

Dowry: The Dark Side of Weddings in Our Society

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Abstract: *The present study unveils the nature of dowry and explores the dowry problem all over the world. In India marriage is an auspicious ceremony which unites two bodies' two souls. It's a lifetime bonding of both man and woman, but to the huge extent of the major problem is "dowry practice" in our society, dowry is a deep-rooted social practice but now this social practice converted into a social problem. The demand for dowry is a major problem in Indian marriages; marriage is the name of settlement or we can say women's settlement. Dowry became the worst part of it. As we are living in the 21st century but still women in our society has been ill-treated for dowry, so researcher proposed to study "dowry became the dark side of weddings in our society". This paper analyses the origin and problem of dowry, present situation of dowry and also the presence of dowry in Indian society.*

Keywords: Origin of Dowry, Litterateur of Dowry, Statistical Profile, Dowry Problem and Present Situation of Dowry and Recommendations

1. Introduction

Human beings are born equal but never treated equally, more particularly the women because women many times subjected to violence. Violence is a manifestation of historically unequal power relations between men and women. Violence against women is not something new. It is associated in all most all societies; including developed, developing and under-developed societies experience this problem (Joseph Xavier 2014). Violence devised by a patriarchal ideology which is not only a crime but a violation of human rights in general and women rights in specific. One of the most heinous and shocking forms among violence is dowry harassment which is causing one among the reasons for the suicidal and homicidal problem is dowry and dowry deaths in India.

One of the beautiful quotations of marriage is 'Marriages are made in heaven', but nowadays it turns 'Marriages are made by money' because dowry is highly dominated the system of marriage/weddings in our society. Though in the beginning the word 'Dowry' was not used in the marriages, gifts were exchanged as a symbol of love, prestige. But now dowry has become a gift which is mandatory for bride's family. No one talks about it directly but people from both sides know that the bride's family is sending gifts.

Dowry system did not start as an impediment to a daughter's marriage in ancient time. But in the medieval time, the bride's family was forced to give dowry because of the bridegroom's family expectation. The interesting part is that the groom's family will never accept that any kind of gifts from the bride's family is part of the dowry. They will say that "We didn't want anything; they gave it to their daughter" (Lubna Jahan 2017). As we are living in the 21st century, still women harassed or ill-treated because of male dominating society (Shetty B.S., et.al, 2012). Still, women facing dowry problem in our society.

2. Research Design and Methodology

The methodology of the whole work is based on secondary data. It is a qualitative research. The study was conducted using secondary data and literature survey. These data

have been collected from various research books on dowry and also some articles. For preparing this research, the researcher has used books on dowry, articles, novels, websites, journals and internet.

3. Statement of the Problem

The social evil of dowry is deep-rooted in our society. The offences of dowry, dowry-death, dowry-murders, dowry-suicides, the demand for dowry etc. are the heinous crimes committed against the women. The researcher has selected the topic "Dowry: The Dark Side of Weddings in Our Society" with the object of making a depth study of the problem of dowry and dowry-related offences in particular. A modest attempt is made to analyze critically the new trends set by relevant remedial measures for its prevention.

4. Objectives of the Study

This section is divided into four parts.

- Firstly, the preface of dowry in the social context.
- Review the literature and a brief analysis of social and statistical dimensions.
- There is a discussion of the problem of dowry particular forms.
- Propose relevant remedial measures for its prevention.

Origin of Dowry:

The custom of dowry or kanyadaan followed by varadakshina (gift to the bridegroom at the time of marriage) may have given rise to dowry. It is in the Rig Veda that one comes across the concept of kanyadaam. It was custom in ancient times to give dakshina (obligatory gifts) after any type of daan (voluntary gifts), hence the tradition of varadakshina following kanyadaan (Advani, 1994). It is said that Rishi Karav gave a number of giftes to his daughter, Shakuntala when she married king Dushyant (Nangia, J.N, 1985). It can be surmised that, since child marriages were the norm in ancient India, the parents may have given numerous gifts to the girl child as she left her maternal home.

Other explanations include the concept of 'varadakshina': making a gift to the bridegroom to honour him. A third explanation invokes the Hindu Succession Act, which even after its amendment in 2005, confers less than equal property rights on the female child. As a result, customarily dowry is a one-time payment of 'streedhan' in lieu of her share of the family wealth at the time of her marriage (Sharma et al., 2002; Anderson, 2007). In addition, given low employment prospects and low earning capacity for women in general, dowry becomes a rational investment in the groom's prospects and his high future earning potential (Van Willigan and Channa, 1991; Anderson, 2007).

