boy left for America leaving his wife behind. She was then subjected to daily harassment as the money had not been paid. Unable to bear the torture any longer the girl came to her father's house who then complained that his daughter was subjected to this ill treatment because he had not been able to meet their demand of dowry. As in the earlier case the judge accepted the facts as presented and did not disbelieve that there had been this demand for Rs 50,000 with the threat of the marriage being stopped; but held that it was not a dowry demand because the law laid down that anything "paid or agreed to be paid" which was in consideration of the marriage would be considered dowry. As the girl's father had not agreed to pay, it did not fall in the definition of dowry since the section clearly specified that it had to be given or agreed to be given. As the father had not agreed to pay there was no compliance with the demand, and therefore no offence. The father and son were acquitted even though it would be difficult to come across a clearer case than this. The girl's father took the matter to the Supreme Court. There the decision was reversed and the Court held that "having regard to the dominant object of the Act which is to stamp out the practice of demanding dowry in any shape or form either before or after the marriage a liberal construction has to be given". Both these cases clearly point out the inadequacy of the definition particularly the evidence required to prove that something was in consideration of the marriage. But how many can afford to pursue the matter to the Supreme Court? In most cases the brusque manner in which the case is dismissed at the lower court or even in the High Court leaves many greedy persons free to follow a similar practice when the marriage of the son is arranged a second time.

More than ten years after dowries had been banned by law, the Committee on the Status of Women was touring the country to collect data for their report. They were appalled to find that in practically all the States dowry had become an integral part of marriages and it was no longer confined to Hindus. Muslims and Christians had also adopted it though nothing in their personal laws could remotely justify this. More disturbing was the fact that few seemed to be aware that there was a law and therefore people talked quite openly of what

they had given at their daughter's marriage. Ostentation was the ball mark of most marriages and it was a common sight to have all that was given by the girl's parents displayed for all invitees to see. In areas where customary marriages were prevalent particularly some tribal areas, dowry was replacing bride price. Mothers complained bitterly of this wind of change coming from the towns and creating hardships for parents. The fall-out of this institution creeping in was that there was a greater reluctance to send girls for higher education. The logic advanced by the parents was simple - the higher the education of the girl the higher would be the dowry. If the girl has studied upto Class V they look for a groom who has just left school. This would mean that the dowry demands would be much less. If he was working, the situation was different and the boy's parents could make any exorbitant demand. The Committee members were told that if the boy was not earning then a watch, a cycle and a transistor radio would suffice.

Whatever may have been the position earlier it was clear to the members of the Committee on the Status of Women that it is really an euphemism to argue that what was given to the daughter even in the form of jewellery was a part of her stridhan (bride's wealth). She had no control over it as her in-laws regarded it as their property.³⁷ While in principle bride-price is degrading to the woman because she is really sold, the only bright spot was that it was not an exorbitant amount.³⁸ There was a certain degree of uniformity in what was paid in a particular area. A recent evidence reveals that in one of the Southern States which still practises bride price, the amount paid by all was Rs 300.³⁹ It is true that for people living below the poverty line even Rs 200 is an exorbitant amount, but there is still some uniformity and the amount being asked for is not dependent on the bargaining power of the groom's family.

The Committee in its report entitled Towards Equality recommended an immediate banning of display of dowries and gifts as had been done earlier in Pakistan and to include accepting of dowries as a misconduct for Government Servants. In other words it should be included in their Service Rules. It also recommended a ceiling for what could be given as gifts and mentioned Rs 500 as the amount.⁴⁰ The Government readily accepted the first two recommendations and made rules for the implementation. The third recommendation about a ceiling was rejected as "impracticable". In the opinion of the Government Committee the "ceiling will work hardest on those it is intended to help as it might be considered as a minimum which must be fulfilled". The Government also referred to the debate in Parliament (when the Act was passed) and mentioned that even at that stage there was a lot of discussion on this point and it was decided to drop it.⁴¹ It is amazing that a high powered Government Committee could give as its reason a debate which had taken place about fifteen years ago (The Report of the Committee on the Status of Women was submitted in 1975 and the debate in Parliament was in 1959) without any reference to the changed conditions. Dowry had become by then a tremendous burden on the families. It had already spread to other communities also. The ambivalent attitude - amounting to upholding traditional values and letting this remain as they are because it is a family matter - is perhaps mainly responsible for the situation as it has become.

