

# Dowry System as a Social Evil: A Study of India

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**Abstract:** Dowry, also known as Dahej, is one of the deep-rooted societal ills that has become an obstacle to women's regular lives. Dowry has become a societal norm, which is a major issue for both society and women. The dowry system is the evil that has murdered and disabled countless vulnerable women, forcing some to commit suicide. Dowry is the oldest social malady or sickness on the Indian subcontinent. It has become a terrible social disorder that is profoundly established in people's blood. Many individuals regard dowry as a symbol of social standing and self-recognition. As Mahatma Gandhi has rightly said "Any young man, who makes dowry a condition to marriage, discredits his education and his country and dishonours womanhood". The main goal is to investigate the ills of the Dowry system and its repercussions in India.

**Keywords:** Dowry, social evil, India

## Introduction:

Dowry is a relatively new concept. Only later did it take on an unnatural dimension. Dowry existed in a primitive form, but under various titles, among the ancient Hindus. This practise of offering gifts during weddings is widespread throughout India. The bride is presented with gifts by her parents. The motive for this gift-giving is the parents' devotion for their children, but with time, this ritual grew inflexible and connected with social position and family prestige, resulting in significant societal harm. Dowry is growing like wildfire, and this societal calamity is becoming worse. Unsurprisingly, this is no longer performed in the modern era. Brides are compelled by their in-laws to bring large sums of money, gold, technological equipment, and other opulent gifts from their families in the form of Dowry. This financial pillage does not end with the wedding ceremony, but continues thereafter. However, the wedding ceremony was not just about this repressive institution. It is such a benefit because it shields us from immorality. Our society is getting increasingly vulnerable to it on a daily basis. This is why the majority of marriages either do not take place on time or end in divorce. Apart from that, the greedy nature of humans is the primary cause for the dowry system. Dowry deaths, which refer to a bride's suicide or murder perpetrated by her husband or in-laws, are concerning. After a year of harassment and physical torment, a bride is sometimes drenched in kerosene and set on fire. This affects not just the bride but also her parents and family. Her parents must face all of the responsibilities for their daughter's well-being in her in-laws' house. A bride's morale suffers, and she sees herself as a burden on her parents in every way.



Since the Indian dowry prohibition legislation of 1961, which provides punishment under Section 4 of the Indian penal code and imposes a penalty in the instance of dowry exchange or demand, India has not been sufficiently effective in eliminating this social evil at the grass roots level. According to the Indian National Crime Record Bureau, India has the greatest number of dowry-related fatalities worldwide. In 2012, 8233 dowry deaths were recorded in India. This figure is rapidly rising, and the situation is serious.

**Objectives:**

- 1) To study the present scenario of dowry system in India.
- 2) To identify the reasons of dowry system in India.

**Methodology:**

The methodology of this whole work is based on secondary sources and primary sources. Secondary sources like books, journals, newspapers, research papers, thesis, some case references, website and already existing customs. Primary sources from few female victims who have faced dowry harassment.

**Dowry History in India:**

There has been substantial scholarly debate on the origins of dowry, whether it was permitted or prohibited by the shastras, whether it was an integral element of Kanya dan, and whether it is distinct from streedhan. It is widely accepted that streedhan refers to the wealth of a woman – the gold, jewellery, cloths, and other property that belongs to the bride and is hers to use – whereas dowry refers to the wealth that goes with the woman, that is, the wealth that does not belong to the woman but accompanies her when she marries into her husband's family. The practise of providing dowry is inextricably linked to the notion of the daughter as "parayadhan," a commodity to be moved from one household to another. This is at the basis of the hesitation to allow daughters to inherit immovable property. Women are therefore placed in a position of reliance in both their personal and their marital families. Dowry was not raised as a societal evil to be officially prohibited by reformers in the nineteenth century. Domestic violence, rape, and dowry were not addressed by women's groups, which mobilised around the demand for equal rights for women in the early decades of the twentieth century. This might be attributed to the women's movement, which actively engaged in the country's war for independence and connected the birth of a new era of democracy and equal rights for everyone with the ideal of an independent India. The agony induced by dowry, on the other hand, has been vividly depicted in women's literature from the first three decades of the twentieth century in the Hindi belt of north India. This issue is followed by harsh critiques of men's self-centered, egoistic behaviour, as well as assaults on male reformers for failing to confront and remedy the practise of dowry.

