



The sociocultural aspect of exploitation in 21st-century India: The dowry system

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Abstract

The World Health Organization (2009) identifies entrenched cultural and social norms as significant factors contributing to physical and intimate partner violence against women. In India, the dowry system is a social custom that perpetuates the oppression, abuse, and killing of women. This practice is commonly associated with arranged marriages, where violence can erupt if the dowry or bride-price is considered inadequate. Despite legal prohibitions, little progress has been made in India over the last 30 years. The National Crime Records Bureau of India reported 8,618 female deaths linked to dowry disputes in 2011, while the Asian Women's Human Rights Council (2009) estimates that dowry practices are connected to 25,000 deaths and injuries among women aged 15–34 in India annually. A recent literature review indicates that despite efforts by the Indian government, social activists, and feminist groups, the situation has not improved over the past decade; in fact, it has worsened, leading to a disturbingly high number of deaths and injuries among women in India.

The tradition of dowry remains a detrimental social custom deeply ingrained in our culture. The Dowry Prohibition Act of 1961, a significant legislation in independent India, criminalized the act of giving and accepting dowry. Despite legal consequences, the practice persists due to its entrenched nature. It is imperative to raise social consciousness, provide education, and enforce legal penalties to eradicate this harmful tradition.

Keywords: Dowry, marriage, legal penalties, custom, abuse

Introduction

The dowry system is a detrimental social practice that has deeply impacted our culture. Among the various challenges faced by women in our society, dowry stands out as the most prominent. While other issues such as rape, child marriage, murder, and kidnapping exist, none hold as much sway as the dowry system. In India, dowry encompasses durable goods, cash, and real or movable property given by the bride's family to the groom, his parents, and relatives as a condition of marriage. Essentially, dowry is akin to a payment made to the groom's family, including cash, jewellery, electrical appliances, furniture, bedding, crockery, utensils, vehicles, and other household items to help the newlyweds establish their home. In Arabic, dowry is referred to as "Dahez," while in the far eastern parts of India, it is known as "Aaunnpot."

rights and education. Social mental setup also works behind it such as in Indian society girls are considered a liability while boys as assets. Roots of dowry date back to the time when man started living a civilized life. Originally it was intended just to give support and security to the new couple who start their married life. It also signified an alternative to inheritance for the woman. In periods, it distorted its face but its worst face comes to the fore in a present society where parents pass their whole life under debt to pay dowry in the marriages of their daughters which also results in murders and suicides of the daughters. The rising dowry death toll in recent years reflects the grimness of the problem.

Background

Marriage customs in India are deeply entrenched in tradition and cultural beliefs, with practices being passed down through generations and sometimes adapted to suit the changing times. Despite this, the dowry system remains a

custom that has resisted change. Originating in medieval times, the dowry was initially intended to ensure a bride's financial independence after marriage. However, during the colonial period, it became the only legal means of marriage, enforced by the British. In modern India, the growing economy has led to an increase in bride prices across all social classes, resulting in a rise in violence against women. Dowry violence, often carried out by the husband or in-laws, aims to extort a higher dowry from the bride's family. While the initial dowry payment may be substantial, the desire for more can escalate post-marriage. This frequently results in physical, emotional, or sexual abuse against the bride, ranging from mutilation to fatal burnings. Despite the prohibition of dowry demands in India since 1961, enforcement remains a challenge. A 1986 law amendment stipulated that any violence or death within the first seven years of marriage would be linked to dowry, yet many cases still go unreported.

Dowry-related fatalities

India is facing a concerning pattern where 20 women lose their lives every day due to dowry-related harassment, either through murder or forced suicide. The National Crime Bureau of India reported nearly 7000 dowry-related deaths in 2017, with the number rising from 19 per day in 2001 to 21 per day in 2016. It's important to note that many cases go unreported. Despite the criminalization of taking or giving dowry since 1961, it remains a significant issue in Indian marriages, openly defying laws and hindering women's empowerment. The impact of dowry-related conflicts goes beyond the number of deaths, significantly affecting the physical and mental health of women and children. This leads to family-level conflicts and violence, which play a crucial role in determining the social and health conditions of women and children, including poor utilization of

antenatal care and child immunization due to the inferior consideration of women and conflicts within the family.