Soon after the Government rejected the recommendation of the Committee on the Status of Women a new factor emerged which to a certain extent brought about a change. Sanjay Gandhi, son of the late Prime Minister gave a five point programme which he wanted implemented to help bring about certain desired changes in the country. He mainly addressed the younger people. One of his five-point programme was the eradication of dowry. Inspired by his call some of the States made amendments in their laws to make it more stringent and attempted to tackle the problem from many angles. Ostentatious marriages, and splashing of money gifts had become a practice. The demands from the groom's family had become a continuous process instead of being a one-shot affair. The States which amended their laws were Bihar, West Bengal, Orissa, Haryana, Punjab, and Himachal Pradesh.⁴² Reading through the Acts one gets a clear idea of the way dowry demands were being manipulated. How else can one explain the provision that a new offence was added which made it punishable for the man to deprive his wife of the rights and privileges of the marriage or torturing her or refusing to maintain her on the ground of non-payment of dowry. Another interesting addition was making it an offence for the husband to deny conjugal rights to his wife on the ground of insufficient dowry. The first offence was added by West Bengal, Himachal Pradesh and Punjab, and the second one by Haryana and Orissa. Bihar, which has been plagued with this problem, having been the first to legislate after independence, made the offence non-bailable. West Bengal realised that one reason why there were so few prosecutions was because it was left to the concerned parties to move the court, which did not work for obvious reasons. They therefore, extended the right to social organisations to initiate prosecution. Unfortunately, none of the States thought it necessary to provide any machinery for monitoring and the result was that in spite of these amendments the State Governments were unable to control the menace.

The efforts of these States to tackle the problem is commendable. What is inexplicable is the passivity on the part of the Central Government which was responsible for the all-India legislation in 1961 to deal with dowry. The way dowry was spreading, or manifesting itself was making a mockery of dignity of the woman. But this seemed to mean little to the policy makers. By denying conjugal rights, maintenance or by permitting the husband to torture the wife, exploitation was being ~~given~~ given a free hand.

The question that inevitably comes to mind is why inspite of legislation, agitation by the public, hardship to families, dowry still continues. Its continuance cannot be traced to any religious base because it is no longer confined to Hindus. A study done in Bangalore reveals that an "overwhelming (75%) number of families reported that they were compelled to give because it was demanded in all the religious groups." 66% of the families reported that they had incurred debts to marry off their daughters.⁴³ The Parliamentary Committee observed that the practise of dowry was "rampant in Haryana, Punjab, Bihar, Rajasthan and Uttar Pradesh and equally prevalent among the Muslims and Christians". They also added that in their view there was "no difference these days in the pattern and motives of conspicuous consumption and dowry either religion-wise region-wise or otherwise". The Committee felt that the acceleration of the problem, was because "black money and unaccounted earnings are playing a great role in encouraging this evil practice". What is however the most tragic part is the spread of dowry to areas and families which can ill afford this. In the rural areas where there is no possibility of unaccounted wealth with people who live on the border of the poverty line, this menace has spread and as the Committee pointed out "farmers are forced to sell their land bullocks etc which are the only means of livelihood to evolve dowry funds".⁴⁴ In U.P. ~~where~~ a father having incurred a debt to get his daughter married could not raise any more money to meet the further demands of his son-in-law for a cycle and a buffalo. The result was that the daughter was dragged out of the house stripped and then deserted near her village.⁴⁵ In the urban areas many girls from the middle class and lower middle class are being encouraged to take up clerical jobs or nursing jobs to be able to accumulate a dowry for their marriage to help their parents.

The spread of this system that leads to the impoverishment of so many families and its continuance inspite of legislative measures is today a blot on our country making all talk of social justice meaningless. What is however the most poignant part of this is the observation made by members of Parliament that "in many parts of India the birth of a female child is considered as a matter of sorrow. A female child casts a shadow of tragedy over the whole family because of the dowry that will have to be given later and continues to haunt it till the wedding of the girl takes place and quite often till long after" To add to this is the report that scientific advance like amniocentesis to prevent the birth of deformed children (where the mother is of advanced age or where there is a history in the family of birth of handicapped children) is being used to find out the sex of the foetus and have it aborted if it is a female. A study from Bombay confirms that only one out of a hundred cases examined was not a female foetus. In one of our most prestigious medical research Institutes⁴⁶ where amniocentesis was first tested and tried, doctors decided to discontinue with it because the test was being used to abort all female foetus. That perhaps takes out the best possible strength from the claim that we are striving for a society where there will not only be equality of status and of opportunity but where the dignity of the individual would be secure. Does Elimination of all Forms of Discrimination mean only discrimination in employment or does it also mean treating boys and girls alike in all senses of the term and assuring the girls that the fundamental right of life guaranteed under the Constitution means the right to live with dignity?