During the ancient time, the dowry system was also prominent. The bride's parents gave the girl presents, money, property, and other household assets because they wanted to. The girl's premortem right was referred to as such. She was the only proprietor, and not even her husband had any claim to it. The concept and proportions of dowry, however, have evolved over time. It became a significant and key consideration in marriage. Regardless of their ability, the girl's parents were required to provide a handsome dowry for her. Dowry grew to be the most important aspect of a girl's wedded life. Several females committed suicide because their in-laws made their lives miserable since their parents could not pay a suitable dowry. The worst element of this wickedness was that it led to another evil, female foeticide. When we are going towards modernity, it is critical to understand what causes such an immoral behaviour to flourish in society.

Dowry occurs for a variety of reasons. It is a feeling that practising or adhering to customs fosters and deepens unity. It signifies that they are sailing in a single boat to demonstrate that we are all in this together. Some people offer larger dowries only to demonstrate or demonstrate their high social and economic standing. In contemporary culture, feigning has grown popular. It has become tough to live without this horror. In this case, I believe the parents are not to blame. They happily follow this practise for the sake of their daughter's pleasure. Illiteracy is a major contributor to dowry. The majority of individuals are ignorant of the negative consequences of dowry. They mindlessly obey societal customs. They don't have time to think about the negative consequences of dowry. They, the so-called wealthy, believe that everyone is capable of doing this from the comfort of their own homes. However, the truth is rather different. It has caused a great deal of suffering in our society. Our society has gotten increasingly difficult to live in, especially for those who are impoverished and cannot afford to choose for dowry. With the advancement of science and technology, practically everything changes, although in a limited way. But it is our thinking that prevents us from accepting positive changes. When compared to conventional gift-giving customs, dowry has numerous features. It is no more a choice practise; rather, it is compelled diplomatically. The groom's family may appear humble or civilised, but they will not hesitate to take valuable things presented by the bride's family on their own. They are the devils when it comes to dowry, while being champions of decency in their speech, walk, and behaviour.

### **Reason of Dowry:**

Dowry, also known as Dahej, is one of our society's deep-rooted societal problems that is flourishing at an unprecedented rate. There is no doubt that modern individuals reject it; nonetheless, this practise differs according on area, caste, and faith. Although determining the precise reason is challenging, here is a preliminary list of elements to consider:

**• Greed Factor • Male domination Society • Religious Obligations • Caste/Creed Regulations • Lack of Formal Education • Conservative Thinking • Desire to Flaunt Social Status • Low Position of Women • A False Sense of Prestige • Lack of education & Ignorance • Lack of Awareness about Anti-Dowry Laws**

This evil is quietly taking the lives of innocent married women, from being a financial burden on a daughter's family to being a waste of money. Dowry deaths are more common in developing and underprivileged nations such as India, Pakistan, Bangladesh, and Iran, to name a few.

