

INDIAN DOWRY SYSTEM: AN OVERVIEW

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ABSTRACT:

The Dowry system in India has been running for a long time. It is the money that is given during marriage to the boy or their family, even property can also be included in dowry. The system of dowry started from ancient times like during marriage the money will be given to the groom so that he can take proper care of his bride, it was used to honour both sides of the family. As the time changes dowry still remains in the society but its significance keeps changing with time. Nowadays, the dowry system is becoming like business for some castes. Dowry system is becoming a burden for the bride's family. Many times if demand is not fulfilled for the boy's side then the marriage is abruptly cancelled as a result of this failure. If we see it in our Asian country, then dowry is becoming more important for the groom's side, mainly in countries like India. To end this heinous social practice, the government has made a law to refrain people from taking dowry under the Act of 1961. Whatever money or property given by the bride side they should accept but it never followed. Many places we come to know that because of not doing so on the groom's side the girls are harmed in such a way that sometimes even it leads to death. Some people even think dowry is like crime, it's illegal and they never ask anything from the bride's family. In India, everyone speaks and progresses for women's rights and says 'Beti Bachao Beti Padhao' but a girl even after achieving everything in her life; where she starts taking care of her family but even then she can't escape the shackles of dowry.

Key Words: Gender Discrimination, Affecting Career of Women, Suicide, dowry deaths..Etc

I. INTRODUCTION

A dowry is a payment, such as property or money, paid by the bride's family to the groom or his family at the time of marriage. Dowry contrasts with the related concepts of bride price and dower. While bride price or bride service is a payment by the groom, or his family, to the bride, or her family, dowry is the wealth transferred from the bride, or her family, to the groom, or his family. Similarly, dower is the property settled on the bride herself, by the groom at the time of marriage, and which remains under her ownership and control.

Dowry is an ancient custom that is already mentioned in some of the earliest writings, and its existence may well predate records of it. Dowries continue to be expected and demanded as a condition to accept a marriage proposal in some parts of the world, mainly in parts of Asia, Northern Africa and the Balkans. In certain Asian countries, disputes related to dowry sometimes result in acts of violence against women, including killings and acid attacks. The custom of dowry is most common in cultures that are strongly patrilineal and that expect women to reside with or near their husband's family (patrilocality) Dowries have long histories in Europe, South Asia, Africa and other parts of the world.

Dowry is a deep seated social sight. We have this type of society where it is against the law to call for Dowry either during the marriage or even after the wedding, but this dreadful difficulty of Dowry System nonetheless exists in our society. Like most cancers, the dowry ailment has spread at an alarming tempo, so something wishes to be finished urgently to eradicate this evil. Amongst the numerous social troubles India is facing dowry which seems to be the maximum heinous. Dowry approach the switch of parental assets at the wedding of a daughter. Dowry is a fee of coins or items from the bride's own family to the groom's own family upon marriage. It may additionally consist of cash, jeweler, electrical home equipment, furniture,

crocery, utensils, vehicle and other household gadgets that help the newly married couple to start their lifestyles journey.

DEFINITIONS OF DOWRY:

A dowry is the transfer of parental property to a daughter at her marriage rather than at the owner's death (mortis causa). A dowry establishes a type of conjugal fund, the nature of which may vary widely. This fund may provide an element of financial security in widowhood or against a negligent husband, and may eventually go to provide for her children. Dowries may also go toward establishing a marital household, and therefore might include furnishings such as linens and furniture.

METHODOLOGY OF THE STUDY

The methodology of this whole work is based on secondary sources. Secondary sources like books, journals, newspapers, research papers, thesis, some case

References, website and already existing customs.

It has been collected from the official website of the National Crime Record Bureau (NCRB) and the Ministry of Home Affairs, New Delhi. Various articles and journals have also been considered.

Table. No: 1 Rate of Dowry Deaths in India

Year	Dowry deaths
2011	8618
2012	8233
2013	8083
2014	8455
2015	7634
2016	7621
2017	7466
2018	7166
2019	7155
2020	6966

Sources : National Crime Record Bureau (NCRB) and the Ministry of Home Affairs, New Delhi

OBJECTIVES OF THE STUDY

- ❖ To study the present scenario of dowry system in India.
- ❖ To identify the reasons of dowry system in India.
- ❖ To find out the Indian law provisions for exterminate the dowry system.

REVIEW OF LITERATURE

Muzumdar (2001), states that, “Dowry-related violence: An overview” focuses on tracing the root of dowry and its present status in society. Further, it describes the endeavors of some women’s organizations and the troubles faced by them in handling such cases. It also highlights the role of various systems: police, legal, medical, and women’s groups, and suggests measures for future action. Some preventive and remedial recommendations are also included to abolish this threat.

