

DOWRY SYSTEM IN INDIA: A SOCIO-LEGAL APPROACH

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Abstract: Practice of dowry poses heavy threat to the life of females. Dowry is an age old practice in Indian society referring to property or valuable security given by one party to another as a consideration for marriage. This custom of dowry was started in the medieval period. Women were gifted with wealth and jewel from their parents during her marriage and this served as a tool of financial independence for the bride even after marriage. This menace is the root cause of almost all violence against a married woman. In this paper titled "Dowry System in India: A socio-legal Approach" the author has discussed about the heinous crime of dowry against the women with a social and legal perspective. The author has further discussed various aspects of the crime and what are the inherent Flaws in the legislation related to Dowry in India.

Keywords: Dowry, Dowry deaths, Endowments, India, Legislation, Social Issues.

INTRODUCTION

The key agenda of social reformers of all sorts has been the eradication of dowry. The anti-dowry movement has gained more publicity than about any other social concern in the last decade. And, nowhere is it being eradicated. In fact, while there has been a continuous movement against it, the dowry system has flourished and expanded across all layers of our society, all over the country.

At a more unpretentious point of view, this tradition can be described as the unchallenged thought that the family of the young lady is second-rate in staying with the family of the boy, regardless of what her characteristics are.

In order to please the kid's kin, they should also be on their best behavior and give rich "endowments".

This is so imbued in the minds of a large number of Indians that they either demolish themselves fiscally for all intents and purposes, bearing in mind the final aim of paying at the correct expense of the chosen planning, or making a bid to remove the likelihood of this monetary weight by single-sided premature birth or female infanticide for particular gender.

This exploitative system, which has turned the tradition of giving endowments and good wishes into a compulsory interest for wealth, respect and enslavement, is one of the key contributing

components that thwart the growth of Indian culture where becoming a lady is still seen as a weight.¹

DISCUSSION

1. *Meaning of Dowry:*

The dowry scheme in India refers as a condition of marriage to the durable goods, currency, and real or movable property that the bride's family gives to the groom, his parents, and his relatives. Dowry is basically of the form of a cash payment or any sort of gift offered to the family of the groom along with the bride and includes cash, jewelry, electrical equipment, furniture, bedding, crockery, utensils, automobiles and other household items that help the newlyweds set up their home. The dowry scheme will place a great financial burden on the family of the bride. The dowry scheme contributes to crimes against women in some situations, ranging from emotional abuse and disability to even death.

2. *Can Dowry Be given Voluntarily?*

One of the major forces forcing the 'voluntary' offering of dowry is that marriage is not only universal, but is considered so necessary that the life of a woman is considered to be lost without it. Parents consider the daughters are a liability they should get rid of. When she is married off, a daughter is never considered stable, even though she has a respectable career.

In fact, since the amount of dowry is measured according to the market value of the prospective son-in-law, the dowry for highly educated people is like being larger than smaller. The pressure is not only to settle, but at the right age as well. The best age ranges from time to time and from society to community.

In such a case, arguing of free will or voluntary donation is meaningless. This is similar to stating that inflation in the prices of basic goods is okay as long as consumers purchase them at will and pay high prices for them. Status is still at risk, or izzat. The voluntary donation of a family may also represent a rise in the amount of dowry.

3. *Social Role of Dowry:*

The 'obligation' of providing dowry later became the "essential negotiation" of India's marriage transaction. What a man gets or may not get does not really make or break the financial standing of his or his relatives. The bigger the dowry he expects, the wealthier the man is. A man who gets a scooter as a dowry is in a position to obtain it; there is definitely a vehicle for a man who gets a car. A dowry is more of a status affirmation rather than a determinant of it.

