

Women's attitudes towards Dowry System in India

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I. Introduction

Dowry is the payment to be made to the groom's family to marry away a daughter, and it takes different forms in different cultures. However, the size of the dowry is a common reason for disputes between the families, with the groom's family demanding more than the bride's family can offer, resulting in harassment of brides and also dowry related deaths by the husband but also by the husbands' close relatives (mother, brothers, and sisters), particularly it can be seen in Indian society.

In India, dowry is the payment in cash or some kind of gifts given to a bridegroom's family along with the bride. Generally, they include cash, jewellery, electrical appliances, furniture, bedding, crockery, utensils and other household items that help the newlywed set up her home.

The dowry system is thought to put great financial burden on the bride's family. It has been cited as one of the reasons for families and women in India resorting to sex selection in favor of sons. This has distorted the sex ratio of India (940 females per thousand males and may have given rise to female foeticide. The payment of a dowry has been prohibited under The 1961 Dowry Prohibition Act in Indian civil law and subsequently by Sections 304B and 498a of the Indian Penal Code (IPC).

The putative purpose of dowry is to compensate the groom's family for the acquisition of a non-productive dependant. However, if that were so, the economic burden that the wife represented would be offset by the acquisition of dowry and any potential discrimination or abuse towards the wife, from the husbands' family, ameliorated or even eliminated. Yet no such negative relation between dowry acquisition and spousal abuse is evident. Srinivasan and Bedi's (2007) research has shown that, while women with generous dowries may benefit from the low incidence of physical and psychological marital violence in south India, a continued upward spiral in dowry expectations exacerbates the aversion to having daughters and fuels sex-selective abortion and female infanticide.

Background

The scientific literature usually links the demographic transition to economic development, but the exact mechanisms that motivate it are subject of much interdisciplinary debate (Caldwell et al., 2006). Low et al. (2002) argue that the demographic transition is linked to increased investment in socioeconomic status through mediums such as education and work; this leads to increased ages at first reproduction and thus to lower lifetime fertility. Nevertheless, some authors have focused on the importance of cultural transmission as a motivation that has an influence on the demographic transitions (Shenk, 2009).

In the past several decades, the marriage system in India has experienced a number of changes, including increases in women's age at marriage and the near universal adoption of dowry as a condition of marriage. Both these changes have been attributed to changes in the demographic conditions of the marriage market and, in particular, to the deficit of marriageable men (a phenomenon known as the "marriage squeeze") (Banerjee, 1999; Srinivasan and Lee; 2004). The marriage market in India is stratified by social position, region and characteristics of men and women.

Therefore, any explanation of changes in female marriage patterns and in marriage payments must also account for the effects of gender and social stratification on the functioning of the marriage market (Banerjee, 1999). In addition, the importance of religion and tradition is manifested in India's deeply rooted caste system, which continues to play a key role in the organization and stratification of Indian society (Haub and Sharma; 2006).

The UDHR, designed in 1948, might be seen as the first step towards an equal world. It was conceived as a bridge between international law, the will of few over many, and the rights of the world population as a whole. Proclaimed within the United Nations (UN) context this document was couched in universal terms. Every right remains vague in its article to aid

its acceptance by every culture. The UDHR remains unconstraining, and behind it many conventions were drafted and signed by states as internationally binding documents. Among those was one with respect to the rights of women, largely encouraged by the women's movements of the 1970s.

To date, the most important international document in gender-based violence is the Convention on the Elimination of all Discriminations Against Women (CEDAW), presented in 1979 by the UN. It was admitted that "extensive discrimination against women continues to exist¹⁶" and a first definition of what should be considered as discrimination was given in Article 1 as "any distinction, exclusion or restriction made on the basis of sex in the political, economic, social, cultural, civil or any other field". However, according to some, it was only in 1993 with the Declaration on the Elimination of Violence Against Women (DEVAW) that specific forms of female violence became recognized by the international community¹⁷. In this declaration gender abuse is defined as: "any act of gender-based violence that result in, or, is likely to result in physical, sexual or psychological harm or suffering to woman including threats of such acts, coercion or arbitrary deprivation of liberty whether occurring in public or in private life.

