

DOWRY VIOLENCE AGAINST WOMEN IN INDIA

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Abstract

In the current scenario, the practice of giving and taking dowry is widely rampant and deep-rooted in Indian society. It survives as a social phenomenon in many South Asian countries, like India, Bangladesh, Pakistan, Nepal, and Sri Lanka. Dowry means assets or any valuable security given or agreed to be given by one party to another party within a marriage. Dowry death is a primary social concern, where a bride commits suicide or is killed by their partners and family members due to not meeting their dowry demand. In the 21st century, the dowry system has become a social menace that causes physical violence, marital conflict, economic and emotional strain to the bride's parents, and so on. Taking dowry is itself a heinous crime and has become illegal as per the Dowry Act of 1961. The practice of dowry is widely spread, despite anti-dowry laws and government legislation. Therefore, voluntary action is required to check atrocities against women and to make the movement against dowry strong. The roots of the dowry problem stay in our society; however, its remedies can only be achieved by changing the mindset of the people through education and legal awareness.

The paper discusses the concept of dowry and the factors associated with dowry violence toward women in India. Furthermore, the research paper also highlights the dowry provisions in India. Some suggestions are also included to get rid of this menace from society.

Keywords: Dowry, Violence, Dowry Deaths, Discrimination, Women Empowerment, Laws

Introduction

There are many forms of violence related to dowry ranging from humiliation, harassment, and exploitation to torture. It is one of the most heinous and burning crimes that has long been committed in India (Kumar & Kanth, 2004). It is also called a cruel tradition, a social disease, and an insult to the dignity of women that is profoundly embedded in our society (Muzumdar, 2001). Dowry (dahej) is one of the most ancient practices in India and all over the world. It is most predominant in South Asia, in the nations of India, Pakistan, Sri Lanka, and Bangladesh.

However, it was regarded associal security to women during a post-marriage crisis, such as alienation by a husband or other marital disputes.Likewise, in numerous indigenou cultures, the bride price is still rampant. However,Mehar is merely a social formality in Muslim marriages, whereas dowryis also used in these unions. The practice of dowries is widespread worldwide and is known by many names depending on the region and culture. This custom of dowry is prevalent across the world. It is known by different names in various geographical and cultural locations – in Hindi (Dahej), Tamil (Varadhachanai), Urdu and Arabic (Jahez), Bengali (Joutuk), Mandarin (Jiazhuang), Turkish (Ceyiz), French (Dot), and Nepali (Daijo) – and in African countries, it is known as Idana (Kumar, 2020).

A woman is traditionally regarded as a “goddess” in Indian society. Still, despite this term of admiration, it is sadly common to read in the papers about dowry-related violence and bride burning and dowry death cases suffered by their better half and in-laws (Kumar &Kanth, 2004, p. 18). Religious beliefs, cultural practices, age-old practices, customs, etc., have put Indian women in a subordinate and exploitable position in many spheres of life. Due to low educational participation rates, a lack of financial independence, and other factors, women are more dependent on men and other people, as well as institutions of authority such as family, community, and society (Reshma & Ramegowda, 2012).

The custom of dowry in India has been associatedwith extreme forms of gender inequality, such as sex-selective abortion related to parental inclinations for sons and the occurrence of bride-burning, dowrydeaths, and other forms of domestic violence. In India, about 8000 deaths of people due to dowry harassment were reported in 2011 (Jeyaseelan, 2015). It has also spread like a contagiousmaladyin our society and now assumed alarming proportions.

But despite the passing of laws, development of reformative legal procedures, provision of legal aid to the poor, widespread use of the provision of Public Interest Litigation, the conduct of Family Courts, the establishment of Women/Family counseling centers, etc., women in India have a long way to go before their Constitutional Goals into reality (Reshma & Ramegowda, 2012).

Review of Literature

- Prasad (1994), in his article “Dowry-related violence: A content analysis of news in selected newspapers” will evaluate studies of family violence and wife abuse in India and

the west. Further, the author will identify theoretical perspectives to understand the factors related to dowry violence and examine the content of the dowry-linked new stories.

- Muzumdar (2001), in her article, “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.

Objective

- To study the dowry violence towards women in India.
- The principal aim of this research paper is to analyze the rate of dowry deaths in India.
- To realize the factors related to dowry violence in India.
- To throw light on some of the legislations against dowry violence in India
- Lastly, a few suggestions are included to curb the menace of dowry violence.