The new trend is even more alarming. However, valuable the gifts extracted at the time of the wedding may be, dowry as originally practised was a one-shot payment. Then as the first step the demands started being continuous. Festivals, birth of children or marriage of a member in the boy's house, became occasions when further demands could be made. But more was to follow. Enterprising journalists, committed social organisations started giving publicity to the sudden spurt of deaths usually through burning of young brides married for not more than a year. The burns were extremely ~~few~~ ^{severe} (one study disclosed that they were usually forced burns and mostly in the back) and usually in the kitchen.⁴⁷ Most of the girls did not live to make a statement and the police and the in-laws always trotted out the reason as being either accident or suicide. The frequency of these so-called accidents particularly in the metropolitan cities earned the name of 'dowry death' which in reality was either murder or caused by continuous torture which drove the woman to commit suicide.

The first major protest demonstration in the capital -Delhi- was in June 1979. Two cases had hit the headlines. The first was that of Kanchan Mala Hardy, a pretty 19 year-old who died of burns within a month of her marriage. It was alleged that she had burnt herself in the house of her in-laws due to continued harassment by her in-laws for having brought an inadequate dowry. The second in the same month was that of Tarvinder, (24) whose dying statement implicated her mother-in-law and sister-in-law. They had poured kerosene on her and set her on fire. Women's organisations demanded a stricter law and immediate remedial steps like registration of marriage discouraging ostentation by not sanctioning extra lights for weddings, quick action against those accused of wife-burning, and refusal to grant them bail. The only step the Government took after all these demands was to appoint a Police Commissioner "as the officer whose previous sanction shall be necessary before the court takes cognisance of any offence under the Prohibition of Dowry Act". The Delhi Administration also appointed a 'contact person' of the rank of a Deputy Commissioner of Police to whom women's organisations should go when unnatural deaths take place. What was the net result of these appointments. In 1980 Delhi police recorded a staggering number of bride-burning cases, 394. The capital of Uttar Pradesh, Lucknow alone recorded 32 dowry deaths in three months.⁴⁸ Conviction in these cases are rare. Reasons given are lack of evidence and the firm assertion that the woman has committed suicide or it was an accident in the kitchen. Why are there so few convictions? Why are the police so reluctant to proceed with the investigation? One of the reasons for this is perhaps that many of the middle class families where mostly such deaths occur are affluent or influential enough to hush up the matter. One recorded case from Bangalore is that of an University lecturer whose constant harassment of his wife had made her write to her father. The dowry given had been Rs 9,000 and 10 sovereigns of gold against the demand of 15 sovereigns. The parents were informed one day that their daughter had taken poison and was in hospital. The husband reported that she had taken rat poison. When she started bleeding from the nose and mouth the husband disclosed that it was not rat poison but Ethylene Bromide. This hushing up of the vital information caused her death. The father moved from pillar to post but nothing happened. He wrote then to the Prime Minister and to the President placing all the facts before them and requesting that some action


should be taken. But the Karnataka Government failed to move in the matter. What is worth noting is that even when the highest in the land is informed about these 'dowry deaths' nothing happens though there can be no chance of taking refuge behind the argument that newspapers were playing up these cases. ⁴⁹

Statistics of deaths given in Parliament show the insensitivity of many high officials. ⁵⁰ By 1982 the situation had deteriorated so much that in Delhi itself a young bride died every 12 hours. States which had once been immune to these type of violence against women also followed suit and even States with a leftist Government could no longer boast that the State was free of this type of atrocity against women. The public clamour grew to such an extent that ultimately the Government had to appoint a Parliamentary Committee to suggest changes in the law. Even with a comprehensive report that the Committee submitted to Parliament, the Government dilly-dallied for two years. The public clamour grew and ultimately the Government presented their own report practically ignoring the report of the Parliamentary Committee. Few changes were made in the old Act particularly in the definition of dowry which had proved the law's ineffectiveness in earlier cases. The Government Bill substituted the word "in connection" with the marriage etc instead of "in consideration of", and that was roundly criticised by all sections. ⁵¹ Whether "in connection with" is likely to make any difference is doubtful. Punishments have been made more stringent and the offence has been made cognizable. The Parliamentary Committee had recommended that a ceiling should be placed on gifts which can be made at the marriage and anything in excess would be treated as dowry. Following this line of thinking they had suggested dropping of the words "in consideration" but the then Law Minister while introducing the Bill felt that it would make the definition "not only wide but also unworkable for, if these words were omitted, anything given whether before or after or at the time of marriage by any one may amount to dowry". When a ceiling was being placed on what could be given, why the Law Minister did not take that into account is incomprehensible.

