

Institutionalization of Dowry in India: Social Custom or Modern Malaise?

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Abstract: *The purpose of this paper is to examine the complex social and cultural practice of dowry in India. Dowry is a payment of cash or valuable gifts from the bride's family to the bridegroom upon marriage. Dowry is one of social evils which India needs to fight and eradicate totally. The paper argues that this menace of Dowry has become a social menace in modern India leading to the oppression on women, physical violence on the bride, causing a financial and emotional stress on the parents of the bride, marital conflict and so on. At the present, the practice of giving dowry is widespread and deep-rooted in the Indian society. Paying dowry at the time of marriage is almost considered to be universal rule and dowry demands are rising.*

Keywords: Dowry, Dowry deaths, India, Marriage, Kerala, Women

1. Introduction

Dowry (dahej) is one of the most ancient practices of India. The dowry system is a social evil, prevalent in all parts of India and almost in all the countries of the world. In India many of the traditional customs have been given up, but the custom of dowry has not only continued, but flourished over the years. The attitude of society towards the prevalence of dowry custom is neither uniform nor consistent. Theoretically a majority among the educated in the society disfavours it, but in actual practice, it upholds the custom under the fold of certain social and cultural justification. Today dowry has become a widespread evil and it has now assumed menacing proportions.

2. Review of Literature on Dowry

Madan C Paul (1986) observed that the dynamic forces of socio-economic inequality have given rise to rationalization based on false ideas of prestige and status which sanction, justify or explain the phenomenon of dowry in a social milieu. He critically argued that money has become now an occasion where one strives to promote one's status and interests. Sonal Shukla (1985) point out that dowry as a social phenomenon has aroused much public concern in contemporary Indian Society which is undergoing a transitional phase under the capitalist path of uneven development. Drez and Sen (1995) opined that the persistence of extraordinary high levels of gender inequality and female deprivation are among India's most serious social failures. B. Devi Prasad and E. Vijayalekshmi (1996) remarked that usually the prime motive behind the cruelty of young married women in her matrimonial home is the desire to extract maximum dowry. Vani Prabhakar (2012) remarked that gender based violence affects almost every society across the globe, and represents a significant impediment to development. She critically point out that in spite of all the talk and activities regarding the protection of women's human and legal rights, women are grossly denied their rights throughout the world and especially in South-East Asia. Siwan (2003) points out that in South Asia, and especially India, dowry inflation is an issue, because it leads to gender-selective abortions and in extreme cases to

violence, such as murders of daughters-in-law whose families don't deliver sufficient dowry. A report by AIDWA shows that the practice of giving and taking dowry is widespread in two of the country's most progressive states- Kerala and West Bengal.

3. The Concept of Dowry

In an ordinary sense, dowry refers to money, gifts, good or estate that wife brings to her husband in marriage. The practice of using a dowry, also known as trousseau, is a custom that has been around for centuries and was most commonly practiced in Europe, Asia, and Africa. Modern times have seen this practice fall by the wayside because of abuse suffered by women as a result of misuse of the practice. According to S.J Tambiah dowry is the property given to the daughter to take with her into marriage. Technically it is her property and in her own control though the husband usually has rights of management. Another definition to dowry is the property a woman brings to the marriage partnership. In this meaning, dowry can be the dowry a bride receives from her parents, property she previously inherited and brings to the marriage, or property she owns as a widow and brings when she remarries (Nazzari, 1991; Birge, 2002).

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 to 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.

Payments between families on the occasion of marriage existed during the history of most developed countries and are currently widespread in many areas of the developing world (Anderson, 2007). With regard to dowry, two related

forms of marriage payments - brideprice/ bridewealth¹ and dower²

4. Theories of Dowry

4.1. Dowry as Bequest

The bequest theory views dowry as an intergenerational transfer of inheritance to the bride from her kin, under her control, upon marriage. Dowry can be seen as a pre-mortem inheritance to the bride at the time of her marriage. According to the bequest theory, while sons obtain their inheritance upon the death of the parents, daughters receive their share of the family wealth at marriage (Suran et al 2004).