The Concept of Dowry in India

In an ordinary sense, dowry means an asset in the form of money, gifts, goods, or estate that a father or guardian gives to her daughter during her marriage. The practice of using a dowry, also recognized as a trousseau, is a ritual that has been around for hundreds of years and was most frequently practiced in Europe, Asia, and Africa (Nithya, 2013, p. 46).

We all know that in dowry (Dahej), the bride's family pays the groom's family with cash or kind to give away the bride. The practice of Kanya-dana is a significant component in Hindu marital rites (Kanya=daughter, Dana=gift) (Reshma & Ramegowda 2012).

The custom of dower (Mehtar) is very unlike from dowry or bride price – in Mehtar, a spouse is supposed to offer an amount of cash or asset to her better half, which is a token of admiration as well as social security during the dissolution of marriage (Kumar, 2020, p. 1).

The Dowry Prohibition Act 1961 defines dowry as “any property or valuable security 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 any other person, to either party to the marriage or any other person; at or before or any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies” (Nithya, 2013, p. 46).

The commercial aspect of marriage can be known as the dowry system in India (Reshma & Ramegowda, 2012). Giving and taking gifts at the time of marriage can be found in almost every culture and has a long history (Nithya, 2013). The notion of the dowry system dates back to the ancient Roman and Greek civilizations (Anderson, 2007). During the Epic period, gifts from parents, brothers, and relatives were considered women's property- stridhan (Reshma & Ramegowda, 2012). Dowry survived in India even before British Rule, but not in the format that is common in society nowadays (Nithya, 2013, p. 47). Since British rule to date, efforts have been made to root out this wicked practice from Indian society that is dowry system; however, despite vigorous attempts, this malicious custom continues in every aspect of our nation. Hundreds of dowry deaths are closed because of kitchen accidents or suicides. Around 40 percent of married women are below eighteen years of age, uneducated, and hence not in a position to claim themselves. Their voice is not always heard in society (Reshma & Ramegowda, 2012).

The practice of dowry has been banned since 1961, but it is still widely rampant. So far, India has the maximum number of dowry-related deaths universally as per the NCRB report of 2011, with 8618 dowry dying instances. This signifies that a bride is burned every 90 minutes, or dowry problems cause 1.4 deaths per 100,000 women yearly in India. Thus the practice of dowry so embedded in Indian society is all too frequently accountable for causing agony and distress for many women (Jeyaseelan, 2015, p. 4).

Research Methodology

The data used in this research paper is secondary. 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
2005	6787
2006	7618
2007	8093
2008	8172
2009	8383
2010	8391
2011	8618
2012	8233
2013	8083
2014	8455
2015	7634
2016	7621
2017	7466
2018	7166
2019	7155
2020	6966

Source: National Crime Records Bureau, Ministry of Home Affairs, Govt. of India, New Delhi

Table. No: 2 State/UT-wise Incidents of Dowry Deaths in India (2020)

State/UT	Dowry Deaths
A&N Islands	0
Andhra Pradesh	111
Arunachal Pradesh	0

Assam	148
Bihar	1046
Chhattisgarh	71
Chandigarh	1
D&N Haveli and Daman & Diu	1
Delhi	110
Goa	0
Gujarat	6
Haryana	251
Himachal Pradesh	1
Jharkhand	275
Jammu & Kashmir	9
Karnataka	176
Kerala	6
Ladakh	0
Lakshadweep	0
Madhya Pradesh	608
Maharashtra	197
Manipur	1
Meghalaya	1
Mizoram	0
Nagaland	1
Odisha	320
Punjab	63
Puducherry	2
Rajasthan	479
Sikkim	0
Tamil Nadu	40
Telangana	158
Tripura	23
Uttar Pradesh	2274

Uttarakhand	65
West Bengal	522
Total	6966

Source: Crime in India (2020), National Crime Records Bureau,
Ministry of Home Affairs, Govt. of India

Table no.1 shows the rates of dowry deaths in India from 2005 to 2020. The cases of dowry deaths increased from 2005 (6787 cases) to 2011 (8618 cases) with 26.97 percent. After that, the dowry deaths decreased in 2012 (8233 cases) and 2013(8083 cases). And again,dowry cases increased in 2014 with 8455 cases. However, the cases of dowry deaths have decreased from 2015 (7634 cases) to 2020 (6966 cases) by 8.75 percent. The highest number of dowry death cases has been reported from Uttar Pradesh (2274 cases), followed by Bihar (1046 cases) in the year 2020 (table no.2).