Following the recommendation of the Parliamentary Committee, the Government incorporated the provision that anything given as dowry must be transferred to the girl within three months. While the suggestion is laudable, experience would have shown that without registration of what was given at the time of marriage, this provision is meaningless. This is clearly brought out in a case in Delhi decided in 1982. After a protracted and bitterly fought case, the husband finally agreed to give back what was given to him as dowry at the time of the marriage. He agreed to return the goods before the judge and turned up with some of his wife's clothes, an old sofa, one spoon, one saucepan, and two plates. He firmly maintained that nothing else had been given at the time of the marriage. To avoid giving opportunities of making mockery of this provision it has been proposed that there should be a registration of all gifts given at the time of the marriage. In addition what is necessary (which the Parliamentary Committee had realistically recommended) is a blanket ban on the transfer of what the bride got under this provision for a period of five years. ⁵² If this ban is not there it will be a minute's job for the husband to deprive his wife of what she has got by claiming that she has presented it to him. Once again the Government took

one step forward but was reluctant to follow it up.

One of the important recommendations was the providing of a machinery. Experience had shown that without monitoring and without an enforcement machinery most social legislations remained on paper. In the case of dowry where it had gone through such vicissitudes there was no doubt that this was urgently needed. The recommendation was that it should be obligatory on the Government to appoint Dowry Prohibition Officers "to take appropriate action... to advise and render all possible help to persons subjected to demand for dowry...". For a proper evaluation and for assessing the working of the Act, they further recommended that annual reports should be prepared on the administration of the Acts and placed before the Legislative Bodies - both at the Centre and in the States. Unfortunately the Government in its wisdom did not find it necessary to incorporate this suggestion.



One bright point in this otherwise sordid and depressing scene has been the suo moto move by the Law Commission in presenting a report on Dowry deaths and suggest the necessary reforms to deal with it. One of their suggestions has been that there should be a presumption that if a married woman dies within five years of her marriage "of burns or injuries sustained in the house in which she and her husband were residing together immediately before her death or from other cause of a similar nature, and the death takes place behind closed doors, it may be presumed that the death was not accidental." As this might mean that death was due to suicide another recommendation to read with it is that there should be an addition of the following words "that there had been persistent demands of dowry against the woman or her parents or her relatives it may be presumed that her death was the result either (a) of suicide to which the woman was driven by such persistent demands of dowry or (b) of homicide".

Finally they had defined dowry as "money or other thing estimable in terms of money demanded from the wife or her parents or other relatives by the husband or his parents or other relatives where such a demand is not properly referable to any legally recognised claim and is relatable only to the wife's having married into the husband's family". While the Government stuck to its own definition of dowry it did incorporate some of the suggestions of the Law Commission.⁵³ That will go a long way to making the situation somewhat better. One important recommendation accepted and then made a law is that harassment of wife for dowry by her husband or in-laws is an offence for which the mere lodging of a report will suffice to have the guilty persons arrested.

While dealing with a writ petition on dowry deaths some time ago, Justice Bhagwati and Justice Bhairul Islam of the Supreme Court referred to the "diabolical dehumanising dowry evil (which) has assumed such menacing proportions". They urged the Administration to take urgent and drastic steps. They recommended speedy trials and warned that "perpetrators of such offences should not be allowed to get away with the feeling that they can escape from the clutches of the law". The new Act turns a deaf ear to such judicial dicta.

One of the major factors responsible for convictions made rare is the attitude of the police. If they are finally goaded into registering the case, the investigation is done in such a slipshod manner that judges often become helpless. In one case the Supreme Court was constrained to comment that "the police did not display the promptitude and efficiency which investigation of the case required", and that the case had consequently suffered from 'casualness', lack of incisiveness, and unreasonable dilatoriness". In another case the Judge pleaded helplessness as it appeared that the investigating officer had turned 'hostile'. He was therefore compelled to give the benefit of doubt to the accused though he took note of "remissness callousness and dishonesty on the part of the investigating agency".

