

THE CULTURE OF DOWRY IN SOUTH ASIA

The Thesis presented to the academic faculty by

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THE CULTURE OF DOWRY IN SOUTH ASIA

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The Culture of Dowry in South Asia

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I have read this document and certify that it is fully adequate in scope and quality as honours project for the Bachelor of Science in Social Development and Policy.

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ABSTRACT

According to UNIFEM Pakistan, dowry is identified as one of the sixteen forms of gender-based violence against women (Aurat Foundation, 29, 2011). This thesis attempts to understand the cultural, religious and social reasons behind why dowry is practiced, especially in the context of Pakistan. Over 2000 reported dowry related deaths occur in Pakistan annually (Muazzum, 2009), hence this thesis aims to highlight why, even after such a high rate of prevalence, dowry related crimes and dowry deaths are overlooked and cognizable in our country. This paper uses both primary and secondary research to examine the current views, laws and policies against dowry violence. In order to tackle this problem, discourse and law need to go hand in hand. While we do need to focus on changing the outlook of people through education and dialogue, there is also a strong need to establish the rule of law to ensure the culprits are caught.

KEYWORDS

Women, Dowry, Anti-dowry law, Patriarchy, Gender-based violence

PREFACE AND ACKNOWLEDGMENTS

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INTRODUCTION

"When a gift becomes a demand, it becomes a form of violence" Dr. Rakhshinda Perveen

This thesis attempts to understand the cultural, religious and social reasons for why dowry is practiced, especially in the context of Pakistan. A major aspect of the paper is to highlight why, even after such a high rate of prevalence, dowry related crimes and dowry deaths are overlooked and are not cognizable inur country. An expected outcome of this thesis is to highlight the dowry related problems and identify strategies to overcome those issues.

This paper is divided into four main parts. The first part focuses on the history of dowry to help readers understand the context of this tradition, specifically in South Asia. The second part highlights the current conditions in South Asia regarding the practice of dowry. This section will also include my primary research and its findings to help understand dowry from the perspective of different religions. The third part identifies the current laws and policies adopted by Pakistan, India and Bangladesh and discusses whether they are effective or not. The final part focuses on policy suggestions to assess what measures can be taken to tackle the problem of dowry violence in Pakistan.

Dowry refers to the money or possessions, including estate, which a woman is given at the time of her marriage. It served as a form of "pre-mortem payment" for the inheritance of women (Ali et.al, 2013, 84). However, even though dowry was intended to belong solely to the woman, due to a shift in the trend, dowry which was once given to the bride as a token of love and security, became a transaction of money made from the bride's family to the groom and his family. This stripped away the right of

ownership from the bride. Similarly, even earlier in Europe, many people women raised the issue, objecting to how their husbands took over their dowry. This suggests how this was the normal trend all around the world and not just associated with South Asian countries. Nevertheless, in South Asia, even if the bride does not directly benefit from the goods, it still does help her gain a high status in her new home (Perveen et.al, 4).

Women who do not bring a good amount of dowry are looked down upon by their in-laws who may as a result mentally and physically abuse them and sometimes, in extreme cases, even kill them. Physical abuse of wives is very common in Pakistan but, unfortunately, cases of domestic abuse are not reported. According to a study conducted in 2007, 80 percent of women reported having experienced physical abuse by the hands of their husbands while 97.5 percent women reported having experienced verbal abuse (Ali et al, 2013, 85). The most common reason behind this is because abuse is considered a personal matter between a man and his wife, hence nobody wants to get involved in anybody's family matters. In a few cases, where the woman does stand up for herself, she is said to bring dishonour to her family.

As mentioned above, violence against women seems to be quite prevalent, whether it is in the form of psychological, physical or sexual abuse. However, there are many forms of violence against women which our society still fails to acknowledge. Fehmida Khan from UNIFEM Pakistan identified sixteen forms of gender-based violence against women, including dowry related violence (Aurat Foundation, 2011, 29).

According to a report by Aurat Foundation, the factor identified for perpetuating dowry related crimes was lack of political will while the root cause was the state's ineffective government plan of action for the issue (2011, 30). The report states that gender-based violence is persistent in Pakistan due to the patriarchal structure regardless of the class, ethnicity or even religion (Aurat Foundation, 2011, 1).

METHODOLOGY

The methodology for this thesis consists of both primary and secondary research. For the secondary research, I have examined newspapers, journal articles, books and research papers, not just exclusively Pakistani but also of other South Asian countries. Moreover, there is a strong focus on laws regarding dowry and their implementation, alongside the dowry related crimes committed in South Asia. This paper also takes into account culture and religion to study the history of dowry in depth.

The primary research relies mainly on interviews. My respondents were all female, belonging from the following three social classes; upper-middle class, middle class and lower class. The objective was to interview at least one person each belonging to the three most common religions in Pakistan; Islam, Christianity and Hinduism. Social class and religion were the two main factors that determined who was interviewed as the paper covers dowry from the perspective of all three religions. My sample consists of 5 married women of random ages and marital status, from newly-wed brides, to mothers to mothers-in-law.

The interviews I conducted were semi-structured with open ended questions as I wanted to give my respondents the freedom to include their experiences and views regarding dowry without being confined by the questions asked. All participants wanted to stay anonymous except Dr. Rakhshinda Perveen whose work is also cited. Considering how closely she has worked with the issue of dowry and gender based violence in Pakistan, I found it vital to interview her.

Dr. Perveen is an advocate for gender inclusion and equality. She has founded the Agehi Resource Center, which compiles statistics about gender violence and also looks into sexual and reproductive health along with providing family planning facilities. She

is also the head of the Fight Against Dowry Advocacy Network (FADAN), that aims to eliminate dowry as a means of violence for both genders.

She helped raise awareness for her campaign against gender related violence through the internet as well as through a television series and various other activities. While she believes in the power of education to change the attitudes and outlook of people, she strongly believes in the necessity for the rule of law.

