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**DOWRY- AN ANALYSIS****ABSTRACT**

This paper deals with the explanation and analysis of a practice of asking for either money or goods from brides at the time of marriage. When the family of the bride is not able to send the goods to the family of groom then there are times when the woman is mistreated by her in-laws by way of domestic violence, harassing her and by doing cruel acts like inappropriate behavior, insulting her, non-acceptance of children or raising questions on her character. Due to the demand of dowry, a lot of other things used to be implied like marriage of daughter at a young age to avoid dowry or the amount of dowry asked from the parents of a disabled woman would usually be more. This resulted in a discrimination. Hence, due to these multiple reasons, dowry was abolished in India.

KEYWORDS

Dowry, Harassment, Domestic Violence, Discrimination, Abolished

MEANING OF DOWRY

When a woman brings money, goods, or estate to her husband in marriage, that is termed as Dowry.¹

Traditionally, dowry was offered to potential husbands by the family of the bride to make the match attractive to the groom and his family. The actual meaning of the word is “payment” but a link can also be established to everything the woman brings with her after marriage.”²

HISTORY OF DOWRY³

The family of bride in the Roman Empire used to provide Dowry to the family of the groom in order to offset her living expenses. Commonly, the family of bride offers an amount to the family of groom but in some cultures, the reverse practice is followed wherein the husband offers to his bride on marriage. The dowry can function a gift to in-legal guidelines or coverage for the bride should she choose to depart her husband. It is something she will be able to take together with her in the occasion of divorce to make sure her economic protection. Other terms that can be used are “bridewealth” or “bride price”.

It has roots in medieval times in India wherein a gift was given in cash or kind to the bride to maintain her independence after marriage. During the colonial length, it has become the best criminal way to get married, with the British making the exercise of dowry mandatory. The trend in present India, with its booming financial system, is now encouraging ever-higher bride expenses or prices among all socioeconomic strata. But the rising bridewealth has increased violence towards women.

WHO PAYS DOWRY?

This depends on different cultures and religions that is in case of Hindu Religion, the family of the bride pays the groom dowry but in Muslim Culture, the reverse is the practice. It means

¹Definition of dowry, Last Visited on 13.02.2022, <https://www.merriam-webster.com/dictionary/dowry>

² Dowry, Last Visited on 13.02.2022, <https://www.vocabulary.com/dictionary/dowry>

³ What Is a Dowry? By Erum Salam, Last Visited on 14.02.2022, <https://www.brides.com/what-is-a-dowry-5074408> <https://vogueballroom.com.au/what-is-the-dowry-system-in-india/>

that the husband pays the wife Mahr at the time of marriage. But Dower or Mahr are not forms of Dower but a financial payment made from groom to bride as part of their ceremonies.

HOW MUCH DOWRY IS PAID?

The amount of dowry used to depend upon the class or income of both the families. Along with cash, other things like furniture, jewellery, property, livestock or vehicle were also gifted.

WHEN IS THE DOWRY GIVEN?

It was usually given or paid at the time of ceremonies of marriage or sometimes even before commencement of the ceremonies.

INDIAN LAWS ON DOWRY ⁴

Dowry has been abolished in India and a lot of legislations in that aspect have been introduced like Section 2 of the Dowry Prohibition Act gives the definition of dowry to be property or a valuable thing gifted directly or indirectly from one party to another.

However, Dower or mahr is not included as dowry in case the person's marriage falls under Muslim Personal Law (Shariat) Application Act, 1937.

Section 3 marks the act of Dowry as an offence and both the parties will be held liable for commission of an offence under the act. The punishment is of imprisonment up to five years along with a fine of either Rs 15,000 or the amount of dowry, whichever is more.

Section 4 of the act makes the demanding of dowry an offence with imprisonment up to a minimum of six months to a maximum of two years and a fine of Rs. 10,000.

⁴ Domestic violence and dowry laws: the gender disadvantage by Rudrakshi Sharma, Last Visited on 15.02.2022, https://blog.ipleaders.in/domestic-violence-dowry-laws-gender-disadvantage/#Indian_laws_on_the_matter-2

It was held by Supreme Court in the case of Pandurang Shivram Kawathkar v. State of Maharashtra⁵ that the mere demand of dowry without actual payment of dowry is also an offence.

In case of Bhoora Singh v. State of Uttar Pradesh⁶, a wife after being ill treated was set on fire. She had explained to her father about the demands of her in laws for dowry. Hence, the court held the husband and his family liable under section 4.

Section 304(B) of IPC deals with the matters of dowry deaths wherein if a wife dies due to bodily injuries or burns or otherwise within seven years of marriage or an event occurs wherein, she was subject to cruelty or harassment by her in laws or husband in relation to demand for dowry then such death is termed as 'dowry death' and the husband and in laws will be held liable who were involved in the act.

Section 113(B) of the Indian Evidence Act, 1872 covers dowry death that is when a woman has been harassed or subject to cruelty in the past, that is before her death in connection with dowry, then it is presumed that such harassment was the reason of her death.