The judicial attitude has not been uniform in dealing with dowry cases.⁵⁴ The same underlying principle which permitted the Government to be inactive when one woman was burnt to death every 12 hours, is the same which makes

many judges reluctant to convict in-laws or husbands. Essentially acquittal-minded, they question the dying declaration even in the few cases where the in-laws are implicated. The ground usually advanced is that she was not in her senses or that she had made a different statement when she was first asked. They forget that in the prevailing social atmosphere a girl is at first hesitant to implicate her husband or in-laws due to the apprehension about their wrath.⁵⁵ Some judges, when faced with the evidence of continued harassment, have not accepted that as abetment of suicide. However, social censure and the apathy of the policy makers have made some judges more responsive and sensitive to this growing menace. From a small town in Uttar Pradesh where dowry demands and deaths are rampant, the judge sentenced the husband to life imprisonment for killing his wife as she did not meet his dowry demand of Rs 10,000.


Sociologists are still debating whether the dowry system in India, is a socially sanctioned 'compensation' i.e. cost of maintenance of wife. Facts do not permit a straightforward conclusion about it. For the 'compensation' argument loses its validity in the case of working women, either as unpaid family worker, or as what demography calls 'gainfully employed', or both. Besides, by the same logic, bride-price should be treated as 'compensation' to the parents for parting with their daughter who has been a worker producing goods and/or services before her marriage. Perhaps it was so at its birth. But the amounts payable as bride-price, wherever it is still in vogue, have no relationship with the minimum value of the Potential income sacrificed by foregoing the labour-power of the married girl. In any case, dowry is increasingly infecting the entire society irrespective of the actual validity of the argument for compensation.

The idea that women's employment is a good cure for the dowry disease has had many adherents. But that too assumes only a partial explanation of the genesis of dowry and the conditions for its continuance. An employed woman today is often as much a victim of dowry as an unemployed one. Even women members of the Indian Administrative Service become willing or unwilling victims. Economic independence is perhaps a necessary condition for the eradication of dowry, but not a sufficient condition.

Some interrelationships, however, provide a good basis for a hypothesis. Productive manual labour of women and dowry have not gone together in the past. The absence of dowry among the labouring population, for a long time during the modern period is one of its indicators. The contrary also has been true, even if by sheer historical coincidence. Dowry has been traditionally prevalent among those sections of the society the members of which do not do any manual labour. That is the story of the upper castes. Secondly, the specific character of economic development has been an important reason for the spread of dowry to rural areas, and among the lower castes. The type of consumerism that has come to dominate the Indian urban middle class, has its inherent ramifications. Particularly because the income distribution pattern and the unemployment situation do not permit a higher level of consumption, and dowry remains an easy way out, — generally a temporary way, but sought

to be a permanent way in a few cases (where dowry demands include periodic gifts). The status of women, is, in any case, the most fertile ground for dowry.

Economic independence of women, therefore, has to be combined with legal and ideological reform, and transformation of attitudes and values. The state has the greatest role to perform here. Law as one instrument of social change, can be extremely important in certain situations. When public opinion remains ambivalent, the state can effectively legislate and provide for the widest possible implementation of law. Voluntary organisations fighting dowry, are not too few in India today. The state is lagging behind, even when the organisations are building public opinion in support of serious corrective action. The dichotomy persists, though rhetoric has been increasingly radical. Mahatma Gandhi deplored marriages with dowry and suggested that "young men who soiled their fingers with such ill-gotten gold should be excommunicated from society".⁵⁶ Whether or not Gandhi had the political will to back up his condemnation of dowry, is a different matter. The Indian Government, however, is yet to establish that it has the political will.



FOOTNOTES:

1. The Sub-Committee on Women's Role in Planned Economy had dealt in its report with the question of the place of women in a planned economy under civil rights, economic rights, property rights, education, social status, family life and marriage and divorce.
2. In its Interim report it mentioned that some members had felt that this recommendation might lead "to an encouragement of child birth outside marriage". But the committee opined strongly that "a child who is totally innocent must not be made to suffer. . . and woman should not be ostracised from society while man who is equally responsible is not affected at all and can maintain his special status". Interim Report P-7.
3. Giving the gift of the bride to the bridegroom (known as *Kenya Dan*) made the marriage into an approved form and the other form was regarded as *sule* - hence unapproved - Derrett - Introduction to Modern Hindu Law, P-147. Kulla - Hindu Law, P-604.
4. "What was given by the father, the mother, the husband or a brother or received by her before the nuptial fire" Yajnavalkya (one of the main writers explaining in his writings the prevalent laws and customs governing Hindus).