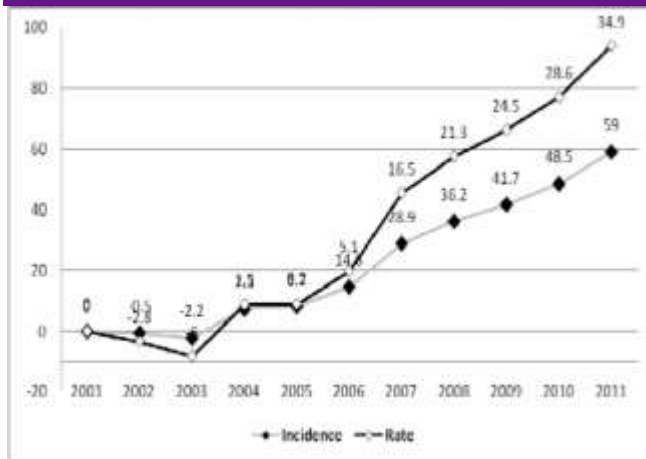
### **Dowry Related Violence :**

Dowry and dowry-related violence are inextricably linked with patriarchal ideals and perceptions about women's standing in Indian society. The institution of marriage had destroyed the communal peace and cohesion that it had produced. Marriage became merely another commercial transaction in which generating money was simpler. The male child became an extra source of money for the family, whereas the female child became a financial burden. This resulted in societal issues such as mental breakdown, bride burning, suicide or ongoing unpleasant marital life tensions, female feticide, and an imbalance in the male-female ratio in society, which led to greater crimes against women. Das Gupta observed that dowry-related problems typically arise from three contexts: failure to pay the remaining portion of dowry, inability to fulfil extra demands made by the bridegroom's family, and general dissatisfaction on the part of the groom's family with the gifts or items given by the girl's parents.

From January 1, 2001 to December 31, 2012, 91,202 dowry fatalities were registered in the country, according to data from the National Crime Records Bureau (NCRB). According to a state-by-state breakdown, the biggest number of dowry fatalities occurred in Uttar Pradesh (23,824; 19,702 were brought to trial) and Bihar (13,548; 9,984 sent for trial). In Uttar Pradesh, the conviction rate was consistently over 50%, whereas in Bihar, it was about 30%. During the period 2002-12, only Nagaland and Lakshadweep had no dowry fatalities reported. There are dozens more dowry deaths that go undetected for every recorded dowry death. Dowry fatalities in India have increased 15-fold, from 400 occurrences in the 1980s to 5,800 in the 1990s, according to a TIME magazine investigation. Some features are shared by victims of dowry-related crimes. The Law Commission has recognised several factual components of dowry death, such as brides being predominantly young, dependent, and less educated, and the majority of bride deaths or suicides being recorded as accidents in the kitchen. The majority of those involved in dowry-related violence against the bride are husbands, mothers-in-law, and husband's brothers and sisters. The majority of dowry-related crimes and harassment are well-planned and carried out within the confines of a house by a group of family members. Every hour, 25 women are victims of crime; 11 are subjected to abuse by spouses and other relatives; three are raped; and one dies as a result of dowry.

According to the National Family Health Survey (NFHS), at least one in every five married women in India has suffered domestic abuse since the age of 15. The most commonly reported kinds of violence against women were harsh language (80%), beating (63%), forcing women back to their family home (52%), and threatening to force them out (51 percent). In India Safe 2000 multi-site research of over 10,000 families, 40% of the women experienced at least one kind of physical abuse, with 26% reporting severe physical abuse, such as being struck, kicked, or beaten. According to UNFPA, 40 percent of women in India face domestic violence and abuse from their male partners. Those who come out frequently do so only when the abuse has progressed to the point of serious, life-threatening violence. According to data from Mumbai's Special Cell for Women and Children, which was formed by the Police Commission to provide a variety of support services to women and their children, 53% of women experienced domestic abuse for 3-17 years before reporting it to police (Dave and Solanki 2000).

### **Figure 1: Incidence & Rate of Crime against Women Percentage Change from 2001**



Source: *Crimes in India, 2011, National Crime Record Bureau.*

The figure shows that the rate and incidence of crime has increased from 5.1 and 14 in the year 2006 to 34.9 and 59 during the year 2011.

Between January and April, 93 dowry death cases were reported to police in Jharkhand, according to the official Jharkhand police website. Every day, two to three reports of dowry-related domestic violence are recorded in the Ranchi women's police cell, but many incidents go undetected. According to the Thomson Reuters Foundation Report (2012), the number of rapes, dowry killings, molestation, sexual harassment, and other crimes against women in India increased by 6.4 percent in 2012 compared to the previous year, with the capital city recording the greatest number of rapes.

