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Dowry System: An Impediment to Women Empowerment

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***Abstract**: The term "dowry" is used to describe the gifts given to the groom by the bride's family at the time of the wedding. These gifts can take the form of property, money, ornaments, or other forms of wealth. Dowry is a problem in Indian marriage as well as a cultural tradition. It's become a business transaction in which the bride's financial status is more important than her individual qualities. Principle 4 of the Cairo Manifesto from 1994 states, "the advancement of gender equality and equity, the empowerment of women, the elimination of all kinds of violence against women, and the promotion of women's control over their own fertility are the corner stones of human development." A woman's and a girl's right to an education and a safe and healthy life is fundamental to the protection of all human rights. Stopping all forms of discrimination on the basis of gender and ensuring that women have full and equal access to all aspects of society, from the household to the boardroom, are two of the world's most important issues.*

Keywords: Dowry, Jewellery, Suicide, Law

1. INTRODUCTION

The practise of giving a bride a dowry "dahej" is very old in India. The dowry system is a social evil that is pervasive throughout India and, sadly, the rest of the world as well. While many of India's long-standing traditions have faded away, the practise of giving a bride a dowry has not only persisted but thrived. People's feelings about the pervasiveness of the dowry custom are all over the map. Even though there is theoretical opposition from the educated in the society, the custom is maintained in practise due to social and cultural justifications. The practise of paying a bride's family money is known as dowry and has grown to dangerous proportions in modern society.

“Dowry is a term that is commonly used to refer to the money, gifts, goods, or estate that a wife presents to her new husband when they get married. A dowry is a traditional kind of financial support given to a bride by her family at the time of her marriage. This practise has been around for millennia and was most prevalent in Europe, Asia, and Africa. As a result of

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the mistreatment that women were subjected to as a direct result of the misuse of this practise, modern times have seen the practise fall by the wayside. A dowry, as defined by S.J. Tambiah, is the property that is bestowed onto the daughter and given to her to take into marriage with her. Although from a legal standpoint it is her property, and she retains full authority over it, in most cases the husband is granted management privileges. The property that a woman brings into the marriage partnership is yet another definition of the term 'dowry.' In this sense, dowry might refer to the dowry a bride receives from her parents, property she inherited before the marriage and brings with her, or property a widow has and brings with her when she remarries. (Nazzari, 1991)."

Objectives

The main objective of the study is to explore the state of Dowry in Indian context. The study specifically aims to explores the Dowry system in historical sense and examine its causes and consequences.

2. METHODOLOGY

The current investigation is exhaustive and exhaustively looking backward. This suggests that the audience might view the research. The research is supported by both mandatory and optional sources of data. Additionally, some subjective research was done. The study took into account information from supplemental sources such books, websites, paper articles, and international journals and publications.

3. DISCUSSION

The "term dowry has not been defined in IPC but in **Dowry Prohibition Act, 1961**. According to the act, it has been defined as any property or valuable security given or agreed to be given directly or indirectly: By one party to a marriage to the other party to a marriage."

- Dowry does not include customary contributions as are present in various communities, such as at the time of child birth, etc.
- Giving & taking dowry both are offences.

Causes of dowry tradition

- **Customs and traditions:** The bulk of dowry-related legal disputes in India aresettled in order to uphold the cultural norms and practises that are prevalent in Indian society.
- **Social structure: "**The Indian society is primarily patriarchal, and the dowry system is largely the manifestation of the patriarchal nature of the Indian society. In this society, women are regarded as a burden on the family, and the practise of giving dowry is one form of compensation for transferring this burden to the new bride's family."
- **Fear of ill-treatment:** A significant number of households in India pay dowry in order to alleviate their fears that their sons-in-law may mistreat their daughters after the wedding.
- **Societal pressure:** The provision of dowry can frequently become a question of social standing. It is now common practise in Indian society to judge a person's status based on the amount of money they spend on their daughter's marriage. This was not always the case, but it is more common.
- **Social constraints:** The need that people marry within their own caste or clan compounds

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the difficulty of the situation. Because of these limits, the pool of desirable grooms is reduced, which results in a dearth of desirable possibilities, which in turn enables the desirable side to demand a higher price.