In January 2019, prior to the commencement of the World Economic Forum in Davos, Switzerland, Oxfam published a report highlighting the prevalence of gender inequality in India, particularly with regards to the female population. The report revealed that the gender pay gap in India currently stands at 34%. Oxfam emphasized that inequality in India has a "female face," citing statistics that show women are less likely to be engaged in paid work compared to men. Furthermore, the report pointed out that even among the wealthiest individuals in the country, only 9 out of 119 billionaires are women. Data and literature in the field also indicate that women who have regular exposure to media and access to modern educational systems are more likely to challenge traditional norms and practices. Employed women, in particular, are empowered to question traditional roles and practices that have historically marginalized them within their families. The efforts of the women's movement have also contributed to reshaping debates on family laws, shifting the focus from uniformity to gender justice. The implementation of progressive laws addressing familial violence, property and inheritance, divorce and maintenance, and other related issues is seen as a catalyst for driving social change. (Forum against Oppression of Women, 2017).

Even today, nearly 72 years post-independence, women continue to strive for their freedom, rights, and justice. It is disheartening that they are not only battling for themselves but also against their families and society, which often do not view them as equals to men. Dowry deaths remain a shameful stain on our national conscience, requiring significant efforts to eradicate. While female education and empowerment have made some impact in reducing such tragedies, a fundamental shift in societal mindset is crucial to combat this deep-rooted evil. As per Ambedkar's words, the slow progress of women in our country highlights the long journey ahead before we can truly claim to be progressive.

Laws concerning dowry-related deaths

Understanding Section 498A: Section 498A criminalizes the act of cruelty towards a wife. The law makes dowry harassment a cognizable, non-bailable, and non-compoundable offence. It gives the police the power to arrest the accused based solely on the complaint of the victim, without the need for investigation or evidence. However, this flawed premise has led to various shortcomings in Section 498A, with significant consequences for those affected by it. Additionally, the law has failed to effectively protect women from dowry-related harassment, violence, and death, as evidenced by the low conviction rates despite a high number of people being charged with dowry offences.

IPC Section 304-B states that if a married woman's death is caused by burns or physical injury, or occurs under suspicious circumstances within seven years of her marriage, and it is proven that she was subjected to cruelty, harassment, or torture by her husband, a relative of her husband, or in-laws in connection with dowry demands before her death, then it is considered a "dowry death". The husband, relative, or in-law responsible for her death will be deemed to have caused it. The punishment for committing dowry death is imprisonment for a minimum of seven years, which may extend to life imprisonment.

Abuse of legal regulations

The case's premise relies solely on the victim's testimony, raising concerns about the misuse of the law. With the increasing divorce rates in India, there have been suspicions of women and their lawyers misusing dowry laws to harass their husbands and relatives. In 2011, a trial court labelled the misuse of dowry harassment provisions by women as "legal terrorism." Kamini Lau, an Additional Sessions Judge, emphasized that Section 498A is not meant for revenge, dowry recovery, or forcing a divorce, but as a penal provision to punish wrongdoers. The victims are often misled into exaggerating facts and adding unconnected persons as accused. This led to attempts to address the misuse of Section 498A, with the Supreme Court introducing a nine-point checklist for police to follow before arresting anyone on a dowry complaint in 2014. The changes aimed to prevent the misuse of Section 498A as a weapon by disgruntled wives and to protect women from dowry abuse and harassment, but faced opposition for ignoring the experiences of dowry harassment victims. The current law is ineffective in addressing the issue of dowry, and its misuse has resulted in the wrongful arrest and imprisonment of innocent individuals. Men's Rights Activists are currently advocating to prevent such misuse, focusing on the rights of men. However, this has the potential to lead to the wrongful arrest and conviction of entire families. It is crucial to address and fix this law as a feminist issue.

The Role of Dowry in Perpetuating Violence within Marriages

Violence against women encompasses a wide range of cruel acts, such as dowry-related pressure, marital rape, and violence stemming from dowry demands, all falling under the umbrella of domestic violence. Similar to other forms of domestic violence, dowry-related offenses involve physical, emotional, and economic violence, along with harassment to enforce compliance or punish the victim. To best protect victims, a comprehensive domestic violence legislative framework should cover dowry-related violence. Legislators must clearly outline prohibited acts within this framework, considering the complexities of dowry-related violence. While violence and harassment linked to dowry demands should be included in the definition of domestic violence, the requirement for dowry should not be a necessary element in domestic violence laws due to its subtle and implicit nature. Dowry-related abuse, often involving extended family members, constitutes domestic abuse and can manifest in various forms of violence, including sexual violence, acid attacks, burning, and even murder disguised as suicides or accidents. This abuse is particularly prevalent when a husband or his family deems the dowry insufficient or unpaid. Excessive dowry demands may involve significant amounts of cash, jewellery, property, or other valuable items from the bride's family.

