

Functional
background of the
practice of dowry
sociology essay



**ASSIGN
BUSTER**

India is a patrilineal and patriarchal society. Men are regarded as decision makers and fore-runners for any efforts at development or progress. Clouded by misinterpreted beliefs and rituals of Hinduism as well as patriarchal norms, Indian society subjected their women to grave atrocities, often for no fault of their own. It was perhaps only after intervention of the British; that some citizens woke up to the reality of the atrocities faced by women: widowed, married, young and old.

The practice of Dowry was one such custom. The custom of dowry dates back to 3000 BC. Dowry refers to money, goods, or property that a woman brings into the marriage- it is paid by the bride's family to the groom's family. Another concept related to dowry is 'bride price' considered to be the payment a groom owes the bride's parents for the right to her labour and reproductive capabilities, a transaction involving bride-wealth occurs when the bridegroom and his family transfer property to the bride's kin. The practice was characteristic of indigenous, primitive and nomadic communities. According to various historical accounts, the practice of bride price was practiced in many parts of the world including: Mexico, indigenous parts of the United States, Russia, Greece, Portugal, Brazil among other countries during various different times in the past. The practice of dowry was carried out in countries like India, Bangladesh, Pakistan, Nepal, Afghanistan and Vietnam. The practice of Dowry is still prevalent in most of these countries.

Over the years, this practice in India has taken the form of a source of grave atrocities towards women. Many times, this problem does not affect the woman alone, but her family as well. The Government has made efforts to

<https://assignbuster.com/functional-background-of-the-practice-of-dowry-sociology-essay/>

curb atrocities related to the practice of Dowry. The Dowry Prohibition Act of 1961 is on such effort. However the dowry related violence is still rampant and often goes unreported. On an average one Indian woman commits suicide every four hours over a dowry dispute, as per official data, despite the efforts being made to empower them.

Historical and Functional Background of the Practice

As aforementioned, the practice of dowry is deeply rooted in history. There are sociological as well as functional aspects that gave rise to this practice.

The historical/sociological aspect

From historical proof present in many literary accounts based on India, we know that Ancient Indian society was actually not oppressive towards women. On the other hand society actually held women with high respect. Many powerful forces of nature and Gods were depicted and believed to be manifested in female form. We hear about Swayamvar in the ancient Hindu marriage traditions where it was the bride who decided whom to marry.

In the pre-colonial period, dowry was an institution managed by women, for women, to enable them to establish their status and have recourse in an emergency. In this ancient system of dowry, the parents of the bride gave wealth to her in the form of valuable gifts etc. It was just like how parents used to give a part of wealth to their sons as inheritance in the same way, parents gave inherited wealth to their daughter at the time of their wedding.

It was only towards the end of the colonial rule in India, that the practice of dowry started transforming into a menace. Till that time, the concept of

ownership of private property was not very prevalent in India. The land always belonged to the government and people only settled in the government's land. Land was given an important status in terms of wealth. This sowed seeds of greed in a society that was otherwise very communal in nature. The British also brought about changes in these social norms and these affected the status of women greatly. The move which affected the status of the women in the Indian society was the rule imposed by the British which prohibited the women from owning any property at all.

It was only as recently as in 2005, when the Hindu laws were amended again, now providing women equal status with men in terms of ancestral property.

The functional aspect

Many scholars are of the opinion that dowry has economic functions and is a way of redistributing property. Involving the transmission of property, dowry as price is essentially an economic exchange between the bride-giver and bride-taker. Dowry may also be seen as a way improve the welfare of brides by serving as a form of pre-mortem inheritance. As a wife's dowry can constitute to what is necessary for the couple to start their conjugal unit, it can help to improve the wife's bargaining power in the marital household.

However this practice has been misinterpreted over time. The price model views dowry as an instrument whereby parents of daughters secure alliances with high-quality in-laws (Arunachalam and Logan, 2008). Dowries are considered as opportunities for daughters to attract resourceful men and means to ensure a better future for one's daughter and to enhance one's

own prestige in the community. In this way, dowry is a gift for alliance and not a marriage payment. Although dowry does not involve a transfer that is provided in exchange for a transfer of rights between families, there is the necessary connotation that something is expected to be obtained in return for the dowry (Bell, 1998).