CHAPTER ONE: HISTORY OF DOWRY

This perspective of dowry being a social problem dates back to the nineteenth century when the "administrators in Northwest India criticized the 'ruinous' spending of Punjabi peasants on wedding celebrations" (Oldenburg 2002). Gupta argues that dowry was one of the reasons that caused female infanticide in that district and that dowry was responsible for other derogatory practices, such as neglect and malnutrition of women (103). By the early 20th century, many Indian reformers were working towards ending the practice of child marriage as well as female infanticide, and they did succeed in some places. While female infanticide did eventually decline during the 20th century, the high child sex ratios suggested continuous discrimination against women and a shift to the use of sex-selective abortions instead. So while female infanticide did go down over time that clearly did not tackle the issue itself (Shenk, 2007, 245).

Oldenburg describes that as the culture of dowry was increasing, reports of abuse, suicide and murders of brides also started increasing because as observed in some cases they were related to demands of dowry by the potential in-laws (2002). Based on these trends, Parliament passed laws to tackle the "scourge" of dowry (Basu 2001). During this time groups were formed by activists to help aid the women escape from demands of dowry and abusive marriages (Oldenburg 2002; Sheel 1999; Van Willigen and Channa 1991), and soon participants of the women's movement in India started campaigning against the boycott of dowry (Shenk, 2007, 245).

In India, there has been an historical preference for having sons over daughters for a long time, though the reasons are not necessarily linked to dowry. Sons are seen as a source of financial and emotional support for parents in their old age, unlike daughters

who get married and leave their homes. Other reasons include "militarism, family continuity and family labour" (Shenk, 2007, 245).

Although the custom of dowry is very common in India, the prevalence of dowry related violence is not evenly dispersed according to the regions or social classes, or is dowry the only reason for abuse and discrimination faced by women (Shenk, 2007, 245).

Many social anthropologists have stated that the emergence of dowry was a result of the Hindu lower caste members adopting the behaviors of the upper castes in order to acquire a high social status, a process called “Sanskritization” (Gulzar, 786, 2012). Religion plays an important role in promoting dowry in Hinduism because the inheritance right for women does not exist. Hence kanyadan is given to the daughter and becomes her right as inheritance. This is also the reason why many women themselves want expensive and luxurious dowry as they believe it is their right to receive a fair share of their parent’s inheritance (Perveen, 23).

In Hinduism, the concept of kanyadana is when a father gives a gift to his daughter at the time of marriage. Dowry started to represent transfer of money as hypergamy, marrying a man of the same caste or higher, and transfer of property started to develop with time. However, during the pre-modern period, dowry was not so assimilated in Hindu religion. Though the practice of kanyadana was mainly observed in the upper Hindu castes, it began spreading to other castes until dowry became associated with “burden” (Mahadivya, 2008).

The custom emerged amongst the rich upper-class Brahmans and spread through all castes as a result of imitating their behavior in the hope of receiving the same amount of prestige and honour. Since Hindus and Muslims have lived together for centuries, eventually the practice of dowry was adopted by Muslims as it became the cultural

norm amongst the people. The custom was eventually carried into Pakistan post-partition (Gulzar, 2012).

In contrast, unlike the other systems in South Asian societies which are mostly patrilineal, in East Sri Lanka he brides receive property as part of their agreement. People have a matrilocal society, meaning the husband resides with the family of the girl after marriage. The house the groom lives in is passed down to the daughter through her mother as dowry property. However, even then the brothers are expected to build a house for their sisters before getting married themselves. This suggests that the burden of arranging a good house as dowry still persists, even if it is of a different kind. While this system may look comparatively better than that of the typical patriarchal households, husbands still get involved in domestic violence once the parents of the woman move out of the house (McGilvary & Lawrence, 2010, 109).

Another objective of giving dowry was to help the young couple start their married life well. Dowry also served as a way for the woman to survive in case of her husband's death or a divorce. In case of the death of the woman, her dowry would be divided amongst her children, and the husband would not get a share since it was supposed to be strictly the woman's property (Staples, 2017).

Gulzar's research explores the imbalance caused by dowry and its impact on women's mental health. This does not just include married women who are pressured, even tortured, for not meeting the required amount of dowry their in-laws wanted but also single women because they do not get married if their parents are too poor to make arrangements for their dowry. This increases their burden on their parents, and they themselves end up taking their own lives. Besides the women themselves, families also suffer since many families who cannot afford to give dowry arrange it through illegal or unethical means in order to meet expectations.

Bhatia believes “dowry is one dimension of gender inequality in contemporary India” (2015, 87). In her analysis on dowry, she explores how dowry is a form of property inheritance for women and how it serves as a bridge of affinity between the two families. Her study shows a different aspect of dowry that, while highlighting the violence and abuse women endure due to dowry, also explores why women want dowry for themselves. It views dowry from the point of view of women in India specifically and, according to the study, the main reason associated with dowry is that it acts as an inheritance for the daughter.

Dr.Perveen et. al also describes dowry as a means of inheritance of wealth for the woman on behalf of her family. It was seen as a way to “protect” the woman from facing abuse by the hands of her husband after marriage (13). Dowry was initially more prevalent in the upper classes where gifts were given to the bride by her family to help the newlywed couple start a new life together. It then evolved into “insurance” given at the time of the wedding in case of the death of the woman, at which point, as mentioned earlier, her children would inherit the dowry (13).

As mentioned above, in India where this custom was observed by the most elite classes, it gradually turned into a “commercial transaction” that became common amongst both the middle and lower classes as well (Perveen et.al, 13). Similarly, dowry was practiced in ancient Greece and Rome where bride price was also very common and symbolized high status. Bride price was more common in Homeric times amongst primitive and tribal societies and dowry became much common in medieval Western Europe during the middle ages. Dowry was practiced in places like Brazil and Mexico even into the seventeenth and eighteenth century (Perveen et.al, 13).

In her book Dowry Murder, Veena Oldenburg discusses how dowry practice slowly turned into a criminal offence and highlights not only the cultural aspect of it but also the economic (2002).

A change in the custom of dowry came by the 1850's when dowry became a demand and burden instead of being a token of love and appreciation towards their daughters. This thesis explores an important question which Oldenburg's book also sheds light upon, namely "[w]as this violence against women related to the ancient custom of dowry, or was it a product of acculturation to Western and modern culture?" (Oldenburg, 2002).