Before DEVAW, most governments were inclined to consider violence as a private and domestic problem to be resolved at the state level. With resolution 1994/45 of 4 March 1994, the UN decided to appoint the Special Reporter on violence against women with three main tasks: to collect information, to recommend measures, and to work closely with other reporters. Whether or not the turning point on the delicate issue of women rights was CEDAW or DEVAW, more than 50 countries ratified CEDAW after 1993, and the Republic of India was among them. Moreover, CEDAW remains the only global legal convention on women's rights that has now assumed status in international customary law.

Dowry-crimes & Dowry-death

The dowry custom is a very old Indian tradition. It was introduced by Hinduism and has extended to all minorities. Even if nowadays some groups, like Muslims, are among those who consider it wrong, it has been and still is largely diffused across diverse Indian cultures. Dowries are presents that family and friends of the bride give to the bridegroom to celebrate the marriage. It is composed of the Kanyadhan, the gift of the virgin bride; the Varadakshina, a gift from the bride's father; and the Stridhan, gifts given by relatives and friends²⁷. Initially it was nothing but some simple presents, but after some time it became the only way for women, who were deprived from any property rights, to inherit some goods. Additionally, in presence of rich dowries women were allowed to marry men of higher status. On the other hand, the husbands and their in-law may see dowries as a simple form of enrichment. In fact even women in the husbands' family would accept that they can potentially benefit from dowry by acquiring some clothes or jewels.

All these intricate relations and long-standing stories are the social grounds for why the system of dowries was, for a long period, wholly accepted by the Indian society. With the advent of modernisation and its accompanying increase in acquisitive tendencies, the dowry system began to have particular criminal consequences, and as such it started to be rejected by some cultures.

Therefore the government of India took legislative preventative measures in 1961 by enacting the Dowry Prohibition Act in order to erase this social problem. However statistics show that dowry deaths have increased over the last five years, instead of diminishing. One reason for this could be that the Dowry Prohibition Act only addresses the problem from its material cause, which is the lack of inheritance rights for women, but does not look further: "dowry as a social problem was sought to be tackled by the conferment of improved property right on women by the Hindu Succession Act 1956".

Even though this initiative could be considered logical, it neither affects nor changes the initial causes of Dowry-death, which stem from deep rooted negative socio-cultural norms, such as the conception of a woman being under a man's will and power. Therefore, in a case like *Arup Hazra vs Smt Manashi Hazra*, the wife was found guilty as she "refused to cook food and serve meals to the husband and any members of his family, and used to move out of home without permission". The wife Smt Hazra said that her husband was harassing her because her family refused to submit Rs. 50,000 as a dowry. To escape violence Smt Hazra moved out from home. With this explanation the court eventually acquitted her, but her husband was not found guilty of any offence. The case was heard under the court's civil jurisdiction, and ended with both parties being granted permission to file for divorce.

Domestic Violence due to Dowry System in India

Dowry is considered a major contributor towards observed violence against women in India. Some of these offences include physical violence, emotional abuses, and even murder of brides and girls. National Crime Records in India reported

approximately 6,000–7,000 dowry-related deaths every year and about 43,000–50,000 cases of mental and physical torture over the years from 1999-2003, indicating that violence and dowry are a serious national concern.