Factors Associated with Dowry Violence towards Women in India

The Indian Penal Code of 1961 forbids the custom of dowry; however,it is socially and culturally practiced. It has become so deeplyrooted in Indian society over the years that even women have become closely linked with the possessions she brings into their husband’s houses and in-laws earlierand after marriage. The practice of dowry and violence are closelyassociated with patriarchal beliefs and perspectives of women’s status in Indian society. Generally, when a woman is given in her marriage and moves into her in-laws, she has no control over her assets.Due to the patriarchal structure of Indian society, women are seen as burdens on the family, and that male progeny are regarded as superior and breadwinners and thus making families demand dowry. The patriarchal foundation assumes that a woman is not treated equally by males and must be protected, first by her father and then by her spouse, who has the authority to make decisions and manage her social environment. They are considered a parental burden due to dowry,which has also given rise to female infanticide/feticide in Indian society.

Numerous studies have found that theprime reason behind dowry violence is social and economic factors. However, the studies also noticed a correlation between dowry practices and women’s low socio-economic status. Gender inequalities and women’s financial dependence on their men may lead to partner conflict and abuse. They have also restrictedthe right of entry to the marketplace economy and the society at large and rely on their husbands and in-laws. In a

patriarchal society, a woman's principal responsibilities are as a homemaker, a mother, and a daughter (Singh, 2011, pp. 16-18).

The factors that contribute most to dowry-related violence against women in the family include poverty, rising unemployment, lack of participation in the workforce, lack of decision-making power of a woman in the family, less financial resources for women to run the household, illiteracy, and general ignorance, the narrow-mindedness of the groom's family, and negative male attitude (Ferdausi, 2014). Education often limits economic prospects, and in some areas, women no longer have the right of entry to education and employment options, which diminishes their financial independence (Seth & Modi, 2022). This systematic tradition of dowry practices for economic profits can continue until the authorities catch the family or the woman's family files a complaint against them (Singh, 2011, p. 18).

Legislations against Dowry Violence in India

The Indian government passed the Dowry Prohibition Act in 1961 to combat the menace of dowry-related crimes. The first law to outlaw the practice of dowry in India was the Dowry Prohibition Act. It declares that giving or receiving dowry is unlawful and punishable Act (Gondal, 2015; Kumar, 2020). For giving or accepting dowry, the Act stipulates a minimum sentence of five years in jail and a fine of 15000 (or an equal amount of dowry is taken, whichever is greater) (Sharma, et al., 2005).

To combat violence against women in general and dowry-related violence in particular, two new sections, 498-A, and 304-B, were added to the Indian Penal Code by the Criminal Law (Amendment) Act in 1983 and 1986. Section 498-A deals with "cruelty by husband or his relatives" which covers, among other things, dowry-related abuse by husband and in-laws (Prasad, 1994, p. 84). According to Section 498-A of the IPC, any unlawful demand for assets or valuable security made by a woman's husband or any of his relatives is punishable with imprisonment for a term that may increase to three years of jail as a fine (Jose, n.d.). On the other hand, Section 304-B legally establishes the concept of dowry deaths. Section 2 of this Act constitutes the following elements: (Sharma et al, 2005, p. 7)

- Death is induced by burns or bodily injury or occurs otherwise under ordinary circumstances.
- It should have taken place within seven years of their marriage.

- It must be shown that the woman was exposed to cruelty/harassment by her husband or his relatives just before her death.
- Such cruelty/harassment was for, or in association with, demand for dowry.

If the above five ingredients show evidence, the husband or relative would be accused of her death.

Section 304-B of the Indian Penal Code declares a minimum of seven years of imprisonment, which may extend to a life sentence for the perpetrator (Law Commission of India, 2007).

Moreover, considering the increasing cases of violence against women, the government of India made new laws – The Domestic Violence Act, 2005. It extended the definition of violence and included physical, psychological, emotional, and economic violence. Some of the effective remedies available under the Domestic Violence Act are as follows: the right to live in the shared household, prohibits the domestic abusers from committing any further acts of violence, the right to financial assistance to cover costs incurred as a result of domestic abuse, the right to child custody, and the right to compensation (Domestic Violence Act, 2005).

Despite many legislation and anti-dowry laws, the number of dowry cases and atrocities against women in India has not significantly decreased. A new approach to empowering women is required to lessen their economic dependency because mere law is not enough, and its enforcement is also fragile (Kumar, 2020, p. 8).