The British started assigning land as property, leading to a complete transformation in the economic and social dynamics of the people living there that according to Oldenburg, "was the deepest social revolution that colonialism ever performed" (100). As a consequence, most of the families in India who owned land became homeless as there was no money and people were in so much debt that they married off their daughters earlier. By 1961 dowry had become very unpopular and was banned. Oldenburg also states that the first murder cases reported in dowry related incidents happened in 1984 and, by the very next year, feminists protested and won to have a stricter dowry ban which punished those who demanded dowry.

The concept of dowry is different in Christianity. Although Christians living in Pakistan and India also practice dowry, it does not necessarily mean it is part of their religion but rather that perhaps they practice it because of the influence of culture. While the concept of dowry does not exist in Christianity, the idea of bride-price does. In Genesis (24:53) Abraham offered gifts and money to Rebekah and to her family (Sakshi, 2008).

Virginia Saldanha, secretary of the Catholic Bishops' Conference of India (CBCI), has said that "The church in India has absorbed the dowry culture of the society and is deep-rooted in it" (Akkara, 2001). Christian women who were against dowry condemned it and wanted the Church to take a stand against it.

During an interview with one of the respondents who belonged to a Christian household, she said that although her religion does not specify anything regarding dowry, everybody should give according to their status and means. "Hamaray mazhab main alag se koi baat nahi hai. Ye hai ke koi cheez apni hesiyat ke mutabiq de sakta hai". (Anon 1, Personal Communication, 31 January 2018). She had not thought about how the custom started, but she knew it was not compulsory in her religion. Instead she said dowry was given out of love and also so that the daughter would have respect in her new family. Otherwise she would get taunts about the amount or quality of dowry she brought with herself.

In Islam, on the other hand, people follow Prophet Muhammad (SAW), who gave dowry to his daughter Fatima (as) on her wedding. The Prophet lived a very simple life because as a leader of the Muslims he had to make sure to set the standards in a way that they could be followed and practiced by all. The dowry he gave to his daughter was very simple in order to set a model for other (Shirazi, 2010). However, many people abuse this practice and overindulge in it using Islam as an excuse. In Islam, you are only to give according to how much you can afford and extravagance is something frowned upon. "…And be not excessive. Indeed, He does not like those who commit excess" (Quran, 6:141).

The concept of mehr also becomes a cause of confusion at times. Mehr, also known as dower, belongs solely to the wife and nobody else has a right over it except her. In

Islam, there is not fixed amount for mehr and it is advised to give mehr in accordance to the financial status of the husband (Khan, 2015).

It is important to know that just as dowry and bride price are two different things, so is haq mehr. In Islam, it is obligatory to give mehr to the bride when two people are getting married. It is mentioned in the Quran in Surah An Nisa as well: “And those of whom ye seek content (by marrying them), give unto them their portions as a duty…” (An-Nisa’: 24)

CHAPTER TWO: PRESENT CONDITIONS

DOWRY AS A DEVELOPMENTAL ISSUE

"As long as the dowry consists of voluntary gifts from the bride's parents, dowry itself may serve to protect the bride, rather than become the evil as it is often assumed to be" (Makino, 2, 2014). dowry has turned into a "culturally sanctioned" and "legally endorsed" form of crime (Perveen, personal communication, 18 February 2018). Dowry violence is seen as one form of domestic violence and needs to be recognized because it is mostly "socially sanctioned" (Perveen, n/a). Unfortunately, no accurate dowry related statistics can be found because nobody recognizes dowry as an issue in Pakistan.

Many activists who are anti dowry would describe it as "bribes extorted from the families of brides to benefit the families of grooms" (Shenk, 2007, 244). In Pakistan, there are over 2000 dowry related deaths annually (Muazzum, 2009). In 2012, there were 18,233 deaths in India due to dowry related violence and 4,470 women died as victims of dowry related violence in Bangladesh in 2013 (Huda, n.d.). There are women who are hanged to death, poisoned and burnt alive by their husbands or in-laws. They go through severe mental and physical abuse simply because the dowry they received was not sufficient enough to meet the expectations of their in-laws (NCRB, 2013).

Dowry related crimes and violence are not cognizable crimes in Pakistan. As compared to Nepal, India and Bangladesh, Pakistan is lagging behind because unlike those countries, there are not any anti-dowry laws in Pakistan. There is only a vague restriction act, though many social activists like Dr.Perveen have spoken against this lack.

Most people question the effectiveness of the existing anti-dowry laws in countries like India. According to popular belief, such laws are of no use as they will not be followed. This approach is very problematic because whether or not a law is being followed or implemented is another concern as a whole and it should be tackled differently. The first step on the part of the government should be to pass a bill and reinforce a law against dowry. Once there is a law, people will think twice before committing the crime because they will be liable to the consequences. So far, there has not been a single anti-dowry law, and this gives people the chance to get away with harassing the bride and her family because it is not established yet that asking for dowry from the bride's family will result in a fine or even imprisonment.

According to a respondent, the problem with our legal system is that our laws are made according to the religion, unlike countries in the west where there are uniform laws and the religion of a particular individual does not matter. "Wahan agar Christian hai, Jewish hai ya koi aur bhi hai, sabke liye aik hi law hai. Religion matter nahi karta" (Anon 2, Personal Communication, 4 March 2018).

Many people do not report such crimes because if crimes like these are reported, it would affect the honour of both the families. A study was conducted by SACHET Pakistan, in collaboration with UN Women, in which the main objective of the study was so identify the various causes of the dowry violence which takes place against the women (Perveen et.al, 7).

According to the findings of the study, there are five main determinants of dowry: gender, society, media, religion and culture.

Gender

Gender dynamics in Pakistan are a sensitive issue, and until now no one has fully addressed its complexities. It needs to be kept in mind that dowry violence impacts both

genders, and both are prone to be victims of it. Since it happens subtly, it is considered an "indirect form of violence" where not only is the woman pressured to take dowry with her but also her family; especially brothers and father, are victims who have to arrange for that dowry. Men are also victims to these crimes as fathers, brothers, and as the potential bridegrooms where walvar and bride price is practiced. However, the majority of the victims are the women and the most negative impact is on the status of women. Throughout South Asia, and even in countries China, Korea and even in England, the preference at birth is given more to sons than daughters.