Originally, the purpose of a dowry was to provide "seed money" or property for the establishment of a new household, to help a husband feed and protect his family, and to give the wife and children some support if he were to die. A husband thus had certain property rights in his wife's dowry. In addition, the wife might bring to the marriage property of her own, which was not included in the dowry and which was, as a result, hers alone. This property was "beyond the dowry" (Greek: *parapherna*, the root of paraphernalia) and was known as paraphernal property or extra-total property (Radhika.R.H, 2011).

Definitions of Dowry: Definition of the dowry any property or valuable security should be given or agreed to be given either directly or indirectly at or before or any time after the marriage and in connection with the marriage of both parties (bride and groom side) Dowry Prohibition Act 1961.

Dickemann (1991), in his study "Women, Class, and Dowry" observed that the payments during marriage time mostly occur in societies where marriages are arranged by the parents of the respective spouses. These payments differ in magnitude and the direction transferred one's account to others.

As per **Oxford Law dictionary** (2002) the definition of dowry is an amount of property or money brought by a bride to her husband on their marriage. Definition of dowry 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.

Tertilt, (2005), in his study "Polygyny, Fertility and Savings" noted that the existence of (gross) dowry has been interpreted as evidence that women pay for marriage. The idea that a woman should receive a marriage settlement from her family is long-established in India. Classical Hindu texts have identified such property as Stridhanam, and it may be regarded, according to Khare, as 'part of the sacred cultural concept of kanyadan' (lit. 'Gift of a maiden' in marriage).

5. Literature Review

The present study focuses on the Dowry Violence. So keeping this in view the researcher had attempted to A brief review of the literature related to the practice of dowry in the society and related with the dowry cases. Dowry and women against women-though, assumed importance as indicators of women's status-could generate few studies which include on dowry harassment, crimes and violence against women, dowry deaths etc., So far there has not been much research done on the subject of dowry-related violence against women despite the fact that the women's movement in India came to the fore campaigning against this issue.

Udai, Veer (2004) in his study 'Crime against women'. Harassment and Torture in practice' stated that the daughter's change of status and her transfer from one family to another has a strong cultural sanction. The formal advice given to her by her parents is that she is not to leave the house she is entering, as a woman sees their recognition in society only through matrimony and for this, they sometimes pay a heavy price. However, she does not always get understanding, but intolerance and abuses instead So long as dowry was given by the parents at the time of marriage willingly and voluntarily to their daughter for starting their new home it did not create any social problem.

A study "Dowry in India: A search for new Social identity" written by **Singh**, (2005) Dowry related violence has been regarded as a universal phenomenon, cutting across all sorts of boundaries and is on continuous increase in India, it may be taken as a matter of grave concern that dowry death is one of the typical problems of Indian Society. In many cases, when dowry amount is not considered sufficient, the bride is often harassed, abused and tortured The bride is helpless in her new home and physically so powerless that she cannot retaliate against the coercive tactics or actions of other; not many women have the guts to divorce their husbands on the ground of frequent mental or physical torture since they have nothing to fall back upon in a traditionally and poorly developed country like India.

B. Agarwal (2007) in his book "Women and property: reducing domestic violence" described women's rights, how much property they can own and what is the rights of men in women's property very clearly, which helped me to understand the issue properly.

Radhika.R.H. Ananda.K (2011), in his study" An autopsy studies of socio etiological aspects in Dowry death cases". He stated that violence affects lives of millions of woman worldwide, in all societies, one of the most heinous and shocking forms among them is dowry death, is one among the various reasons for suicidal (i.e. abetted suicide) and homicidal deaths of women in India, other being marital infidelity, sexual jealousy etc. This study was done at Kempe Gowda Institute of Medical Sciences and Research Hospital, Bangalore South, was conducted during the period July 2006 to January 2008, aims and objectives were to know the magnitude, socio etiological

profile and methods used for committing suicide/homicide, and various other factors affecting the alarming rise in incidence of dowry death and also to lend valuable suggestion to concerned authorities to prevent this heinous social evil of our society.

In the study by Singh **Singh M.** (2013), discussed dowry-related domestic violence and found that 29.3% of women facing domestic violence reported about this abuse to their parents and another 20.7% to their relatives. 27.6% sought help from elders of community/Sarpanch or neighbours. In the present study also we included those subjects who are facing dowry-related domestic violence and findings of the present study are also in concurrence with previous ones. It can be concluded that different laws made to stop this evil in the society failed to curb the giving and taking of cash and other materials in the form of dowry.