4.2. Dowry as Price

First formalized by Becker (1981), the price model sees dowries as transfers between families (Anachalam and Logan, 2008). Brides do not directly benefit from such transfers. Instead, dowries are transferred from the bride's families to the groom's families to equilibrate the marriage market. Hence, price models of dowry "yields a dowry function that maps characteristics of the bride, groom, and their respective families, as well as underlying features of the marriage market, to a dowry amount". The price model views dowry as an instrument whereby parents of daughters secure alliances with high-quality in-laws (Arunachalam and Logan, 2008). Dowries are considered as opportunities for daughters to attract resourceful men and means to ensure a better future for one's daughter and to enhance one's own prestige in the community. In this way, dowry is a gift for alliance and not a marriage payment.

4.3. Sexual Exchange Theory

According to Sexual exchange theory men place more value in attractiveness and women place more value in resources. Dowry serves fundamentally as a price to "equalize" the imbalance in the value of marriage, and as a form of compensatory transfer based on the combination of traits of the bride, groom and their respective households. According to Kodoth (2008), fullness of body is an important aspect of the notion of womanhood, implicating notions of sexual and reproductive potential. The reference to health thus points to the expected effects on sexuality, reproduction and domestic abilities of being pale, thin or seeming unenergetic. Feminists, who have focused on the woman's equal right to inheritance, have presented arguments that dowry can be seen as the woman's inheritance and through this practice the woman will get receive at least something rather than nothing.

¹ Usually considered to be the payment a groom owes the bride's parents for the right to her labor and reproductive capabilities, a transaction involving bridewealth occurs when the bridegroom and his family transfer property to the bride's kin. Boserup (1970) emphasized that brideprice societies are characterized by high female reproductive and economic autonomy, high female contribution to agricultural work, and a high incidence of polygynous marriage (Gaulin and Boster, 1990).

² Dower refers to payments from the groom's family to the bride. According to Anderson (2007), dower is most typical of traditional Islamic marriages and is prevalent in the Islamic countries of the Middle East.

5. Overview of Dowry System in India

The practice of exchanges gifts at the time of marriage, whether in the form of dowry or bride wealth, can be found in almost every culture and has a long history. In Europe, for example, dowry systems can be traced back to the ancient Greek and the Romans, and from the medieval time and onwards became a common practice among most social and economic groups. Under the colonial period in the seventeenth and eighteenth century, dowry payments were widespread as a family law in Mexico and Brazil under the Spanish and Portuguese rule. The use of dowries more or less disappeared in Europe in the 19th and 20th centuries. In some other places, however, dowries grew in popularity at the end of the 20th century, even when declared illegal or otherwise discouraged by governments. In South Asia, for instance, parents of the groom have sometimes demanded compensation for their son's higher education and future earnings, which the bride would ostensibly share.

The system of Dowry existed in India even before the British Rule, but not in the format that is prevalent in the society today. In the pre-colonial period, dowry was an institution managed by women, for women, to enable them to establish their status and have recourse in an emergency. In ancient India little is known about the pre Vedic marriage ceremony. Some information can be had from the marriage hymns of the Rig-Veda and Atharva-veda. The hymns of the Rig-Veda mentioned that the brides bearing a beautiful robe, jeweled, the treasure chest containing her dowry was also placed in the chariot. The Atharvaveda refers to royal brides bringing with them as dowry of one hundred cows. There were three upper caste practices in India namely Kanyadhana, Varadakshina and Stridhana which also supports dowry. Gifts to virgin bride was called Kanyadhana, whereas voluntary gifts given by the bride's father to the groom was conceived as varadakshina and voluntary gifts given by the relatives and others to the bride was Stridhana (P. Srinivasan and Gary R. Lee : 2004). In all, these were contributions to the groom and his family from the bride's side, no matter they were voluntary or non-voluntary. It seems that the dowry system, as it practiced today was unknown in early periods.