Society

The norms and cultures in Pakistan are shaped by the constant transitions taking place in this society. Elements like industrialization, capitalism, urbanization, etc. have huge impacts on how the thinking of people is shaped. Similarly, the concept of dowry and bride-price have escalated and transformed as a result of rising level of consumerism in the countries in which they are practiced. The increase in prices lead to greater violence against women and pressure the women not to escape their abusive marriages.

Media

Media has a huge role to play in the institutionalization of dowry, especially mainstream media such as social media websites and television shows which promote a certain way of living. Morning shows in Pakistan, for instance, promote extravagant weddings and showcase lavish clothes and jewelry, which has a negative impact on the people as they want to have weddings in the same way, even though they cannot afford all those luxuries (Khalid, 2017).

Religion

Religion is usually considered "too sacred to be demystified", and any attempts to do so result in violence and aggression in the name of religion (Perveen et.al, 34). Men in our society dominate all spheres and rely on institutions such as culture and religion to "maintain their status" and exercise, or rather, misuse their power (Perveen, Personal Communication, 2018).

Culture

Dowry has turned into a social evil and a developmental issue which is now legalized and legitimized under the name of Shariah and our cultural norms and "the causes are in the patriarchal culture, in the culture of greed and social injustice" (Perveen personal communication, 2018).

Cultural rituals and customs like "nanak wali" actually help promote the current system of injustice (Perveen et.al, 34). They play a vital role in reinforcing such practices through which the families are forced to follow to prestige and honour of family that create economic burden on parents of the women.

The main umbrella term under which all the factors causing dowry fall into is patriarchy. "Patriarchy ki wajah se social injustice janam leta hai" (It is because of patriarchy, that social injustice emerges) (Perveen, personal communication, 2018). According to the study, dowry violence causes psychological pressure on women and their families. There are many customs that are linked to dowry practices and which create economic burden on women, for instance child marriage, marital rape, domestic violence, etc. which are all products of gender based violence (Perveen et.al, 33).

The reason the custom of dowry began was to "protect and provide" for women but now it has become a source of "burden" especially on families belonging to lower

classes as they cannot afford to give handsome amounts of dowry which the groom and his family demand (Perveen et.al, 4).

Dowry is a form of gender based violence because it is not only a form of violence against a girl or a woman but also a form of violence against men. The traditional role that men have to play of a father or a brother to take the responsibility of getting their daughters and sisters weddings is also a form of violence. They have constant pressure and they resort to crimes such as stealing or selling their kidneys (Fredrickson, 2015). If we pick a random sample from our population, the main reason most of the people provide is that they had to wed their sister or daughter and needed money for that purposes. This was even shown in old Pakistani movies where the man stole money because he needed it for the sister/daughter's wedding (Perveen, personal communication, 2018).

Dr.Perveen spoke in detail about how cases of dowry were not given any attention in social media until very recently because issues concerning women are never highlighted because they are never acknowledged. Another example she gave was that in the social policy and development institute report a few years ago, it was found that prostitution was on the rise in urban classes. Nobody highlights such findings, nor do they discuss it on mass media. Why are the college women doing this? Most of them do it because of economic hostilities they face in their daily lives. The point of this example was that nobody is bothered to acknowledge or investigate any form of violence associated with women in our society (Perveen, personal communication, 2018). Other than this, in a study conducted by Gulzar et.al it was found that girls resort to unethical ways of earning money in order to arrange dowry (2011, 785).

Dowry is usually confused with walvur, or bride price, a custom practiced in many places including KPK where the groom's family pays money for the bride to her family

(Muzhary, 2016). It serves as a way for the groom to prove whether he is a worthy suitor for the bride or not, and that is judged by how much he can provide for her (Staples, 2017).

This tradition might look appealing from afar; the woman does not have to give any dowry and the man bears all the expenses. However, since the spirit of all these practices has declined, the custom has turned into something malevolent. The younger and the more beautiful the girl is, the higher her price. Even for women in their 20s who bring heavy amounts of dowry with them, there still is not guarantee that by doing so they will have a more successful and happier marriage. Then how can people expect that young girls who are bought with bride price, as if they are merely property, will live a happily married life? In the research done so far, even though popular belief is that girls who take more dowry or girls with a higher bride price will live happily as compared to girls with less dowry or lower bride price- there is no proof or staunch evidence for this statement made by many. In fact many of the girls are sold more than once during this transaction.

According to Dr.Perveen, most men cannot afford to give bride price, often leading the groom to becoming indebted. Many men from Sindh and Punjab buy the women and then sell them once again as they get bored of them. Most of those women end up in brothel houses (Personal communication, 2018). However, nobody in our society admits to these claims because we consider ourselves a Islamic Republic, so how could we have brothel houses or prostitution or even social injustice (Perveen, 2016).

Many serious social problems stem from this new version of dowry, such as “neglect and discrimination of daughters, sex-selective abortion, female infanticide, and the harassment, abuse, and murder of brides” (Shenk, 2007, 242) which makes dowry, in the broader sense, a development issue.

Although times have changed, and the practice of female infanticide is not as prevalent as it used to be, it is still a grave issue. Even today, many families prefer having baby boys instead of baby girls because girls when grown up are seen as a liability. Parents feel burdened because no matter how much money they invest in their daughter's education, they will have to get her married someday which would mean arranging her dowry. On the other hand, the assumption is that the son is an asset. Men do have a supremacy in our society and the reason for this is the perverse concept of honour that people in our society have, "that all the honour in the world is inside a woman's body" (Perveen, personal communication, 2018). Dr. Perveen went on to say that our society is overflowing with hypocrisy where "so called honour is given so much importance but everybody commits the worst of the worst sins without shame. Nobody fears God anymore, but the only thing they truly are afraid of, is ruining their honour" (Personal communication, 2018).

Dowry might be directly requested in the lower classes but generally it is a very subtle transaction. It is covertly demanded as it is understood that a certain amount would be given, a certain amount of people will attend the wedding and that the dress would be of a certain price if you have a certain status.