Siwan Anderson (2014), in his study "Human capital effects of marriage payments" in this study, noticed that Payments at the time of marriage, which are ubiquitous in developing countries, can be substantial enough to impoverished parents. Bride price and dowry have both been linked to domestic violence against women, and inflation in these payments has prompted legislation against them in several jurisdictions. Marriage payments are often a substitute for investment in female human capital, so from a welfare and policy perspective, they should be prohibited. This highlights the importance of promoting direct economic returns over legal and customary rights.

Wanda Teays (2015), in his study "The Dowry Problem in India". He noticed that women are being burned to death every day in India in a strange inversion of sati: in sati, as the ultimate gift to her husband, the ideal wife goes up in smoke in her husband's funeral pyre, a sacrifice of religious honour and communal satisfaction; in dowry burnings, the bride is set ablaze by her husband's family, a figure of dishonour, sacrificed out of consumer dissatisfaction.

Vaidyanathan (2017), in this study "No Immediate Arrest under Dowry Harassment Law, Says Supreme Court". In this study, he noticed that an immediate arrest - an integral process followed by the police in dowry harassment cases - was ruled out on Thursday by the Supreme Court. The top court said as in any other case, the police will now have to conduct a preliminary inquiry before making an arrest. The court's latest order came as complaints piled up over the years alleging misuse of the anti-dowry harassment law -- framed in 1983 following a spate of dowry-related deaths - by disgruntled wives. The court also defined the procedures the committees should follow. The couple and their families should be called in and the matter discussed. Only then the committee will submit a report to the local Magistrate. Arrests can be made only if the committee report points to foul play by the husband, the court said. The judgment came during the hearing of a petition by one Rajesh Sharma, which was an appeal against an order by the Allahabad High Court. The Supreme Court said one of the steps is to facilitate the

closure of proceedings where a genuine settlement has been reached.

Aditi Mallick (2018) stated that the Hyderabad City Police have registered six dowry harassment cases over the past one month. In 2016, Hyderabad police registered 20 dowry death cases, while in 2017, it logged 25 cases. It is also found that the previous year i.e. in 2016 the media has received nearly 2,000 cases of domestic violence, of which 15 percent is due to dowry harassment. These days' even educated and economically-sound people are involved in such cases.

Dowry Problem: There are many crimes against on women akin to rape, murder, female feticide dowry and dowry deaths. Out of which dowry has become one of the serious factors of violence against women? The dowry is an age-old social practice, but today the social practice became a serious social problem. "Dowry is a social evil", The Dowry Prohibition Act, 1961 has signally failed to make any meaningful contribution to achieving its purpose (National Committee on Women, 1975: 24).

Dowry is any item or cash given by the bride family to the grooms' family at the time of marriage (Negi C.F. and Saravanan S., 2000). Dowry victims were driven to suicide due to extreme mental and physical torture. The torture begins when the in-laws harass the women for more gifts, cash, jewellery, household items and appliances from her family (Kelkar G., 1992). Dowry is not just an individual (women) problem, its problem of family and neighbourhood problem, because dowry leads burden to parents and family members, sometimes parents couldn't meet grooms and his family members dowry demands before marriage and after marriage for their needs so alternatively they prefer male child and female feticides etc.,

Some people treat their daughters-in-law like a goose, that it laying gold eggs, once it stopped laying the eggs, they tortured both mentally and physically too. Eventually, they send her to her prenatal home, in this connections sometimes some young brides commit suicide for husband and in-laws torture. Finally, dowry leads a dark life to women marital life.

Salient features of 498A: Section-498A was inserted into the Indian penal code in 1983. The object of this section 498A is to deal with a situation when coercion is used for demanding dowry after marriage by husband and in-laws. It also includes physical or mental cruelty. The wordings of this section are enough to apply to other situations of domestic violence" (Mohd Umar 1994).

This is a criminal law that deals with issues that mostly takes place within closed walls. It deals with cruelty by husband or relatives of a husband towards the wife. Cruelty or harassment is considered as a willful conduct with a view to meet unlawful demand. This offence is cognizable, non-bailable, non-compoundable and triable by the judicial magistrate of the first class, Shirwadkar (2006:138). Cruelty under the matrimonial law: Cruelty began as a sort of crime against grounds for dissolution of

marriage i.e. cruelty is a ground for separation under the Hindu marriage act 1955, (Vinay Sharma, 2007:73). So many legal laws, penal laws etc. are available to check this phenomenon. So many anti-dowry processions and demonstrations are organized by voluntary groups. But this evil practice continues on unabated (Chitrasen, 2006:190).