In medieval times, the pre-puberty marriage came into existence with this practice in vogue father of girl remained anxious to marry his daughter within a limited time. Therefore in the pre-colonial period, dowry was an institution managed by women, for women, to enable them to establish their status and have recourse in an emergency. This gave the required financial independence to women who would even manage the income from their agricultural land, etc. But the move which affected the status of the women in the Indian society was the rule imposed by the British which prohibited the women from owning any property at all! And this was what created the menace of dowry system in India. In the existing system, parents used to give wealth and valuable gifts to their daughters during marriage. And the bride continued to own this wealth even after her marriage and it provided the wife financial independence and there was usually no need for a wife to depend on her husband for her financial needs. But once the British prohibited women from having any property rights, it

meant that all the wealth that a woman got from her parents would be owned by her husband instead. And the moment, this system of husband owning the wealth of his wife was created, the traditional dowry system got converted into a menace creating an institution of greed that oppressed, victimized and suppressed woman. The greed that kicked in created a system where husband and his family started looking at the incoming bride as a source of property and wealth, the male dominated society became greedy, husband and in-laws started demanding more dowry from the bride and her parents. Traditionally dowries are limited by convention and caste-social reality, but now the demands are out of control.

6. Dowry in the Contemporary India

As an independent group, women constitute 50% of the total population of India. India is famous as a great country of many cultures, traditions, religions and geographical characteristics. However, at the same time, India is also known by the sobriquet male chauvinistic nation. Now dowry is serving as a means to a family to make a public display of its social status on the occasion of daughter's marriage. In India after independence there has been a market increase in the social and economic inequality as a result of the super imposition of the market economy and capitalist development on pre-capitalist structures. This led to the emergence of new sections of elite and status competition among them where dowry, expenditure, rituals and conspicuous consumption assumed importance. Western education, access to education and employment with a more positive bias towards the males, coupled with the growing urbanization made men socially and culturally superior to women there by aggravating the dependency status of women.

Dowry understandably is not a one time payment at the time of marriage. Instead, it opens up a series of expensive rituals, gift giving, customary honor to groom and his kin which continue even long after marriage on different occasions. Added to this the marriage expenditure has also to be borne by the bride's family. Now days, dowry is mostly paid in cash to the groom's parents and as a consequence the bride usually will not have no control over the dowry she brought along. Today dowry can be termed as a prize for purchasing certain special comforts luxuries. It has become a kind of bargain. Now-a-days, there is a competition to exhibit pomp and show in connection with marriages. This mostly affects the poor people because out of false prestige, they too want to spend lavishly and convince others of their worth, but have no cash in hand or in bank and hence they go for loans.

7. Dowry Related Violence

The practice of dowry and dowry-related violence are intimately connected with patriarchal values and views of women's status in the Indian society. The social harmony and the bonding created by the institution of marriage were gone. Marriage became just another business deal, where making wealth was easier. Male child became an additional source of income, and female child became a financial burden on the family. This led to the creation of the social

problems like mental breakdown, burning of brides, suicide or a continued unhappy married life tensions, female feticide and an imbalance in male-female ratio in the society, which further led to more crimes on women.

Das Gupta observed that dowry related problem usually arise out of three contexts such as failure to pay the remaining part of dowry, inability to fulfill extra demands made by the bridegroom's family and the general dissatisfaction of groom's family about the gifts or items given by girl's parents.

According to the National Crime Records Bureau (NCRB) data there were 91,202 dowry deaths were reported in the country from January 1, 2001, to December 31, 2012. A State-wise break-up shows that the highest incidence of dowry deaths was in Uttar Pradesh (23,824; 19,702 sent for trial) and Bihar (13,548; 9,984 sent for trial). The conviction rate was always around about 50 per cent in U.P. and around 30 per cent in Bihar. Nagaland and Lakshadweep were the only places where no dowry deaths were reported during 2002-12. For every dowry death reported, there are dozens that go unreported. As per a TIME magazine report, dowry deaths in India have gone up 15-fold from 400 cases in 1980s to 5,800 in 1990s. Victims of dowry related crimes have certain common characteristics. Law Commission has identified certain factual components of dowry death such as the brides are mostly young, dependent, less educated and that in majority of the cases the death or suicide of bride are reported as accidents kitchen in. persons participating in dowry related violence against the bride are found to be mostly husband, mother-in-law and sibs of husband. Most of the dowry related crimes and harassment are well planned executed within closed doors of a house by a group of members of family. Every hour 25 women fall victim to crimes; 11 suffer cruelty by husbands and other relatives; three are raped; and there is one dowry death.