A disabled woman who belongs to a higher social class will have the benefit of receiving facilities and luxuries, such as having nurse for her or attending counselling sessions and any other form of extra care, as a result of class benefit. However, a disabled woman belonging to a lower class will face much more difficulty and discrimination in comparison to the other woman even though they both have similar problems. The same is the case with dowry. Although the women face the same problems, the ones belonging to a higher social class have an edge over the others.

Though we have come out of the dark era when we used to bury our daughters alive after their birth and wives were divorced on giving births to daughters (though it's still found in few areas), we still haven't stopped feeling pressured on their birth. The pressure of marrying them and the pressure of collecting their dowry. Who is the culprit here? Is it the parents of the groom who ask for dowry without any shame or the society itself that pressures the poor parents of the daughter to be indebted for life just to provide a good dowry for her?

RESEARCH AND FINDINGS

According to a survey done in Lahore last year, 71 percent of Pakistanis believed that the tradition of dowry is upheld by the rich and educated classes (Gallup and Gilani Surveys, 2017). One of the questions I asked my interviewees was inspired by this survey. When asked which social class they believed encouraged the tradition of dowry the most, all five of the respondents believed it was the upper class which promoted dowry the most. The results I got were in the same order, with upper class leading with the most votes.

On the other hand, according to Dr.Perveen, it is spread “across the board” and empirical research still needs to be conducted. She believes that although it is practiced more in the upper class, it has “a trickle down affect”. “Apki maasi bhi chahegi show pe Shaista Lodhi ki tarha shaadi karna” (Your maid would also want to marry the way Shaista lodhi shows on her morning shows). In order to try to match the way these weddings are promoted on television, she will either ask for more money or end up stealing. Either way, the perception of the wedding would be shaped by the culture promoted by our very literate people. Therefore, while doing my research I noticed that

although being more literate would make you more aware of things happening around you, it will help you get a better job and climb up the social ladder, but it will not change the way you think. There are so many literate people who ask for dowry. How has education helped them?

The trends that I noticed in my primary research was that all of my respondents believed that dowry has now turned into a social evil and so perceived dowry in a negative light. Their collective view on dowry stated that voluntarily giving your daughter a gift is acceptable but once it turns into a demand, then it becomes wrong. Their views on the reasons behind giving dowry also differed as 40% said dowry is given to ensure the woman is treated with respect by her in-laws and 60% said it is given out of love in order to help the woman settle in her new house. 80% respondents believed in religion being a driving force when it comes to dowry. Only 60% of the respondents were aware of the current dowry law situation while all respondents believed that there is a need for anti-dowry laws in Pakistan.

CURRENT SITUATION

The main cause of gender-based violence is gender inequality in a society. Humans Rights Watch states that gender-based violence is usually committed against women by men in a society where women are considered subordinate to men (Aurat Foundation, 1, 2011). Although the government of Pakistan is signatory to many conventions regarding violence against women, unfortunately there is not a very strong determination to "promulgate" them (Aurat Foundation, 2, 2011).

Gender-based violence has adverse effects not only on the woman facing the abuse but also the family and society. While such crimes are widespread across the globe, in

the case of Pakistan, they are validated under the institutions of religion, culture and tradition (Aurat Foundation, 47, 2011).

It is the responsibility of the state to ensure proper laws are made and implemented, however their lack of accountability in these matters results in even greater discrimination of women.

The initiatives taken for the termination of gender-based violence are short term and very ambiguous, having little or no effect on the situation. In her research, Dr.Perveen stated that without identifying the gaps and shortcomings within the system, no program can be designed to end gender-based violence (Perveen, 47, 2011).

Patriarchy is not biological; it is a mindset hence both men and women can be patriarchal and most of them even are especially in South Asian societies. Pakistani society is patriarchal to such an extent that when a husband is supportive of his wife he is ridiculed instead because men in our society are meant to dominate, not treat women with respect or give them agency to make their own decisions. This mindset is not only restricted to men but women as well because patriarchy is not confined to a certain gender but it is a way of thinking and most of the women in Pakistan are conditioned to think in this manner. Therefore, most of the women in our society are submissive and conditioned to suffer in silence. If women are always expected to remain loyal to male relatives and suffer abuses in silence, discrimination and gender violence will only increase.

Although gender issues are now being considered by the government, there are no efforts by the government even acknowledging dowry related violence, let alone working to solve it. In fact, even Pakistan's Ministry of Women Development has not yet acknowledged dowry related violence as an issue (Perveen, 2002).

A study by SACHET identifies two common, understandable reasons for neglecting dowry related violence in our country. First is the element of shame. It is considered a great dishonour if family issues leave the boundaries of the house. Second is the lack of international funding for this issue. Unlike other social issues, dowry is not an issue that is worked on by international organizations, and so it lacks that certain awareness that other issues like child labour have. SACHET is actually the first non-government non-profit organization which acknowledges dowry as contributing to gender based violence (Perveen et.al, 3).

According to the Bureau of Democracy, Human Rights and Labor, some common forms of domestic violence include torture of wives and shaving their eyebrows and heads off. The husband is not the only perpetrator of these crimes but also the in-laws. "Dowry and family-related disputes often resulted in death or disfigurement by burning or acid". According to the Aurat Foundation, the cases of reported violence against women increased 12.5 percent in 2010. According to the foundation's report, during that year 1,436 women were killed, 2,236 were abducted, 486 were victims of domestic violence, 74 were sexually assaulted, 32 were victims of acid attacks, and 633 women committed suicide (BDHL,2011,55).

There is no denying that the meaning of dowry and its essence has changed and "darkened" for women, and there is no denying that many times there were laws passed to protect the women and their families "from the greed and blackmail of the groom's families" (Oldenburg, 2002).

The Human Rights Commission of Pakistan states that domestic violence escalates to the extremity of leading somebody to commit suicide and in other cases even "engineering an accident through the infamous "stove-burning"". "Either Pakistan is home to possessed stoves which burn only young housewives, or looking at the

frequency with which these incidences occur there is a grim pattern that these women are victims of deliberate murder," says Shahnaz Bukhari, chairwoman of the Progressive Women's Association, Islamabad (Terzieff, 2002).

During 1997, four women were burnt weekly on average with majority of the cases proving to be fatal. However, no adequate investigation ever took place to arrest any culprits as from a total of 215 cases only 6 suspects were taken into custody (Perveen et.al, 14).