The highhanded behaviour of the laws and the breakup of the marriage have another side. Lodging of cases with the crime against women cell may not be genuine. Matrimonial discords unconnected with dowry demands or dowry-related harassments are often given the colour of dowry by the wives to get even with their husbands. A critical study of the section 498A reveals that a provision which was originally designed to protect the bride from being harassed and physically tortured by the husbands or relatives, unfortunately, has been abused to hassle the husband and his family (Saira Salim, 2017).

Statistical Profile:

National crimes records bureau yearly released reported crimes details, here the data collected from NCRB 2012 and 2016 years. The crime head-wise cases reported under dowry prohibition act, dowry deaths and cruelty by husband or his relatives (Sec. 498A) during the years 2010 to the year 2016 are presented in the bellow table.

Table No. I

Year	Crime Head-Wise		
	Dowry Prohibition Act	Dowry Deaths	Sec. 498 A
2010	5,182	8,391	94,041
2011	6,619	8,618	99,135
2012	9,038	8,233	1,06,527
2013	10,709	8,083	1,18,866
2014	10,050	8,455	1,22,877
2015	9,894	7,634	1,13,403
2016	9,683	7,621	1,10,378

Dowry Prohibition Act, 1961: The cases registered under the Dowry Prohibition Act have decreased by 2.17 percent during the year 2016 with 9,683 cases as compared to the previous year 9,894 cases. Highest cases registered in the year 2014 with 10,050 cases evaluated to other years from 2010 to 2016.

Dowry Deaths: The data states that in 2016, as many as 7,621 women died in the country due to dowry harassment declined by 0.17 percent during the year previous year 2015 (7,634 cases) of dowry deaths. Either they were burnt alive or forced to commit suicide over dowry demand. Thus the data further reveals that after registration of dowry deaths, police have charge sheeted around 93.7 per cent of the accused, of which only 34.7 per cent have been convicted. The remaining cases are still pending in various courts.

Cruelty by Husband or His Relatives (Sec. 498A): The cases of cruelty by husband or his relatives in the country have decreased by -2.74 percent during 2016 with 1,10,378 cases over the previous year 2015 (1, 13,403

cases). The cases highly increased in 2014 with 1,22,877 cases compared to previous years.

Dowry in Present Time:

Today marriage has become an occasion to demand and the chance to accumulate. Boys are shamelessly and openly sold in the marriage market. The rate of dowry varies family to family, mostly depends upon the groom's accomplishments, family status and other attainments such as education, employment or wealth.

In this ugly market of marriage, a cutthroat completion goes on and dump girls are being freely traded like cattle. Today the greedy men marry the refrigerators, video sets, scooter, furniture, car etc. The dowry tradition has become direct and open.

Today every bit of consumer goods can be turned into dowry whether it is TV set, Radio, Watches and even Furniture. But they will accept that what they are taking is Dowry. They will consider it as a gift from the bride's family. Today marriage has become a stepping stone to acquire more wealth and social status. Even girls are interested to take all these expensive things with her to show how much money her father spend in her marriage. How much literate a girl is a dowry will not reduce. The families of the brides have to arrange all these expensive gifts to make the girl happy. Many people give and take dowry only because their parents and ancestors had been practicing it. There is no other social institution which has been commercialized as marriage (Lubna Jahan 2017).

6. Recommendations

The primary reason behind the dowry system is the existence of a patriarchal society. Owing to such a social infrastructure, the dowry system still finds its takers and propagators. To ensure exclusion of dowry system from the nerves of our mind and society, gender equality is the another step. Educating children about the drawbacks of dowry system, and making sure that they inculcate the spirit to boycott it, is the long-term solution to the issue.

Education is the primary catalyst of growth in any society, So government need to support women education. Hence, ensuring employment opportunities for the women and making education reasonable seems the first step to ensure eradication of dowry system from the society. In the long run, legislations will turn out to be effective, if crimes are reported, and a well educated society inclusive of self-dependent women will ensure robust reporting of dowry related crimes.

7. Conclusion

Dowry is not a good practice for any society. Dowry system impoverishes those who pay dowry and degrades those who receive it. It lowers the status of women. Because dowry women are badly treated in their in-law house. Sometimes they are killed, injured, abused and so on. Weeding is a very important aspect in everyone life, because of dowry practice nowadays weddings giving a

dark life to women and her family too. Old gifts have taken the shape of dowry system and now it is too wild. We have to wake up and take some action and if it is not taken, future generation will suffer in their coming lives. We need to give a prosperous and secure future to our next generation. We have to raise our voice against these customs of dowry and say no to dowry.

When we speak of awareness and revolution we have to recall that it can't bring by the legislation and government alone, because legislation and government are all the one side of the society. First of all, change start from us or individually, respective families and societies from preventing the dowry system.

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