National Family Health Survey (NFHS) found that at least 1 in 5 ever married women in India have experienced domestic violence since the age of 15. The most frequently reported types of violence against women were abusive language (80 percent), beating (63 percent), forcing women back to their parental home (52 percent) and threats to throw them out (51 percent). In India safe 2000 multi-site study of nearly 10,000 households, 40 percent of the women reported experiencing at least one form of physical abuse and 26 percent reported severe physical abuse, including being hit, kicked, or beaten. UNFPA also reports that 40% of the women in India suffer domestic violence and abuse from male partner. Those that come forward often do so only after abuse have escalated to a point of severe, life-threatening violence. Records from the Special Cell for Women and Children in Mumbai, established by the Police Commission to provide a range of support services to women and their families, revealed that 53 percent of women endured domestic violence for 3-17 years before complaining to police (Dave and Solanki 2000).

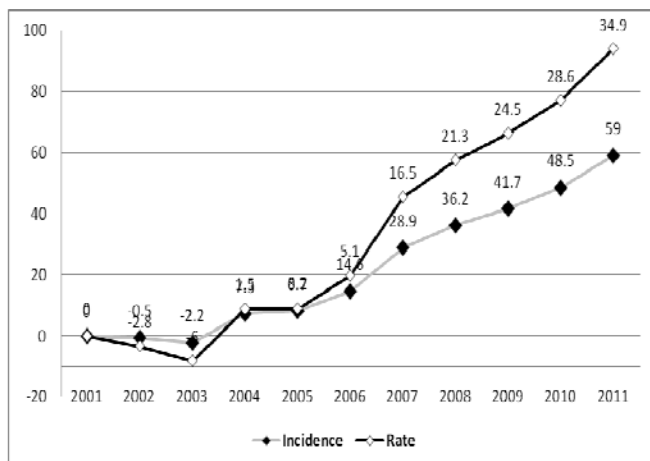


Figure 1: Incidence & Rate of Crime against Women Percentage Change from 2001

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.

According to the official Jharkhand police website, between January and April, as many as 93 dowry death cases have been registered with police. Every day, around two to three complaints of domestic violence for dowry are registered in the Ranchi women's police cell and yet there are many cases which go unreported. Thomson Reuters Foundation Report (2012) opined that the incidence of rape, dowry deaths, molestation, sexual harassment and other crimes against women in India rose by 6.4 percent in 2012 from the previous year, the government said, with the highest number of rapes recorded in the capital city.

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard. With a view to eradicate the rampant social evil of dowry from the Indian society, Parliament in 1961 passed the Dowry Prohibition Act which applies not merely to Hindus but all people, Muslims, Christians, Parsees and Jews. It extends to the whole of India except the State of Jammu and Kashmir. According to Dowry Prohibition Act, asking or giving of dowry can be punished by an imprisonment of up to six months, or a fine of up to Rs. 15000.

8. Prevalence of Dowry in Country's Most Literate State

Kerala has often been referred to as the "land of women (52%)." Historically the state has been quite different from the rest of the country in terms of the indicators of women's

development. Kerala's achievement in human development is in fact the outcome of the better status of women in terms of education and health. Starting with the turn of the last century, the state had a favorable sex ratio (1004) which gradually picked up and reached 1084 in 2011. Similarly in terms of literacy (92%), birth rate (14.8), and infant mortality (13), women in Kerala score higher than their counterparts elsewhere in the country. According to Geraldine Frazer-Moleketi (2012), "Kerala's strength is the high levels of female literacy. Because when you educate a woman, you educate a family." But several indicators of status of women reveal women in Kerala to be relatively disadvantaged as compared to men in the state. Today dowry system is much disguised in Kerala and dowry is given as 'gift' to the daughter. According to Lindberg, the reasons for the prevalence of the dowry system in Kerala are the weakening of the matrilineal system, the rise in influence of the Syrian Christians, globalization, the decline of cross-cousin marriages, the disintegration of the joint-family system, the devaluation of women, the effeminisation of women, impact of gulf money consumerism, land being valued as a commodity, and perhaps also greed. As per National Crime Record bureau report, dowry deaths have doubled in Kerala. During the previous year, more number of cases were reported in Kerala. In 2012, 32 women died due to dowry when compared to 15 in 2011, an increase of 113.3 percent. Kerala is country's highly literate state but it is clear that the problem and the expansion of education have virtually failed to liberate the minds of the people from the influence of this evil tradition.