Towards Equality - Report of Committee on Status of Women in India P-71.
5. Ursula Sharma - Dowry in North India: Its consequences for women in Women and Property - Women as Property, ed Renee Hirschon, P-70. For her example of Greek brides she relies on Friedl (1962) P-49.
6. Hindu Succession Act 1956 which recognised the right of a daughter to inherit with the son.

7. "Dowry property is not women's wealth, but wealth that goes with women. Women are the vehicles by which it is transmitted rather than its owners" ^{Ursula Sharma} / Supra n 5 P-70.
8. "The absolute exclusive dominion of women over such gift... they have power to sell or give it away as they please... Neither the husband nor the son nor the father nor the brother has the power to alienate..." Colebrook's Digest, Book V P-475.
9.
 - (1) unmarried daughter;
 - (2) married daughter who is unprovided for
 - (3) married daughter who is provided for
 - (4) daughter's daughter
 - (5) daughter's son
 - (6) son
 - (7) son's son
 Mulla ibid n 3, P-219.
10. Manjula De Lak Sabha Debates, Dec. 9, 1959.
11. Derrett Supra n 3 P-147
Mulla P-34.
12. Marriage by exchange is where the son and daughter of one family is married to the daughter and son of another family. Reciprocity ruled out the question of either of the families giving an exorbitant amount either as dowry or varadekhina.
13. M.N. Srinivas - Some Reflections on Dowry (1984) P-9.
14. Derrett Supra n 11.
15. "Any positive bride price can be characterised generally as a compensatory payment to the family of the female for the production loss to the mother on her departure". Indira Rajaram

in Economic and Political Weekly Vol. XVIII, P-276.

Bride wealth compensates the bride's family for the loss of an active productive member" Ursula Sharma supra n 5 P-67.

"Given in cash kind or in the form of labour it is regarded as a compensation given to the bride's family for losing a productive member and a potential child bearer". Arati Luthra in Dowry among the Urban Poor, Social Action Vol. 33, P-196.

16. M.N. Srinivas writes "Generally the sums paid as bride-price tend to be very small in contrast to dowry where substantial assets are transferred from the bride's kin to the groom. In the former princely state of Mysore, the sums paid as bride-price, during the first few decades of this century were very small and it is not-easy to call them compensation to the bride's kin supra n 13, P-16.

Another point of view is "among the under-privileged sections the ~~marriage~~ custom of bride price often places a man and his family in debt. It has been responsible for pushing many tribals and caste groups into the clutches of money lenders" quoting a Sociologist S.C. Dube in Towards Equality (Report of the Committee on the Status of Women) P-7.

17. B Sivaranyya - Inequalities and the Law (1935) P-65.

18. M.N. Srinivas explains hypergamy to be the custom of marrying a man from a superior grade or clan and therefore while the girl's kind "improve their status" the boy's kin secure cash jewellery costly clothing furniture and other goods supra n. 13 P-11

In the views of two sociologists "hypergamous marriages brings about status differential between the bride's side and the groom's side, the bride's side assumes a position of subordination

to the groom's side" quoted by Arati Luthra supra n 11, P- 208

19. Derrett supra n 3, P-146.

20. A Committee was appointed in 1866 by the Government of West Bengal and according to ~~the~~ ^{one} of the members "there were instances of Brahmins having nearly 100 wives. Many of whom they had never seen since their marriage with ~~the~~ them as girls" ~~referred~~ referred to by H.N. Srinivas supra n 13 P-13.

21. In a list of polygamous marriages of Kulin Brahmins published in a Bengali periodical in 1836, more than 42 persons were reported to have married more than 50 times - Brahandranath Bandopadhyas, Sangbadpatra Bekaler Katha Vol. 1949 pp-252-3.

22. Towards Equality - Report of the Committee on the Status of Women in India - Section on Bride Price & Dowry.

23. According to Irakesha Rao it was since "the medieval period however dowry demands have increased significantly in parts of the country. By the late 19th century the custom of dowry payment had slowly spread to other castes". Marriage - the Family and Women in India P-61 in describing this Irakesha Rao also refers to dowry marriages which had started spreading among the upper castes mainly.

24. Tagore agreed to pay Rs.10,000 by instalments since he did not have the money. - Chittipatra ^(Letters) Vol.2, 1963. I was informed of this letter by Tapati Chakravarti. (~~letters~~).