Divya Pal (Roll No. 63)

Webliography:

http://jagori.org/wp-content/uploads/2009/07/dowry_infopack.pdf

<http://sc6214.wetpaint.com/page/3.2+Dowry+as+Price>

<http://sc6214.wetpaint.com/page/4.1+Functions+of+Dowry>

http://zeenews.india.com/news/etc/1-dowry-death-every-4-hrs-in-india_414869.html

<http://www.hitxp.com/articles/history/origin-dowry-system-bride-woman-india-british/>

Legislation Against Dowry

The Dowry Prohibition Act passed on 20th May 1961 was the first attempt by the Indian government to recognize and curb the social evil of dowry. It was modified with the Dowry Prohibition (Amendment) Act of 1984 which was further modified with the Dowry Prohibition Bill of 1986.

The Act stated that "any property or valuable security given or agreed to be given directly or indirectly by one party to the other party to the marriage or by the parents of either party to a marriage or by any other person to either

<https://assignbuster.com/functional-background-of-the-practice-of-dowry-sociology-essay/>

party to the marriage or to any other person at or before in connection with the marriage of the said parties."

The amendment of 1984 did not meet the expectations of the people, more specifically feminist groups. But, it made giving and taking dowry a cognizable offence and empowered welfare organizations to file a complaint. The 1986 amendment strengthened the government's offence against dowry as it included dowry deaths in the list of offences in Indian Penal Code.

According to the law, dowry is a cognizable and non-bailable offence. The minimum punishment for dowry is 5 years imprisonment and a minimum Rs. 15, 000 fine. The punishment for demand of dowry is imprisonment of at least 6 months and a minimum fine of 10, 000.

The Dowry Prohibition Act 1961 further stated that dowry taken before, at the time or after marriage must be handed over to the girl within three months of taking it. If dowry was taken when the girl was a minor, it needs to be handed over within three months of her turning eighteen. It is important to maintain two or more lists of gifts given and received at the time of the wedding. These require the signature of the bride and groom or a close relative if the situation arises.

Certain other significant aspects of the law is that it considers giving, taking, helping in giving or taking, asking and advertising dowry as an offence.

In order to prohibit the practice of dowry, a set of laws have been included in the Indian Penal Code:

Section 304B of IPC:

<https://assignbuster.com/functional-background-of-the-practice-of-dowry-sociology-essay/>

When a woman dies due to burns or bodily injuries within seven years of her marriage and circumstances show that before her death she was subjected to cruelty or harassment by her husband or his relative for any demand of dowry, such a death shall be called 'dowry death' and the husband and the relatives shall be presumed to have caused her death.

Under this section, whoever causes a dowry death shall be punished with imprisonment for not less than seven years, which may extend to imprisonment for life.

Section 113A of Indian Evidence Act:

If the question of abetment at the hands of a woman's husband or any of his relatives arises and it is shown that she has committed suicide within a period of seven years from the date of her marriage and that her husband and his relatives have subjected her to cruelty, the Court may presume, having regard to all the other circumstances of the case, that such a suicide has been abetted by the husband or his relatives.

Cruelty (Cognizable, Non-bailable)

SECTION 498A of IPC: When a woman's husband or his relatives subject her to cruelty, they shall be punished with imprisonment (which may extend to three years) and shall be liable to fine.

Definition Of Cruelty Under This Section:

- Any intentional behaviour of the husband or his relative that is likely to force the woman to commit suicide or to cause serious injury to her life or health (whether physical or mental or both).

- Harassing the woman with the aim of forcing her or any person related to her to meet the unlawful demand for any property or valuable goods, or on account of failure to meet such demands made by the husband or his relatives.

Flaws In The Laws

" Any property or valuable security given or agreed to be given directly or indirectly by one party to the other party to the marriage or 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 other time after the marriage) in connection with the marriage of the said parties."

The law allows 'gifts' but does not allow 'dowry'. The law implies that gifts are voluntary whereas dowry is involuntary

The presents to the groom should not be of 'excessive' value and should keep in mind the financial status of the person, who or on whose behalf the gifts are being given. But in reality, this does not hold true.

Bride-burning

Bride-burning is a type of domestic violence that involves the killing of a bride due to her refusal or inability to fulfill the dowry demands of her husband and his relatives. It generally involves dousing the victim with kerosene and setting her alight. Ironically people today have come to create "faster and safer" means to achieve their ends.