9. Conclusion

In a society which is highly divided into social stratification, wiping out custom which is being easily be wiped out so easily. The modern India could not go far from ancient India in the sense that girls are not treated equal to boys and dowry is considered to be an integral part of marriage even today. Dowry is a social evil which is 'hated' by most of the 'educated' Indians but 'practiced' very proudly in their own lives. It shows the crude difference between theory and reality, delivering a speech and living that out, ethics and practicality. Today marriages are longer the combination of hearts; it is just the kind of business transaction. Dowry system is against the law of equality between man and woman. In spite of modernization and the increasing role of women in all walks of life, the practice of the dowry in India is becoming widespread, and the value of dowries is increasing. If a bride's family fails to pay the amount of dowry demanded by the prospective groom's family, the bride will be cruelly treated by the in-laws, and in many cases will be burnt to death.

In conclusion, I would say that laws alone cannot cure the social maladies, there has to be a strong campaign for creating awareness among young men and women and society. Women need real social, political, financial and moral support in their fight against the system. They have to be empowered so that they can take their decisions about their own life by refusing the dowry system. Above all the social attitudes and mindsets of society and people should change first. The menace of dowry can be tackled only if there is a change in the mindset of people and society.

References

- [1] Anderson, S., The Economics of Dowry and Bride price. *Journal of Economic Perspectives*, 21:4, 151-174, 2007.
- [2] Anderson, S., Why Dowry Payments Declined with Modernization in Europe but Are Rising in India. *Journal of Political Economy*, 111:2, 269-310, 2003.
- [3] Bhat, M. P. N., & Halli, S. S., Demography of brideprice and dowry: Causes and consequences of the Indian marriage squeeze. *Population Studies*, 53:2, 129-148, 1999.
- [4] Chandra, Paul, Dowry and the Position of Women in India, New Delhi: Inter-India Publications, 1986.
- [5] Dalmia, S. and Lawrence, P. G., The Institution of Dowry in India: Why it continues to Prevail. *The Journal of Developing Areas*, 38:2, 71-93, 2005.
- [6] Drèze J. and Sen, A.K., India: Economic Development and Social Opportunity, New Delhi: Oxford University Press, 1995.
- [7] Kodoth, G., Caste and Matchmaking in Kerala: A Rationale for Dowry. *Development and Change*, 39:2, 263-283, 2008.
- [8] Nazzari, M., Disappearance of the Dowry. *Women, Families and Social Change in Sao Paulo (1600 - 1900)*. Stanford University Press, 1991.
- [9] Paras, Diwas, Dowry and Protection to Married Women, New Delhi: Deep and Deep Publications Pvt. Ltd., 1989.
- [10] Prabhakar, Vani, Gender Violence Women victims in Man's World, New Delhi: Wisdom Press, 2012.
- [11] Tambiah, S. J., Dowry and Bride wealth and the Property Rights of Women in South Asia. In Jack, G. and Stanley, J. T. (Eds.) *Bride wealth and Dowry*. Cambridge University Press, 1973.
- [12] Pandya, Rameshwari, *Women in Changing India*, New Delhi, Serials Publications, 2008.
- [13] Sharma, Domestic Violence and Women, Jaipur, Mangal Deep Publications, 1997.
- [14] Udai, Veer, *Crime against Women*. New Delhi: Anmol Publications Pvt. Ltd. Print, 2004.
- [15] *Crimes in India, National Crime Records Bureau Report*, New Delhi, 2012.
- [16] Centre for Women Development Studies, *Crimes against Women: Bondage and Beyond*, New Delhi: CWDS, 2002.
- [17] Devika, J., Praveena Kodoth. 'Sexual Violence and Predicament of Feminist Politics in Kerala', *Economic and Political Weekly*, 18 August 2001.
- [18] Panda, Pradeep, Kumar, 'Domestic Violence against Women in Kerala', Discussion Paper No. 86, Centre for Development Studies, 2004.
- [19] Goody, J., Bride wealth and Dowry in Africa and Eurasia. In Jack, G. and Stanley, J. T. (Eds.) *Bride wealth and Dowry*. Cambridge University Press, 1973.
- [20] Leslie, J., Dowry, "Dowry Deaths" and Violence against Women: A Journey of Discovery. In Werner, M (Ed.) *South Asians and the Dowry Problem*. Vistaar Publications, 2008.

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