Effects of Dowry on Society

- **Gender discrimination:** Dowry is one of the greater financial obligations that are expected to be borne by the bride's family, and because of this, females are subjected to prejudice from the moment they are born.
- "According to the report State of World Population 2020 published by the United Nations Population Fund (UNFPA), India is responsible for 45.8 million of the world's 142.6 million 'missing females' over the course of the last 50 years. 'Missing females' are women who are missing from the population at given dates as a result of the cumulative effect of postnatal and prenatal sex selection in the past."
- **Violence against women:** "It has been observed that even after the dowry has been paid for by the bride's family, the families of the groom continue to demand more money, which might eventually lead to violence being committed against women. According to the data that was collected by the National Crime Records Bureau (NCRB) in 2019 for IPC cases, a woman dies as a result of dowry-related violence on average once every hour."
- "Between 40 and 50 percent of all homicides in the country were caused by dowry disputes during the nearly two decades spanning from 1999 to 2018."
- "India's sex ratio at birth as well as its child sex ratio has languished at much lower levels than optimal levels, in large part due to a preference for male offspring in many sections of the country. Both of these ratios have languished at much lower levels than ideal levels. In 2016, the state of Haryana had a gender ratio of 833 females."
- Women have a lower self-esteem and social status than males of the same age because they are subjected to discrimination beginning in childhood. This leaves women with a lower self-esteem than men of the same age. They are led to believe that they are a burden on their families and are therefore undesired as a result of this conditioning.

Why have laws failed to prevent dowry tradition?

- Law talks about punishing both who give and receive dowry and this fear prevents most of the reporting from girl's side
- Allows gifts that are of a "customary nature". The definition of a **"voluntarygift"** and a **"forceful gift"** is missing. Perpetrators invoke this exception
- Seven-year period limitation for dowry deaths works for perpetrators as they commit crime after the period ends

Law against dowry and its flaws:

The government has done little to enforce the Dowry Prohibition Act or bring it to the public's attention since its passage in 1961. "One of the most consequential revisions to the IPC (S.498A) deals with cruelty and harassment for dowry, however it is not obvious how to apply this provision in practise." When a spouse or a relative of the husband uses violence or threats to get a woman to pay a dowry, they are being cruel. According to the definition, this is any action taken with the specific goal to cause physical harm or death to a female victim.

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The maximum penalty for this offence is three years in prison in addition to a fine. "If a woman commits suicide within seven years of her marriage and it is demonstrated that her husband or any related of her husband subjected her to cruelty, the court may infer that her suicide was helped by her husband or the relative." This provision was added to the Indian Evidence Act, 1872. In 1961, lawmakers passed the Dowry Act as a compromise between those who were concerned about the practise and those who saw no problem with it.
According to the landmark "Committee on the Status of Women in India (1975) report, the Act received very few complaints and resulted in very few prosecutions. The Joint Select Committee of the Parliament on Dowry stated in the early 1980s that the practise had become commonplace across all social strata, religions, and ethnicities. In response to the increasing number of dowry-related deaths at the time, the women's movement successfully campaigned in the early 1980s to alter the Dowry Act, 1961. With this revision, any gift given to a bride or groom before, during, or after a marriage is now considered dowry, regardless of when it was provided. But a dowry might technically include traditional gifts if their worth far exceeded the giver's resources. Yet another alteration addressed the punishment for both giving and receiving dowry in Section 3(1). A person who gives, receives, or aids in the taking or giving of dowry faces a minimum of five years in prison and a minimum fine of Rs.15,000 or the amount of the value of the dowry, whichever is greater. Dowry demands are now punishable by a minimum of six months in jail and a maximum of two years in prison, plus a fine. The Act also makes the giving or receiving of dowry a cognizable and non-bailable criminal, meaning that the police are required to investigate any dowry-related crime they become aware of. The burden of proof that he had not committed the offence under Sections 8A and 8B of the Dowry Prohibition Act was placed on him when he was prosecuted for accepting or aiding the taking of a dowry or demanding a dowry. Nonetheless, women's organisations pointed out that nothing would change unless the practise of receiving or offering a dowry was outlawed and prevented from happening (in most cases, complaints were made after the relationship had broken down or a murder had occurred). After the Act was first changed in 1983 and 1984 (mostly in response to criticism from the women's movement), it was again amended in 1986 to allow State governments to appoint Dowry Prohibition Officers with both preventative and investigative authority over those who took dowry. Whether or not these police are effective is a whole different matter."