Section 498(A) of IPC deals with a wilful conduct which forces a woman to commit suicide or cause grave damage and injury to her life, limb or health. It also related to harassment with the view to coerce her to meet any unlawful demands for property or valuable security or on account of her failure to bring such property or valuable thing demanded. Cruelty can be by persistent demand, extra marital relations, vexatious litigation, Harassment for non-dowry demand, Taking away children or non-acceptance of girl child and false attacks on chastity.

CHILD MARRIAGES DUE TO DOWRY

More than 700 million women are there globally who when got married were under 18 years of age. Around 2050, it is expected to increase to 1.2 billion.⁷

⁵ 2001 CriLJ 2792

⁶ 1993 CriLJ 2636

⁷ 9 Reasons Why Dowries Are Horrible for Women By Joe McCarthy, Last Visited on 16.02.2022, <https://www.globalcitizen.org/en/content/8-reasons-dowries-are-bad-for-women/#:~:text=Dowries%20Make%20Child%20Marriage%20More%20Likely&text=By%202050%2C%20this%20number%20is,marriage%20nonprofit%20Girls%20Not%20Brides.&text=India%20has%20the%20most%20child,driven%20by%20the%20dowry%20system.>

If a bride is young then the amount of dowry that had to be paid was usually lesser than an elder brides' dowry. Hence, it was an incentive for parents to make their daughters get married at young age.⁸

DOWRIES KEEP GIRLS FROM GOING TO SCHOOL⁹

In order to keep the price of dowry that had to be paid low, girls were refused from attending school. Adding to this it was thought that them attending school is waste of money as it could be used in payment of dowry since they were anyways supposed to work at homes as per the old thinking.

DOWRIES MAINTAIN GENDER EQUALITY¹⁰

Dowry system treated women as objects or property that can be exchanged or transferred and casted women as a burden rather than an asset.

DOWRY KEEPS WOMEN AWAY FROM ECONOMIC INDEPENDENCE¹¹

In India, females have a lower participation in labour or workforce in comparison to the men. This is due to the fact that dowry encourages the thinking that household is the sphere of a female and outer world of a male.

⁸Child marriage - Frequently Asked Questions by UNFPA, Last Visited on 17.02.2022, <https://www.unfpa.org/child-marriage-frequently-asked-questions>

⁹ What is the Dowry system in India? Last Visited on 18.02.2022, <https://vogueballroom.com.au/what-is-the-dowry-system-in-india/>

¹⁰9 Reasons Why Dowries Are Horrible for Women By Joe McCarthy, Last Visited on 19.02.2022, <https://www.globalcitizen.org/en/content/8-reasons-dowries-are-bad-for-women/#:~:text=Dowries%20Make%20Child%20Marriage%20More%20Likely&text=By%202050%2C%20this%20number%20is,marriage%20nonprofit%20Girls%20Not%20Brides.&text=India%20has%20the%20most%20child,driven%20by%20the%20dowry%20system.>

¹¹ 9 Reasons Why Dowries Are Horrible for Women By Joe McCarthy, Last Visited on 20.02.2022, <https://www.globalcitizen.org/en/content/8-reasons-dowries-are-bad-for-women/#:~:text=Dowries%20Make%20Child%20Marriage%20More%20Likely&text=By%202050%2C%20this%20number%20is,marriage%20nonprofit%20Girls%20Not%20Brides.&text=India%20has%20the%20most%20child,driven%20by%20the%20dowry%20system.>

DOWRIES TRAP POOR PEOPLE IN DEBT¹²

Poor families are forced to take loans with interest rates or sell off their land or raise money from sources to pay dowry either at the time of marriage or in instalment to the family of the groom. In this whole process, sometimes the parents get trapped in huge debts and debt traps. Dowries also result in deepening class hierarchies.

DOWRIES DISCRIMINATE AGAINST THE DISABLED¹³

The family of the groom would demand a higher amount of dowry from the family of a female who was disabled or suffering from any kind of disease. This led to an increase in the burden on the family of bride in such situations.

CONCLUSION

There were a lot of reasons due to which this practice that was being done in India has been abolished. There were laws introduced where in woman who are aggrieved from demand of dowry from their family members can seek remedy and redressal. Also, there have been laws introduced to punish the in-laws along with the husband who indulged in the crime of such an offence. In case a woman has been suffering from cruelty and then maybe has committed suicide or in any case has lost her life then, her in-laws can be punished for the offence under IPC. Hence, a lot of statues helping women for seeking redressal have been introduced along with various helplines and it is time that the public also becomes aware and try to help women around them in case they are not able to file a complaint. This practice of Dowry will be removed from every

¹² What Is the Dowry System in India? By eugene-vines, Last Visited on 20.02.2022, <https://vinesoftheyarravalley.com.au/what-is-the-dowry-system-in-india/>

¹³What Is the Dowry System in India? By eugene-vines, Last Visited on 20.02.2022, <https://vinesoftheyarravalley.com.au/what-is-the-dowry-system-in-india/>

part of our nation is the aim of law and statutes and to help the needy brides from whom dowry is demanded.



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