Dr.Perveen has raised a question about women who have died or been injured due to the explosions of gas stoves. Their deaths have been seen as accidental but it is believed by her that it cannot be a coincidence that so many young married women die accidentally in kitchen explosions. According to the statistics generated by the AGEHI (Advocates of Gender, Education & Health Information) Resource Center, these accidents were in fact a result of violence carried out against women by their husbands or in laws (Ashoka,n.d.).

Shenk, has listed certain trends in his research paper which are associated with dowry in contemporary India. According to his research in South Asia he had deduced the following:

1. Dowry related violence is more common in urban areas than rural areas.

This factor has to do more with the financial status of people as the tradition of dowry is practiced more amongst upper classes where it has become a tool to compete against each other and arrange a better dowry than each other because at the end of the day it is about maintaining the honour and reputation of their families in the society.

2. It is more prevalent among middle and lower middle class families

This perception takes shape as many argue that people belonging to lower and middle classes lust for luxurious items as they cannot obtain them so easily. The upper class

on the other hand can afford to buy anything they wish, hence getting dowry does not matter as they themselves can acquire those goods on their own instead of depending on someone else. In an interview conducted with an upper-middle class man, he claimed dowry was more common among the lower class because it seemed meaningless for him to imagine why people who could afford such luxuries themselves would ask or expect the family of the bride to arrange for them (Mohammad, Personal Communication, 2017).

However, many surveys and interviews how contrary results (Shenk, 2007, 245). The majority of the people who practice dowry belong to the upper classes. Dowry is also considered an important part of hypergamy (an upward status mobility through marriage) amongst the upper class families as they use marriages as a way to increase "consolidate or enhance their social status" (Srinivasan, 2005, 596).

3. Dowry violence is more common in joint families than nuclear families.

This is a trend also noticed elsewhere because when it comes to dowry violence, most research suggests that while the husband himself may or may not be aware, the in-laws are the ones who are more abusive and who engineer the so-called accidents to fatally harm the wife (Ali et. al, 2013).

In North India, demands for dowry and violence are higher amongst "middle or high castes" where the concept of family honour is greater.

In such families, the notion of honour is what determines all their actions; honour is what is most important to them and women in such houses tend to be more submissive as nothing comes before the male honour. Lower castes on the other hand give dowries of lower value and while the incidence of domestic violence is not low in such households, the cases of dowry related violence is however significantly lower.

4. Dowries are higher when women are at home and are not employed

While many studies do suggest that working outside would protect them from such violence as it gives them the possibility of escaping an abusive relationship (Shenk, 2007, 261), there are studies that also show that the women who have jobs are preferred for marriage now as " they can pay the dowry throughout their lives"(Perveen et. al, 32).

5. Lastly, dowry violence is seen to be more common when women are financially dependent or have a limited social network.

The social norms even in the Pakistani society command women to stay inside their homes and be involved in domestic work. I believe one of the reasons for this is so that women stay financially dependent on their husbands. The more dependent they are the more vulnerable and submissive they will be (Perveen et. al, 32). This has largely to do with the fear of a woman being financially dependent which would mean she will have the agency to take many decisions herself instead of relying on her husband and that is seen as a potential threat as she will not be the typical submissive obedient wife anymore. Shenk identifies these as the "risk factors" for abuse against women not just in India but other cultures as well (2007, 246). And while some of the above-mentioned indicators are common, others contradict trends noted by other studies.

When discussing the dowry related crimes in South Asian countries, Dr. Perveen (2014) refers to dowry as one of the consequences and results of the "patriarchal oppressions" in our societies.

She conducted a study in 2002 where she examined Pakistani newspapers for a month and noticed that only 23 out of 206 news articles regarding violence against women included news related to dowry. Moreover, according to the study, when it comes to dowry, it is important to keep in mind that women are not the only ones who

face forms of abuse and exploitation but also their fathers and brothers along with the rest of their families as well (Perveen et. al, 2012, 3).

As the Ansar Burney Trust states, most cases are made to look like accidents and the most common way to do so is by tampering with the stove. It is always the daughter in law who dies in an explosion or fire while cooking, never the daughter because that's how the in laws make it look like (Perveen, 2014). Oldenburg also mentions in her book how perpetrators usually use kerosene oil to burn the women to death and stage these events as kitchen accidents (2002).

In our society, most of the time it's the women and the women cooking even at their own homes, and not the sons. Then why do the accidents not take place at their homes before marriage but only after their wedding, at their in-law's house?

Dr.Perveen and her team had even proposed that if the law states that the criminal is innocent until proven guilty then till there is no other conclusion sought, these accidents should be categorized under dowry injury, if the women survives, otherwise dowry death if it happens to newlyweds (Personal communication, 2018).

But being the patriarchal society Pakistan is, the cases always go in favour of the men and in laws which makes me wonder that even if there are established laws against dowry related crimes, will they ever be followed?

An article which resonated with my paper was "Dowry Revisited" (Gangoli, 2000), which quotes Werner Menski's view that dowry is a problem of "self-restraint". Menski sees dowry as an issue of "ethics and self-abnegation".

The problem is that there is no law for domestic violence in any province of Pakistan except Sindh. The United Nations has categorized dowry deaths under domestic violence, declaring that many of the women in Pakistan are murdered by their in-laws if they are unsatisfied by the amount of dowry they receive (Shah, 2016). This is a

problem in itself because firstly it gets buried in the sanctity of domestic violence since it is considered a private matter and nobody should speak about it and secondly dowry violence is beyond domestic violence and needs to be recognized separately. Until you accept dowry violence as actual violence, it cannot be reported. If you cannot report a crime then it is not a cognizable crime, and if it is not a cognizable crime then there is no punishment for it. Even if a family faces abuse or harassment and they are unable to report it, the sympathies of those around them would be of little use when there is no medium for the family to receive justice.

Over the years, Dr. Perveen has also witnessed that many people force the women to change their dying declaration by emotionally blackmailing them that their husbands will go to jail after they die so they instead say that they got into an accident.