Seth & Modi (2022), in their research paper “Critical study of dowry death in India” states that the prime objective of this article is to study the present state of the dowry system in India and find out the effectiveness of existing legislation in averting dowry death. The research paper finds the most important cause behind the dowry death problems in India is the lack of awareness regarding the legislation related to girl’s education and job opportunities. Further, the research paper identifies the several impacts of the dowry system and the main reasons and gaps in the legislative structure. Lastly, it concludes that the appropriate education and empowerment in India can diminish the cases of dowry deaths and make women empowered.

CAUSES FOR DOWRY SYSTEM

Various reasons have been suggested as cause of dowry practice in India. These include economic factors and social factors.

ECONOMIC FACTORS

There are many economic factors that contribute towards the system of dowry. Some of these include inheritance systems and the bride's economic status. Some suggestions point to economics and weak legal institutions on inheritance place women in disadvantage, with inheritances being left only to sons. This leaves women dependent upon their husbands and in-laws, who keep the dowry when she marries. Prior to 1956, including during the British Raj, daughters had no rights of inheritance to their family's wealth.

SOCIAL FACTORS

The structure and kinship of marriage in parts of India contributes to dowry. In the north, marriage usually follows a patrilocal (lives with husband's family) system, where the bride is a non-related member of the family. This system encourages dowry perhaps due to the exclusion of the bride's family after marriage as a form of premortem inheritance for the bride. In the south, marriage is more often conducted within the bride's family, for example with close relatives or cross-cousins, and in a closer physical distance to her family. In addition, brides may have the ability to inherit land, which makes her more valuable in the marriage, decreasing the chance of dowry over the bride price system.

RELIGIOUS FACTORS

Dowry in India is not limited to any specific religion. It is widespread among Hindus and other religions. For example, Indian Muslims call dowry as jahez, justify the practice in terms of jahez-e-fatimi. Islamists classify jahez into two categories: The first comprises some essential articles for the outfit of the bride as well as for conjugal life. The other is made up of valuable goods, clothes, jewelry, an amount of money for the groom's family, which is settled on after bargaining.

LAWS PERTAINING TO DOWRY

DOWRY PROHIBITION ACT, 1961

The Dowry Prohibition Act, 1961 consolidated the anti-dowry laws which had been passed on certain states. This legislation provides for a penalty in section 3 if any person gives, takes or abets giving or receiving of dowry. The punishment could be imprisonment for minimum 5 years and a fine more than 15,000 or the value of the dowry received, whichever is higher. Dowry in the Act is defined as any property or valuable security given or agreed to be given in connection with the marriage. The penalty for giving or taking dowry is not applicable in case of presents which are given at the time of marriage without any demand having been made.

PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005

The Protection of Women from Domestic Violence Act, 2005 ("Domestic Violence Act") was passed in order to provide a civil law remedy for the protection of women from domestic violence in India. The Domestic Violence Act encompasses all forms of physical, verbal, emotional, economic and sexual abuse and forms a subset of the anti-dowry laws to the extent it is one of the reasons for domestic violence. Section 3 of the Domestic Violence Act specifically incorporates all forms of harassment, injury and harms inflicted to coerce a woman to meet an unlawful demand for dowry. Some of the common remedies under the Domestic Violence Act include:

- ❖ protection orders – prohibiting a person from committing domestic violence;
- ❖ residence orders – dispossessing such person from a shared household
- ❖ custody orders – granting custody of a child; and
- ❖ compensation orders – directing payment of compensation.

CONCLUSION OF THE STUDY

Dowry is deeply embedded in the social fabric of India. It is strongly embedded in society's patriarchal mindset. Women became a commodity as consumerism increased. Dowry is encouraged due to women's disempowerment, male domination, and financial dependency on males. The first stage in the campaign to abolish this social scourge should be to raise social consciousness among the population. In this instance, the media can be proactive. Several legislation, notably the Dowry Prohibition Act of 1961, have undoubtedly been adopted, but action on the enforcement front is required. Furthermore, the government should take note of the severe enforcement of such dowry regulations. Many women can be spared from this tragedy if they are removed from the source of abuse in a timely manner and the perpetrators are punished fairly. After their daughters marry,

parents must be on the lookout for any suspicious injuries or bruises. If parents notice any signs of depression in her daughter's behaviour, they must pay close attention.

SUGGESTIONS:

- ❖ To educate people about their social and legal rights and protect them from dowry violence and deaths, the Indian government should implement social and legal awareness programmes in both urban and rural areas.
- ❖ There must be social programs and awareness camps by the government of India to make the parents understand that they need to spend money on their daughters to educate, empower and make them self-sufficient along with their sons.
- ❖ The anti-dowry cells should be set up in each district to record the cases of dowry violence and deaths and provide legal aid to the sufferers. Trained law enforcement officials, preferably women, should be appointed to investigate the cases of dowry deaths and harassment.

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