Rakesh Bedi of The Telegraph reported on 27th Feb, 2012 which stated that "in 2010, 8391 dowry death cases were reported across India, meaning a

<https://assignbuster.com/functional-background-of-the-practice-of-dowry-sociology-essay/>

bride was burned every 90 minutes, according to statistics recently released by the National Crime Records Bureau. A decade earlier this number was 6995, but climbed to 8093 dowry deaths in 2007."

Himendra Thakur in his article in 1999 wrote, "Years ago, Rabindranath Tagore summed it up as: Desh mrinmoy noi, desh chinmoy The country is not a chunk of earth: it is a saga of consciousness. Without the conscience of our people, this consciousness will fade. We must rouse ourselves to the daily indignities that surround us."(www. indiatogether. org)

Stridhan

Stridhan can be explained as that portion of a woman's wealth over which she alone has the power to sell, gift, mortgage, lease or exchange - whole or in parts. It comes from two words Stri-woman and dhan-wealth. This wealth is a women's exclusive property. Other than the ornaments and trousseau given at the time of marriage, stridhan is inclusive of gifts of money, property, jewellery and other tangible assets which the woman receives before, during and after marriage from her family and her husband's family. A woman could receive stridhan in her capacity as a daughter, daughter-in-law, sister and wife.

Traditionally, stridhan was supposed to provide a certain amount of economic security to a woman in case of divorce, widowhood, etc. Also, it was supposed to allow some inheritance to the daughter of the household as she did not have the right to equal inheritance like the son. However, this was taken care of (on paper) after the amendment of the Hindu Succession Act, 2005 which gave equal rights of inheritance to the daughter and son.

<https://assignbuster.com/functional-background-of-the-practice-of-dowry-sociology-essay/>

Stridhan has caused a lot of debate in society. Most weddings are indicative of stridhan 'going with the bride' rather than 'to the bride.' However, playing devil's advocate, it must be pointed out that Stridhan consists of consumable goods that cannot be put aside by the bride for her sole use. Another issue that brings out varying opinions is the element of extortion in Stridhan. It is expected to strengthen a woman's position, but it can also be used as bait that influences the behaviour of the in-laws towards a woman. Another issue that raises doubts about the purpose of stridhan is the ownership of the stridhan. Stridhan is supposed to be in the possession of the woman as per the Dowry Prohibition Act, 1961, but real-life instances throw light on a very different reality. Personal experiences have shown that an immediate weighing of the bride and her parents followed by a quick deposit of the bride's stridhan in the mother-in-law's locker very closely follows the bride's entry into the house.

" At a Bengal Hindu wedding, the institution of tattwa - the formal display of gifts between the marrying families never fails to turn my stomach. It is a rare wedding where pride of place is not occupied by a roomful of cellophane-wrapped trays of clothes for the couple, clothes for a wide circle of relatives, linen, houseware, makeup, sweets, spices, fish...I even saw a container of Glenlivet single malt as part of a recent display! It is possible to hire a professional tattwa designer these days to make this display of 'artistic' clothing shaped into fantastic silhouettes; bamboo or Styrofoam sculptures; jewel-like accoutrements. People inevitably hasten to tell me that I am misreading tattwa as 'dowry' in the same sense as 'dowry deaths': as opposed to that terrible greedy and materialistic stuff, this phenomenon is

cast as an authentic celebration of cultural traditions, a fundamental component of wedding ceremonies", writes Shrimati Basu in her paper on 'Politics of Giving: Dowry and Inheritance as Feminist Issue.'(www. jabori. org)

Why is it that customs don't serve the purpose they are expected to? How is it that man manages to tweak them in such a manner that their goal of existence is defeated? Stridhan was expected to provide some economic backing in case of socio-economic disturbance in the woman's family life, but instead of doing that, it has become a measure on which her treatment is dependant.

On a more positive note, Stridhan has begun to serve its purpose as families are beginning to respect a bride's right to security. Along the same lines, brides too have begun to take a stand and oppose any sort of misdoing against them.

Nandita Palrecha (Roll No. 64) & Rakesh Paswan (Roll No. 65)

Webliography

http://jagori.org/wp-content/uploads/2009/07/dowry_infopack.pdf

<http://www.lawyersclubindia.com/forum/what-is-the-definition-of-stridhan-27371.asp#.UDzh>

<http://www.indiatogether.org/wehost/nodowri/stats.htm>

<https://assignbuster.com/functional-background-of-the-practice-of-dowry-sociology-essay/>