Women suffer immense amount of physical and mental trauma due to gender discrimination. However, nobody is willing to acknowledge that abuse against them since it is widely understood that nobody should intervene in private family matters. We have reservations against how it is reported as mass media desensitizes the cases the way it presents it the public, but at least the news is getting out there, which is a positive change in itself because earlier even this much was not being done.

CHAPTER THREE: CURRENT LAWS AND POLICIES

Most of the times, anti-dowry laws are not followed by people because in the society those people live in, dowry favours their daughters as it ensures a good future for her and her children. Shenk (2007) also states that one of the important reasons why people in India are not in favour of “dowry prohibition” is because “many of them benefit from dowry through its positive effects on their daughters and grandchildren” (260).

When researching dowry related laws, I found there were more laws in India than in Pakistan. Legal sanctions in India against dowry are very well examined by Bhatia (2015). She states that even though there are sanctions against dowry such as the Dowry Prohibition Act of 1961 or the Dowry Prohibition Amendment act of 1984, the problem is that there is no adequate distinction between dowry given as a “conditional command” and dowry given as a gift. If we observe the situation then the victim in this case would be the person giving the dowry, such as parents belonging from a poor economic background. However, if we observe the upper class, then they would not be seen as the victims because their purpose of giving dowry is to maintain their high social status because of which they display their wealth.

In India, the first law against Dowry was in 1961; The Dowry Prohibition Act of 1961, according to which dowry was "any property of valuable security given or agreed to be given either directly or indirectly…by one party to a marriage to the other party to a marriage” (Shenk, 246).

The law states that both the giver and taker of dowry would be sentenced to prison and fined. However, gifts which are given at the time of the wedding are allowed but their value should not be "excessive".

There are two problems with this law. Firstly, it also penalizes the giver- hence the family of the bride would be reluctant to report any case if they are being forced to give dowry as they themselves will also be. Secondly, the loophole is that gifts during the time of marriage are allowed, and there is no definition of what "excessive" means hence it can be easily be exploited.

There were three more amendments done to this law. In 1984 and 1986, finally stating crimes related to dowry deaths under the Indian Penal Code (Shenk, 247).

According to Shenk, the two most basic problems with the anti-dowry laws are "lack of public support" and "lack of legal enforcement" (Shenk, 247). Broadly speaking, if we look at not just India but Pakistan and Bangladesh as well, in our societies, people tend to overlook the laws made for their own good. When it comes to dowry related crimes, even people are uncooperative with the police because such matters are perceived to be very personal and cultural and people do not like other intervening in their personal family matters. Thus, law enforcement cannot do much when the citizens themselves are unwilling to sort these matters out.

In Bangladesh, the Dowry Prohibition Act of 1980 prohibited the giving and taking of dowry. According to the law, if a person demands dowry from the parents of the bride, whether it be direct or indirect, he will be punished by being imprisoned for five years and/or be asked for a fine (LPAMJ, 2010). In Pakistan, however, there has never been a law against dowry. Nevertheless there was a restriction act, the Dowry and Bridal Gift (Restriction) Act 1976, which fixed an upper and lower limit for dowry (Perveen, 2014).

Moreover, although there was an upper limit of dowry of Rs.5000 set, factors like different incomes and inflation were not taken into consideration. Furthermore, there is

nothing mentioned about any penalty in the case of the groom's family asking for dowry (Aftab, 2013).

Last year, a law was passed by the KPK government, 'the Khyber Pakhtunkhwa Dowry, Bridal Gift and Marriage Functions Restriction Act, 2017, restricting the gifts received by the bride to be of no more value than Rs. 10,000 and defining a Rs. 300,000 fine along with 2 months in prison if the family of the groom asks for dowry (Khattak, 2017). The law clearly states:

"The total expenditures on marriages, including on baarats or valimas shall not exceed Rs 75,000 and other ceremonies, including nikah, baraat or valima shall be concluded before 10pm" (Khattak, 2017)

However, for the same reasons listed above, similar to the failure of the dowry prohibition laws in India, the laws in Pakistan have also failed.

An article was published in Tribune where during a discussion headed by Murad Ali Shah, he said to put a Rs.50,000 limit on dowry and those who exceed the limit would face a penalty of six months of imprisonment and a fine. The bill also suggested that besides the limit on dowry, there should also be a limit on the wedding expenses which should also not be above Rs.50,000. Furthermore, the groom's family would not be allowed to force the bride's family for dowry (2018).

However, even after the submission of the bill, it was not passed because the chief minister of Sindh said that the laws presented were very complicated. He stated "We should form laws in a way in which asking for dowry is looked down upon and to create awareness in the society over this matter" (Tribune, 2018). Hence, the Sindh government now is drafting a law which would completely restrict giving or taking of dowry in the province. Although this was supposed to take place by August 2017, it still has not.

According to the Sindh Restriction of Dowry Act, 2017, if a person demands dowry from the bride's family, either directly or indirectly, they will be sent to prison for a year. Moreover, there will also be a penalty for those who harass the bride for not bring dowry. "Six months punishment will be given to those who insult brides in the name of dowry" (Tribune, 2018).

The most recent law, the "KP Marriage Functions (Prohibition of Ostentations Displays and Wasteful Expenses) Bill, was passed in February 2018. The bill is similar to the one previously passed. The only addition related to dowry is that according to this law, the bridal gift which is given to the bride is solely her property and if it is snatched away, there will be a penalty of Rs. 200,000 alongside imprisonment of three months. Furthermore, the law also puts restriction on the expenses made for the wedding celebrations; including the decorations and amount of dishes to be served at the wedding (Khattak, 2018).

However, a point to be concerned about is that why are these laws only being passed in KPK and not in all the provinces of Pakistan.

INITIATIVES BEING TAKEN

There are various organizations in India working for the interest of women suffering from dowry related abuse in their families. There are many online forums and websites as well as helplines for people who want to seek help or counselling. Similarly even in Bangladesh, organizations such as Bangladesh Mahila Parishad work with women who have suffered from abuse including victims of dowry related violence. Other than that, there are various platforms where advocates come together to stand against dowry violence.