Conclusion

The evil of the dowry system is still in use and is ingrained deeply into Indian society. According to the report, our society's socioeconomic and cultural factors strongly favour dowry. The study also shows that the inability to provide dowry encouraged the mistreatment of brides. In contrast, glorifying dowry leads to son preference, which promotes female feticide, upsets the sex ratio, and finally leads to gender inequality.

Laws alone cannot solve societal ills; youth need to be socially educated and awakened to transform their antiquated mindset. Women fighting the system require social, political, monetary, and ethical assistance. They must be empowered to make their own life decisions by rejecting the dowry system. Above all, people's and society's social outlooks and mindsets must change first. The menace of dowry can be tackled only if there is a revolution in people's

attitudes and society. As Pluto rightly says, “No law or ordinance is mightier than understanding”. Moreover, there is a need for systematic research to investigate all aspects of dowry issues and specific strategies for preventing violence against women in the future (Singh & Sengar, 2014).

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.
- Moreover, Indian parents must be attentive concerning dowry problems. They need to realize that they are not under any obligation to give their daughter to any family who wants a dowry from them.
- There must be social programmes 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.
- It is the duty of the government, judiciary, police, legal experts, and educated class to contribute to sensitizing the general masses towards the importance of anti-dowry laws and make them conscious of the malevolent effects of the dowry system on the people.
- It is essential to scrutinize the laws against dowry violence towards women in India because there are ambiguities within the system and government officials are also frauds. The execution of laws is so weak that the lawbreaker gets rid of this cruel crime instead of a harsh penalty.

References

1. Ferdousi, N. (2014). Violence against women in the family: Socio-legal factors of dowry practice. 1-9. <https://www.researchgate.net/publication/303686671>
2. Gondal, S. (2015). The dowry system in India – Problem of dowry deaths. *Journal of Indian Studies*, 1(1), 37-41.
3. Jeyaseelan, V., Kumar, S., Jeyaseelan, L., Shankar, V., Yadav, B. K., & Bangdiwala, S. I. (2015). Dowry demand and harassment: Prevalence and risk factors in India. *Journal of Biosocial Science*, 47(6), 1-19.
4. Jose, G. K. (n.d). Dowry demands and dowry deaths. 204-216. Retrieved from <https://egyankosh.ac.in/bitstream/123456789/17347/1/Unit-24.pdf>
5. Kumar, R. (2020). Dowry System: Unequalizing gender equality. In *Gender equality* (pp. 1-12). Switzerland: Springer Nature.
6. Kumar, V., & Kanth, S. (2004). Bride burning. *The Lancet*, 364, 18-19.
7. Law Commission of India. (2007). *Two hundred-second reports on the proposal to amend section 304-B of the Indian Penal Code*. New Delhi: Law Commission, Government of India.
8. Muzumdar, K. (2001). Dowry-related violence: An overview. *Indian Journal of Social Work*, 62(3), 397-413.
9. N. R., Nithya. (2013). Institutionalization of dowry in India: Social custom or modern Malaise. *International Journal of Science and Research (IJSR)*, 2(9), 46-50.
10. Prasad, B. D. (1994). Dowry-related violence: A content analysis of news in selected newspapers. *Journal of Comparative Family Studies*, XXV(I), 71-89.
11. Reshma, M., & Ramegowda, A. (2012). Dowry as a socio-legal perspective. *International Journal of Scientific and Engineering Research*. Retrieved from https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2177342
12. Seth, S., & Modi, S. (2022). Critical study of dowry death in India. *Journal of Positive School Psychology*, 6(4), 3134-3141.
13. Sharma, B. R., Harish, D., Gupta, M., & Singh, V. P. (2005). Dowry – A deep-rooted cause of violence against women in India. *Medicine, Science and the Law*, 45(2), 1-8.

14. Singh, H. (2011). *Let only your corpse come out of that house: An analysis of contemporary dowry discourses in Indian newspapers*. Lund's University Spring Term, Human Rights Studies, 1-32.
15. Singh, V.P., & Sengar. (2014). The menace of dowry in India: A socio-legal study. *Indian Journal of Legal Philosophy*, 2(1), 15-35.
16. The Protection of Women from Domestic Violence Act. (2005). *Indian Penal Code*. Retrieved from https://www.indiacode.nic.in/bitstream/123456789/15436/1/protection_of_women_from_domestic_violence_act%2C_2005.pdf