The idea of gender equality is inscribed in the Indian Constitution's Preamble, Fundamental Rights, Fundamental Duties, and Directive Principles. The Constitution not only provides women equality, but also authorises the state to implement measures of positive discrimination in favour of women. Within the context of a democratic polity, our laws, development strategies, plans, and programmes have all attempted to progress women in many fields. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c), and 42 of the Constitution are particularly relevant in this respect. To combat the widespread social ill of dowry in Indian society, Parliament established the Dowry Prohibition Act in 1961, which applies to all individuals, including Muslims, Christians, Parsees, and Jews. It encompasses the whole country of India. Dowry requesting or giving is punishable by up to six months in jail or a fine of up to Rs. 15000 under the Dowry Prohibition Act.

### Laws pertaining to Dowry:

#### The Dowry Prohibition Act, 1961

This is the first national regulation dealing with dowry. The legislation establishes a variety of preventive and punitive actions. Section 2 of the Act establishes the above-mentioned definition of dowry. The word "valuable security," which has been used to define dowry, is defined under Section 30 of the IPC. According to Section 3 of the Act, giving and receiving dowry is punished by imprisonment for a term of not less than 5 years and a fine of Rs 15,000 or the amount of dowry, whichever is greater. Demanding dowry is criminal under Section 4 of the Act, which makes the offender subject to imprisonment for a minimum of six months and a maximum of two years, as well as a fine of up to Rs 10,000. Section 5 makes invalid any agreement for the offering or receiving of dowry. It is normal tradition for gifts and ornaments presented to the bride to be promptly taken by her husband and his family, in light of which Section 6 lays forth penalty processes. Section 8 proposes to make the act more severe by adding dowry offences to the list of cognizable, non-bailable, and non-compoundable offences.

#### Indian Penal Code, 1860

Dowry-related violence is a criminal offence. Due to an increase in dowry fatalities and the failure of dowry legislation, criminal changes were made in 1983 and 1986 by adding Sections 304-B and 498-A to the IPC, respectively.

Section 304-B lays down four conditions for dowry death where the death of the woman is:

- caused due to bodily burns or bodily injury or otherwise than under normal circumstances,
- caused within seven years of her marriage,
- caused due to subjection to cruelty by her husband or his relatives,
- caused due to cruelty or harassment which is in relation to demand of dowry and soon before death.

Anyone who commits dowry death faces a minimum of seven years in jail, with the possibility of life imprisonment. The offences are non-bailable and cognizable.

Section 498 A of the IPC addresses cruelty to women by spouses or relatives. When a woman is exposed to abuse or harassment by her husband or family, the culprit faces up to three years in jail as well as a fine. The term "cruelty" encompasses both mental and physical torment. It consists of:

- any act intended to drive the woman to commit suicide or to cause danger to her own life, limb or health(both mental and physical included)
- Harassment to coerce her or anyone related to her for meeting the demand of dowry.

When a person deliberately causes the death of a woman, he is penalised under Section 302 of the IPC. If the husband and his family create a condition in which the wife commits herself within seven years of her marriage, they would be punished under Section 306 of the IPC.

### **Indian Evidence Act, 1872**

Taking into account the nature of dowry offences, which are frequently perpetrated covertly in private residential dwellings and within the four walls of the house, unambiguous and direct evidence, which is required for conviction, is difficult to obtain. Keeping this in mind, Section 113B of the Evidence Act, 1872 was included by the 43rd Amendment Act of 1986 to strengthen the prosecution's hands by raising a presumption if certain essential facts are shown or established and the woman dies within 7 years of marriage. If it is proven that the woman was exposed to abuse or harassment by a person in connection with dowry demand shortly before her death, the court would conclude that such person caused the dowry death.

### **Code of Criminal Procedure, 1973**

Sections 174 and 176 of the CrPC provide the processes for police and judicial investigations and enquiries into the reasons of unnatural deaths. The 1983 amendment requires the police to send the body of a deceased woman for post-mortem investigation if the death happened within seven years after marriage to determine if it was the result of suicide or any other questionable cause. It authorises an executive magistrate to investigate the death of a woman under identical circumstances.

### **Conclusion:**

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.

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