The intention of dowry-giving rituals is close to that of conventional feudal overload offerings. Whether or not these offerings made any significant difference to the real riches of the lord, they

¹ J. C. Caldwell et al., The Causes of Marriage Change in South India, 37 POPULATION STUDIES 343–361 (1983).

had to be given in appreciation of his rank as a gesture of gratitude. Non-compliance with this ritual can be seen as an unforgivable insult.²

Similarly, the boy's family perceives any failure on the part of the girl's family to offer gifts at the proper times as an insult to their rank. The emphasis is not on the lack of revenue, but on what they see as disrespect. A persistent public reaffirmation of her inferior status and his superior status appears to be one of the main purposes of giving dowry.

Each marriage and dowry practice officially puts a stamp on the bride and groom of unequal worth. Its meaning, in the sense that it establishes a power relationship between the man and the woman, is not solely economic but political.

4. *What are the Inherent Flaws in Anti- Dowry Legislation:*

In the past, several states wanted to curtail the practice of dowry, but in 1961, parliament became aware of the need to place legislative limits on dowry and passed the Dowry Prohibition Act.

The law's penal provisions have proven to be essentially unsuccessful. The Act suffers from substantial flaws that are undoubtedly in the way of its effective execution.

This is evidenced by the lack of any sort of effect of the Act on persons during the last decade of its existence. And, oddly, not even one lawsuit has appeared before the courts under the Act. The only lawsuits that have been reported so far involve the validity of dowry arrangements. In fact, like all other welfare laws, the anti-dowry law could prove to be a pretense and a dormant enactment. Often in violation than in execution, it can be detected. It proves to be a dead letter until a reasonable effort is taken to implementation.³

The rule alone, however, does not solve customs like dowry. It is important to provide sufficient social knowledge and education, along with the commitment to endorse all steps intended to control these evils.

5. *Is Education the Answer to Eradicate Dowry?*

Education is seen as a solution to any problem. Therefore, all reform efforts have been in the context of educating people, whether through voluntary groups or by the government.

No equivalent attempt has been made to think about the systemic changes needed to shift the unequal distribution of power between men and women in our society.⁴

It is believed that the tradition will vanish if individuals are made conscious that dowry is a social evil. This denies the idea that even the worst policy policies have a social rationale which can be maintained only if certain practices represent the needs of a certain dominant community in society. Long-term improvements in culture cannot be accomplished by simple advertising programs without institutional adjustments.

² *Ibid.*

³ Hari Swarup, *For Whom the Law Is Made*, 228 (1981).

⁴ *Supra* 1.

The awareness movement on this subject has a history of almost a hundred years. The only apparent consequence is that nearly everyone today nominally opposes dowry and openly considers it a social evil. This has, understandably, developed a certain skepticism.

Strict regulations that penalize it only remain futile or make the practice assume veiled forms at best. Law makers and law enforcers are not humanity's unique breed. Until there is a societal foundation to confront the tradition of disinheritance of women, the statute is bound to remain a dead text.

CONCLUSION

The greed for dowry, and undoubtedly, as a tradition, the dowry scheme calls for the most extreme criticism. It is clear that the targets for which they were meant were not reached by regulatory initiatives such as the Dowry Prohibition Act.

Legislation alone will not be enough to eradicate such an evil, and the solution must inevitably be sought in society's values and willpower and its constructive expression by lawful and constitutional means.

Both social scientists and policymakers firmly agree that education will largely fix the issues. But the most pathetic story is that the dowry is mainly linked to the educated upper class. In order to solve these concerns, the educated class should think in a high-minded way.

While many state governments have introduced different laws to regulate the rising danger of dowry, even this has not improved in any way. Changing oneself is the best solution to resolve this type of abuse. Apart from this, a woman's mentality can change. Any person woman involved should make this transition from inside.

The rules associated with this structure should grow stricter and stronger and it should be seen as a task by citizens, scholars, the press and the elite class to eradicate this question in order to save civilization from this antisocial behavior.

The evil of dowry cannot be fought by a few people. A large spread shift was expected. The right college, then, is the best gift. Parents are driven to educate daughters and it is time that schooling in the service sector has more importance and fields have been opened up to women to become a solution. In this way, the sum of dowry for her stable future can be spent.