How can We Stop Dowry System?

It is imperative that we and our government work together to eliminate the practise of dowry by taking the following measures. It's time for the grooms of the world to stand up and "say no to dowry." The onus is on the boys to persuade their families that they will not expect or provide a dowry. They need to believe in their own abilities so that they can make a living. They ought to have a modest wedding, without any unnecessary pomp and circumstance. Invest in your daughter's education so that she can one day be financially independent and gain confidence and self-esteem through the accomplishment of her goals in the workplace. A smart, educated woman can stand up to abuse and make her own choices. The dowry law must be enforced strictly by the government. The Dowry Prohibition Act, on the other hand, is on the books in every county; however, because of lax enforcement, few people actually comply with it. Giving or receiving a dowry is against the law in some societies, and he will be held accountable for his actions. The government should change the law to more accurately describe the cost of a wedding, punish those responsible severely, and resolve

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dowry cases as quickly as possible. Never give in to the demands of such avaricious grooms. Don't get involved with those who demand a dowry out of their avarice, and don't give in to their demands. Make sure everything is in order before you get married. If they persist in trying to coerce you into giving a dowry, you have the right to defend yourself aggressively.

Social awareness activities
The public can be educated and the dowry system abolished through social awareness campaigns. Dowry is a social stigma that can be eliminated with all of our contributions and awareness, and as a result, people have begun engaging in simple marriages without taking or giving dowry as a result. Since it has gotten into our blood, cleaning will be more of a chore. Avoid making any father of a daughter a pauper or a borrower. Things and cash will never be enough to satisfy our needs.
Law: A number of laws have been passed to put an end to the discrimination against women that is inherent in the dowry system. "The Dowry Prohibition Act was passed on 20th May, 1961 with an intention to abolish the wicked practise from the society. The law not only makes it illegal to receive a dowry, but also punishes those who give one. Property is the transfer of assets, including monetary value and valuables like jewellery and automobiles, between the bride and groom during the wedding ceremony. Making demands of dowry is punishable by a minimum sentence of 5 years and a minimum fine of 15,000 rupees. Section 498A of the Indian Penal Code and Section 198A of the Criminal Procedure Code both address acts of cruelty committed by the husband or his relatives against the wife. Within seven years of the wedding date, the bride's family can accuse the husband's family of aiding and abetting the suicide of their daughter under Section 113A of the Indian Evidence Act."

Enforcement: When combating a societal ill, it is never sufficient to simply introduce acts and alter parts. Because of this, such laws must be enforced in an uncompromising manner. That's still a major area for improvement. Although authorities take such charges seriously, improper investigative techniques frequently result in the accused walking free. In order to ensure that the law is enforced, the government must adopt a "zero tolerance" stance toward those who break it.

Education and self-dependence of women:
Education is necessary not just to learn how to make a living for oneself, but also to broaden one's perspective and understanding of the world. In order to combat pervasive social evils like dowry, it is crucial that we all place an emphasis on educating the females. Women who are aware of their rights are better able to protest discriminatory practises like dowry and persistent marginalisation. They won't have to put all their eggs in one marital basket and can work toward independence.

Overhaul of mindsets:
To combat the harmful practise of dowry, the Indian culture as a whole needs to undergo a profound paradigm shift. In today's world, women are fully capable of doing any role traditionally held by men. For women to break free of the stereotype that they are helpless without a man's support, they must first overcome their own notions of femininity.

4. CONCLUSION

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Answers to the age-old dilemma of dowry's place in modern society are urgently needed. Many brides just couldn't afford the exorbitant sums their families were demanding. Given this predicament, parents must seek out creative solutions to satisfy their children's requirements. Even after they get married, these women continue to face grave danger from their families. This can cause emotional distress in the girls, social isolation, divorce from the husband, and even suicide. The value of a girl is very precious. That is more than the Dowry. But in the present society nobody understands that value. Even if there are numerous laws and policies for the Dowry, these laws would be effective if there is an understanding in the family regarding the issues. The threats of dowry are largely eating the life of the women.

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