Due to its high prevalence, domestic violence is probably the most difficult crime to avoid in India. Both Sati and Dowries deaths lead to a murder, and therefore are becoming more and more broadly condemned by people. Whereas 41% of women considered that husbands were justified in hitting their wives if they disrespected them or their in-laws. Moreover, it is difficult to evaluate the amount of domestic violence cases that occur, as many remain unreported. Many women are not in fact aware of their rights, or ignore the law and tolerate violence³⁶. However, India's Constitution not only guarantees equality, but also stipulates that the state can make special laws and provisions for women, children and other marginalised groups. Moreover, in IPC S. 498-A, the cruelty of an husband to his wife is seen as: "Any wilful conduct which is of such a nature as is likely to drive the woman to commit suicide or to cause grave injury or danger to life, limb or health whether mental or physical of the woman or Harassment of the woman where such harassment is with a view to coercing her or any person related to her". Even though this description is quite comprehensive, domestic violence is not easily denounced. Nevertheless some cases that are resolved under the law are more focused on resolving civil entanglements, rather than seeking to achieve justice. In *Bhagat v Mrs. Baghat*, Mr. Baghat accused her wife of being "an earring wife" since she was not satisfying him. He asked for a divorce without the obligation to pay any alimony. The respondent explained that she was continually physically harassed. The court acquitted Mrs. Baghat and refused the plaintiff's complaints: "This plea does not appear legally convincing to us as it was baseless", ruled the court, but the case remained circumscribed to a divorce settlement. No process was started against the cruelty of the husband towards his wife. Another interesting case was that of *Vidya Verma vs Dr Shiv Narain Verma*, in which the Supreme Court observed that the detention of a woman by a private person is not remediable under Article 21, which exists as a right against the state only and not against an individual.

Physical abuse

Physical violence against women has been a growing concern in India over the last few decades. Recently married women can be a target for dowry related violence, because she is tied economically and socially to her new husband. As discussed in previous sections on social and economic factors, dowry can undermine the importance of women in society, which might lead to further domestic violence, because dowry may contribute to women's inferior status in her family and in her culture. In addition, there are studies indicating dowry as a threat, or hostage type situation, in order to attain greater funds from the bride's family. This can be seen in young (and often pregnant) brides, who are most vulnerable in the situation. This type of situation can occur with the threat or occurrence of violence, so that the bride's family is left with no choice but to give more dowry to protect their daughter. In these cases, the husband and his family hold immense power, while the bride is left powerless; this can lead to murder and suicide. The areas of the greatest observed dowry related violence is in the Indian states of Haryana, Uttar Pradesh, and Bihar.

Emotional abuse

The impact of dowry can leave a woman helpless and desperate, which can cumulate in emotional trauma and abuse. Brides are often considered owned by their husbands, and often have very little power in the marriage, which can lead to depression and suicide. Dowry reinforces these beliefs and is considered to escalate effects of emotional trauma in a marriage.

Murder

The system of dowry has also been linked to murder of young brides. Physical abuses described above can also result in murder. These murders can arise due to the financial demands from a husband, or dissatisfaction of the bride from the groom's family. In addition, the concept of "Bride Burning" refers to the sacrificial murder of a bride who is unsatisfactory to her husband in the form of dowry. In these cases, the woman is considered a sacrifice to her husband due to her inadequacy, and is glorified as an honorable woman. These cases reinforce the structured violence against women, while glorified as being "purer or more sacred than a dowry death". In addition to bride murder, the institution of dowry may also reinforce sex-selective abortion and female infanticide. Due to the social and economic burdens of dowry, families may choose boys over girls, so that they avoid consequences of the system. This then may strengthen gendered violence and preferential male treatment in society.

There are laws like Protection of Women from Domestic Violence Act 2005 that help to reduce domestic violence and to protect women's rights.

Conclusions

Dowry System against women is a worldwide issue in almost all societies. The theme Dowry against women includes all forms of violent acts that women have to be faced in the society such as physical, verbal and emotional, especially domestic violent acts are in the higher place in India.

Every person and state should be allowed first to understand and accept human rights as part of their values and culture. This shift should not be handled solely under the legal system at the national or international level. At the same time, without laws to enforce social achievements, no effort would have the requisite durability and legitimacy required for good practices to steep into social behavior. The recommended course should arguably be that of social programs and law proceeding hand in hand, lending one another unique strengths and synergies in their operation and effectiveness.

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