The patriarchal system has been deeply ingrained in Indian society for centuries. This system is often seen as the root cause of the mistreatment of women. Domestic violence impacts women from all walks of life, regardless of their age, religion, caste, or social status. It is a heinous crime that not only affects the victim and her children but also has broader implications for society as a whole. While the exact reasons behind domestic violence are complex, they can often be linked to gender stereotypes and power imbalances.

The definition of violence has expanded over time to include not only physical abuse but also emotional, mental, financial, and other forms of harm. Therefore, domestic violence encompasses actions that endanger the victim's health, safety, life, limb, or overall well-being, including physical, sexual, verbal, emotional, and economic abuse. Prior to the implementation of the Protection of Women from Domestic Violence Act, 2005, victims could seek legal recourse under Section 498-A of the Penal Code, 1860, which specifically addressed cruelty towards married women. However, other forms of domestic violence within the household had to be addressed under different laws, without considering the gender of the victim.

The Indian Penal Code of 1860 is the primary criminal law that has been amended to address acts of cruelty against women, particularly married women. Section 498A outlines the definitions of cruelty, which include actions such as driving a woman to suicide or causing harm to her life, limb, or health. It also covers harassment aimed at coercing a woman or her relatives to meet unlawful demands for property or valuable security.

The Dowry Prohibition Act focuses on dowry-related issues and offenses. Dowry involves the transfer of parental property during a daughter's marriage. Despite being illegal in India, the practice of demanding and accepting dowry persists in many parts of the country due to cultural norms.

The Act contains provisions regarding the definition of dowry, punishments for dowry offenses, and the authorities responsible for handling such cases. It also grants powers to establish rules for giving and accepting dowry. However, the reality is that most marriages continue to involve assurances from both families, particularly the bride's family.

In addition to this legislation, there is the Protection of Women from Domestic Violence Act, 2005. This law specifically addresses the special protections for married women who are experiencing cruelty from their husbands, relatives, or other family members. It defines domestic violence as any physical or mental harm, injury, or harassment related to unlawful demands, dowry, or other property. Chapter III outlines the responsibilities of protection officers, security officers, and magistrates in preventing these offenses, and emphasizes the importance of medical facilities for the affected individuals. The Act also covers the duties of the Government, the nature of compensation, and the liabilities of the accused if found guilty.

Addressing the issue of dowry requires more than just legal measures; it necessitates active participation from society members alongside law enforcement agencies. Social awareness campaigns and educational programs are crucial, especially in rural areas. Non-governmental organizations are playing a significant role in supporting dowry victims and holding perpetrators accountable with community support. Legal professionals, including law students and teachers, should also engage in legal literacy programs to eradicate dowry practices in all areas. The Human Rights Commission is also focusing on crimes against women, including dowry-related offenses, to enhance women's well-being and promote peace in families. The Women Commission, established in 1993, should play a key role in this effort, equipped with the necessary powers to prosecute offenders and support victims effectively.

Study's Scope and Limitations

The current research focuses on the impact of Socio-Economic, Cultural, and religious factors on women's rights, particularly in relation to issues faced by victims of Dowry. Understanding the prevalence of dowry-related crimes is crucial to recognizing the barriers that hinder a healthy family life. The increasing rates of violence against women are exacerbated by various societal challenges, including caste, ethnicity, conflict, religion, and conservative movements. Due to limited access to legal services and low literacy rates, women often lack awareness of their rights. Discrepancies between constitutional mandates and social realities are evident, highlighting the need for greater awareness and action. The government and society have yet to fully comprehend the implications of this research area. Given the broad scope of domestic violence against women, the study focuses specifically on dowry-related offenses outlined in sections 302, 304-B, 306, 34, 498-A of the IPC, as well as relevant provisions of the Dowry Prohibition Act and recent legislation addressing dowry violence.

Conclusion

The issue of dowry in Indian culture is a serious concern that cannot be addressed solely through legal means. It requires a coordinated effort involving law enforcement, women's welfare organizations, public figures, and the judiciary to combat this social evil. Additionally, improving the educational and employment opportunities for women can help reduce instances of dowry. Educational and awareness programs should also be implemented to prevent substance abuse, gambling, and encourage honest work. A practical and sensible approach is necessary to address this issue effectively. Dowry, which has been illegal in India since 1961, continues to be prevalent and has led to tragic consequences for many women. Over 8,000 dowry-related cases are reported annually in India, and the problem is on the rise in certain areas. Tragic incidents, such as suicides and murders, are often linked to dowry harassment, highlighting the urgent need for action to address this issue.

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