Currently, a few organizations in Pakistan are working towards the issue of dowry violence and abuse. The AGEHI (Advocates of Gender, Education & Health Information) Resource Center focuses on researching and compiling data regarding gender discrimination in order to create awareness and persuade people to take a stance against such issues. They also conduct surveys to evaluate the perception of the youth and, according to those results, they have come to the conclusion that the youth is susceptible to change and the best medium of communication with them is through mass media. Dr. Perveen started a television series which highlighted reproductive health issues in Pakistan. Since 87 percent of Pakistani households own televisions, it would have a greater outreach. Along with SRHR issues, Dr.Perveen also started advocacy regarding the tradition of dowry. In a survey she conducted, she found out that 41 percent of Pakistan's population comprises of its youth only and 40 percent of them cannot afford to give dowries because they live below the poverty line.

Dr.Perveen's organization targets youth and besides television, she also uses internet to reach out to them- until now, many of those people have already pledged to not give or receive dowry. By mobilizing the younger population of Pakistan to reject the dowry custom, there could be a tremendous change in the coming years if they hold onto what they have pledged as these are the people who will make the future change.

However, just mobilizing the youth and advocating against this issue will not be sufficient if no action is being taken on the legal front. Dr.Perveen believes that there are many "loopholes in the legislation" therefore she is using research to compile statistics and case studies in order to form a firm case against dowry related violence (Personal communication, 2018). She has gone to the extent of forming a national team of advocates in order to contest for the legislative and institutional change.

Never the less, Shehnaz who was a victim of dowry violence in India, suffered abuse by the hands of her in-laws for years before turning to the law for help. What served to be useful to Shehnaz was the Protection of Women from Domestic Violence Act (PWDVA) which was passed in 2005. The bill was drafted with the support of UN Trust Fund to End Violence against Women. When Shehnaz was attacked by her sister in law by a knife, she filed a case against her without any support from her family or husband. The lawyers helped Shehnaz throughout the procedure and even provided financial support as per the PWDVA Act (UN, 2012).

There are NGOs in KPK and FATA as well such as Life and Hope which works with members of Tribal NGO Consortium in order to raise awareness and end violent practices such as dowry related violence and even honour killings (Aurat Foundation, 41, 2011).

CHAPTER FOUR: POLICY SUGGESTION

There is a strong need to establish the rule of law. Even if the mentality of the people does not change, their behaviour would because of the fear of breaking the law. Anti-dowry legislation needs to exist in Pakistan like it does in countries like India, Nepal and Bangladesh. Dr.Perveen believes that similar to India and Bangladesh, Pakistan also needs strict laws against dowry (Khalid, 2017).

Many activists came together at Kafe Kaam on the second National Anti-Dowry Violence Day and Dr.Perveen along with other participants decided that a law against dowry violence needs to be demanded, which includes *wulvar* as well (Khalid, 2017).

The law passed in KP is a good step but there needs to be a bill passed to be implemented not just in a certain region but all of Pakistan banning dowry. When interviewing Dr.Perveen, she said many of the funded research which is done on dowry only focuses on the issue from an elitist person's perspective by highlighting dowry related problems as if they only exist in the lower class. However, this is not an issue with just the working class, it is in fact spread across the board (Personal communication, 2018).

She has also suggested to the authorities that since when dealing with crime the rule is innocent till proven guilty, stove accidents should be categorized under dowry injury if the women survives, otherwise dowry death if it happens to newlyweds. The reason she states for this is because of the strong correlation she observed over the years where newlywed brides were comparatively more involved in stove accidents. This is until the authorities investigate and reach to another conclusion. Moreover, if a crime is proven to be dowry related then its penalty should be harsher. If the murder was

committed because of dowry then its punishment should be harsher so it sends a message to the people committing such crimes that action will be taken.

Unfortunately, the state's lack of efficiency and "poor judgements" perpetuate the lack of accountability for dowry related crimes. Moreover, the absence of reliable data makes it difficult to make effective laws and policies (Aurat Foundation, 42, 2011).

Women belonging to all classes and social backgrounds are aware of the problem of the dowry system. By institutionalizing dowry, the status of women gets compromised. The consequences they have to deal with affect not only the women's status but also any possibility of their growth in different fields, including education or employment.

There has been change slowly taking place as people are becoming more aware of the dowry related issues however the change is happening at a very slow pace and further action needs to take place. There needs to be more awareness in regards to the dowry issues women face in our country and action needs to be taken to help end the custom by "empowering women and ensuring equality in Pakistan" (Ali et,al, 84, 2013).

There were many campaigns such as "We can End Violence Against Women" that were launched in Pakistan with the purpose to initiate discourse on those sensitive issues and help create awareness. There was also a campaign against honour killings which was initiated in order to condemn the killings and create a safe environment for women to seek help and support (Aurat Foundation, 2011, 26). Similarly, action against dowry violence should also be perused this way. Women need to know their legal and social rights so they can combat against any possible violence they face.

People in countries like Bangladesh and India are also strongly opposed to anti-dowry laws. Those countries also face resistance, however the fact is that at least the

dowry violence is recognized at a national level there and people are this aware and they have decided to make a decision over it.

Dowry is a social reality in these countries. Even with anti-dowry laws and other dowry violence related interventions against women including protests and campaigns, the violence of dowry still continues. Violence against women as risen considerably and there could be many reasons for it including illiteracy, ignorance, inefficient laws but the greatest reason of all is the patriarchy under which all the underlying causes reside. Even the women are prone to this mind set and that is quite evident as it mostly the women in the groom's household who carry out abuse against the bride.

Another important factor is that once the law is made, it should be ensured that the law will actually be implemented fairly and the culprits will receive their punishments. Until then, however, holding off the law will not make sense because regardless of people making use of it, a law has its importance. When there is a law in existence, a case can be filed against that crime. If there is no law then people who do want to reach out for help will not be able to do so. Looking at the dowry related violence that women face especially in our country, there is an urgent need for a national policy addressing all forms of violence against women.

It is incorrect to assume that change will happen overnight or due to an improvement in one factor. Although anti-dowry laws are of utmost importance, laws alone will not help solve this issue. Instead we need to focus on changing the outlook of people through education and dialogue. These things go hand in hand and there can be no difference made until the mentality and mind sets of the people change. Although the change has already started, this type of change takes time and effort of not just one institution but a collective effort.

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