25. Brahmoism, as a faith, was ^a monotheistic doctrine propounded by Rammohan Roy, the social reformer of the early 19th century, known as the "Father of Modern India".

26. Pranab Bardhan relying on the ethnographic materials collected by two anthropologists, Parish and Whyte for 63 villages in Kwangtung - Economic and Political Weekly Vol. XVII P-1440 (1982)
27. This is a part of Fundamental Duties added by a Constitutional Amendment (42nd) in 1976.
28. This is now a part of Pakistan. The Act was known as Sind Dedi-Leti Act 1939.
29. Report of the Joint Committee of the Houses (Parliament) to Examine the question of the Working of the Dowry Prohibition Act 1961 (1982) p.6
30. The Bihar Act 1950 defined dowry as "anything paid or delivered as consideration of a contract of any betrothal or marriage..." The Andhra Pradesh Act 1958 defined it as "dowry" means any property or valuable security given or agreed to be given to one party to a marriage or to any other person ~~on~~ on behalf of such party ~~by~~ the other party to the marriage or by other person on behalf of such other party either at the marriage or before or after the marriage as consideration for the betrothal or marriage of the said parties. Both the Acts therefore excluded gifts and both of them made the offence non cognizable and bailable.
31. The matter of dowry was raised several times in the first Parliament and several Private Members' Bill was sought to be introduced. In 1953 the then Law Minister assured

the members that a bill would be considered after consulting the State Governments. But the Cabinet decided that the Bill for ^{Dowry} ~~Dowry~~ should be in abeyance till the various enactments dealing with the reform of Hindus were passed, particularly the Hindu Succession Act. supra n29 p.8

32. The Bill was presented in Parliament on April 24, 1959.

33. It was suggested that there should be an amendment "If the value of the property or valuable security exceeds Rs.2,000 the Court may presume that it was given as dowry." The then Law Minister, A.A. Sen, rejected it outright. Lok Sabha debates - Dec. 9, 1959, 4203.

34. Ben Barua 3476 supra n 33.
That education didnot have any effect on curbing the demand of dowry was made clear when the Parliamentary Committee reported in 1982 that "education has hardly any liberalising influence on the minds of the people in respect of dowry. On the contrary, education has increased the demand of dowry both in rural as in the urban areas". supra n 29 p.17
35. Parvati Arishman 3701. supra n 33.
36. Malkani "A person who is comp lled to give deserved sympathy". Sri Achar "unjust to punish a person who gives dowry."
37. One explanation for the lack of control is that the girl is expected to behave in "a modest self effacing manner if she wishes to win her new familj's favour." In addition to this is the struc. ure of authority in a household which is governed by seniority and gender and "where household goods and items of clothing are concerned it is likely to be the bride's mother -in-law who has the greatest say". Ursula Sharma supra n 5 p.65.
38. M.N. Brinivas writes "Generally the sums paid as bride-price tend to be very small in contrast to dowry where substantial assets are transferred from the bride's kin to the groom's. In the former princely state of Mysore, the sums paid as bride price, during the first few decades of this century were very small" Supra N 13 p.16.
39. Kalrayan Hills (near Salem in Tamil Nadu).

40. Under the Section on Dowry -
Report of the Committee on Status of Women in India
pp 115, 116.
41. Views of the Empowered Committee (Government of India,
Ministry of Education and Social Welfare) p.6
42. Bihar, West Bengal amendments were in 1975.
Orissa, Haryana, Himachal Pradesh, Punjab 1976.
43. Families interviewed from all 3 religious groups said
they had given dowry in cash ranging from Rs.1,000 to
Rs.25,000.
Bahni - a Report on the Problem of Dowry in Bangalore
City. pp 14, 15.
44. Parliamentary Committee pp 18, 19, 20, 23. supra n 29.
45. Reported in Patriot, New Delhi, 25.4.1979.
46. All India Institute of Medical Sciences.
47. Saheli, a woman's organization did a survey and reported
that the number of women admitted to hospitals for burns
was 10 times more than men and in their cases the burns
were invariably between 80 and 100% and it was their backs
which were burnt most.
48. An official survey has shown that cases of wife burning
tragedies increased from 670 in 1975 to 1064 in 1982. The
figures do not include cases of suicides. These figures
have been compiled on the basis of reported incidents.
Reported in all major news dailies. August 4, 1982.
49. Case of Kausalya. Copies of letter written to both the
President and the Prime Minister are also printed - Bahni
n 43 p.20.

50. The Minister of State for Home Affairs reported smugly about a "declining trend" in dowry deaths because in eight months in 1983 there were 371 deaths, which was less than the corresponding period the year before!!

Another group of facts of dowry deaths given by the Minister ~~Ministry~~ was given by an official survey in all news dailies on August 4, 1982.

An official survey has shown that cases of wife burning tragedies increased from 670 in 1975 to 1064 last year.

The figures do not include cases of suicide by newly married women. These have increased from 12 in 1977 to 22 last year. These figures have been compiled on the basis of reported incidents.

Of the total number of cases of wife burning tragedies reported last year (1981), 362 were from Maharashtra and 249 from Andhra Pradesh. There were 148 cases in Delhi, 98 in Rajasthan, 48 in West Bengal, 744 in Uttar Pradesh and 23 in Punjab.

Two cases each were reported from Tamil Nadu and Karnataka and none from Kerala.

The document notes that the parties involved in most of such incidents "are unwilling to invoke the protection of the provisions of the Dowry Prohibition Act".

A request to State Government and Union Territory Administrations to indicate how many prosecutions were launched under the Act brought replies which "present a discouraging picture."

51. The Recommendations of the Parliamentary Committee was to delete the words "in consideration" and therefore it would read "any property or valuable security given either directly or indirectly - by one of the party to a marriage to the other party to the marriage etc. whereas the Government Bill and nowan Act reads "any property or valuable security given etc. "in connection with the marriage.

The Parliamentary Committee recommended a ceiling on marriage expenses in 2A.

In Sec.3 a ceiling is placed on the value of gifts. The Govt. Bill not only ignores all ceiling on gifts but even adds that presents which are of a "customary nature and the value thereof is not excessive having regard to the financial status of the person" by whom it is made. Could anything be vaguer than this? It leaves the door wide open for gifts ^{much} which can be made of as value, as possible.

52. Such presents should neither be allowed to be transferred nor disposed of for a minimum period of five years from the date of marriage without the prior permission of the Family Court (by whichever name called) on an application made by her .

Section 4 provides a minimum punishment of 6 months for demanding dowry. This provision ~~xxxxxx~~ of punishment is the same as that recommended by the Parliamentary Committee.

53/ Criminal Law Amendment Act 1983.

54. The Additional Sessions Judge in Delhi had himself converted a case from the charge of suicide to that of murder. The Judge did this because the young girl had been ~~xxx~~ married for 8 months had been constantly subjected to harassment and cruelty

He particularly mentioned the lack of seriousness on the part of the police while investigating dowry deaths. He added that it was "most unfortunate that in none of the cases the guidelines and instructions issued by the Union Government were being followed". He ruled that there was "only a hair-thin difference between suicide and murder in dowry death cases as these were committed within the four walls of a house with no outside inside". What is significant is that this was a case reported as recently as February 1985.

Life term was also awarded by Judge Kapoor of Delhi to a young man who had murdered his wife by burning her.

A Muslim mother-in-law and sister-in-law were sentenced to life imprisonment and ten years imprisonment respectively for murdering the young bride for not bringing an adequate dowry. The killing was also by pouring kerosene and setting her on fire. This was a case from Uttar Pradesh.

In 1983 the Supreme Court confirmed the sentence of two years rigorous imprisonment of a mother-in-law who had abetted the suicide of her daughter-in-law. The girl was 18 years old and about 20 weeks pregnant and it had been a love marriage.

55. In 1982 the Additional Sessions Judge rejected the dying declaration of the 22-year-old ~~mx~~ woman as being insufficient and acquitted the husband reported in Indian Express, 14.3.83. M More recently in two cases the lower court rejected the clear dying declarations. Of the two young wives - 25 years and 22 years. In one case the judge said the marriage was a happy one so the wife must have committed suicide! Why on earth? In the other the judge said the wife had "motives" to commit suicide and implicate her husband. Reported in The Statesman, 5.3.85.

56. "Marriage must cease to be a matter of arrangement made by the parents for money. Young India, 23.5.1936.

"Any young man who makes a dowry a condition of marriage discredits his education and his country and dishonours womankind". Young India, 21.6.1928.

In writing this article I have been deeply benefited by long and incisive discussions with Kumaresh Chakravarty. The weaknesses in the article are, however, my responsibility.

LOTIKA SARKAR.