

The Menace of Dowry Related Problems in Kerala- A Study of Paravoor Municipality in Ernakulum district

Dr.Haseena V.A

Assistant Professor, Post Graduate Department of Economics,M.E.S Asmabi College, P.Vemaballur,
Kodungallur,Kerala
Email:economicsasmabi@gmail.com

Dr.Ajims P.Mohammed

Principal,MES Asmabi College, P.Vemaballur, Kodungallur, Kerala

Abstract

Dowry refers to “the property, money, ornaments or any other form of wealth which a man or his family receives from his wife or her family at the time of marriage .Dowry is both a practice and a problem with Indian marriage (Haveripeth, 2013)”. The practice of giving dowry was meant to assist a newly-wed couple to start their life together with ease; however, now it has become a commercial transaction in which monetary considerations receive priority over the personal merits of the bride. It is important to note that principle 4 of the Cairo Manifesto 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. The human rights of women and girl child are inalienable, integral and indivisible part of universal human rights. The full and equal partnership of women in civil, cultural, economic, political and social life at the national, regional and international levels and the eradication of all forms of discrimination on grounds of sex are priority objectives of the international community “.From womb to tomb women are made to pay heavily for their womanhood, though protection of womanhood is a condition precedent for a just world order.

Keywords: Dowry, Empowerment of women, advancement of gender equality.

Introduction

Dowry (dahej) is one of the most ancient practices of India. The dowry system is a social evil, prevalent in all parts of India and almost in all the countries of the world. In India many of the traditional customs have been given up, but the custom of dowry has not only continued, but flourished over the years. The attitude of society towards the prevalence of dowry custom is neither uniform nor consistent. Theoretically a majority among the educated in the society disfavors it, but in actual practice, it upholds the custom under the fold of certain social and cultural justification. Today dowry has become a widespread evil and it has now assumed menacing proportions.

Definition of Domestic Relationship

- It can be seen as a relationship between two persons who live or who, at any point of time, have lived together in a shared household. These people may be related by blood, marriage or through a relationship like marriage, adoption or family members living together as a joint family. Apart from wives and partners, women who are sisters, widows, mothers and single women are also entitled to legal protection under this Act.

Definition of forms of violence:

- Physical abuse means bodily pain or harm, or danger to life or impairment of the health and development of a woman.
- Sexual abuse means any sexual conduct that humiliates, degrades or violates the dignity of a woman.
- Emotional or verbal abuse includes insults, ridicule and humiliation related to not having a male child. This form of abuse also refers to repeated threats about causing physical pain to someone the woman is close to or interested in.
- Economic abuse signifies depriving the woman of economic or financial resources including household necessities, *stridhan*, property and rent payments in a shared household. It also includes prohibition and restriction to continued access to resource and facilities.

The Concept of Dowry

In an ordinary sense, dowry refers to money, gifts, good or estate that wife brings to her husband in marriage. The practice of using a dowry, also known as trousseau, is a custom that has been around for centuries and was most commonly practiced in Europe, Asia, and Africa. Modern times have seen this practice fall by the wayside because of abuse suffered by women as a result of misuse of the practice. According to S.J Tambiah dowry is the

property given to the daughter to take with her into marriage. Technically it is her property and in her own control though the husband usually has rights of management. Another definition to dowry is the property a woman brings to the marriage partnership. In this meaning, dowry can be the dowry a bride receives from her parents, property she previously inherited and brings to the marriage, or property she owns as a widow and brings when she remarries (Nazzari, 1991). The Dowry Prohibition Act, 1961 defines dowry as any property or valuable security given or agreed to be given either directly or indirectly- (a) by one party to a marriage to the other party to the marriage; or (b) 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 time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

Women: Victims of Violence

In the chequered history of mankind one finds that different and disparate cultures, however distant they may be in time and space have at least one thing in common and that is the contempt of women. However, the Gandhian era and the decades after independence have seen tremendous changes in the status and the position of the women in the Indian society. The constitution of India has laid down as a fundamental right- the equality of the sexes. But the change from a position of utter degradation of women in the nineteenth century to a position of equality in the middle of the twentieth century is not a simple case of the progress of men in the modern era. The position of women in the Indian society has been a very complicated one. In fact, it could not be an exaggeration to say that the recent changes in the status of women in India is not a sign of progress but it is really a recapturing of the position that they held in the early Vedic period.

Women, victims of violence and exploitation by patriarchal forms of religious, social, political, economic and cultural devolutions, today are being organized by themselves to protect their rights and preserve their survival and sustenance. They face specific forms of violence – rape and other forms of sexual abuse, female foeticides, dowry deaths, wife - beating, wife burning and so on. Such violence and the continued sense of insecurity keep them bound to their home, economically exploited and socially suppressed. In the ongoing struggles against violence on women in family, society and State, we recognize that State is one of the main sources of violence and stands behind the violence committed by men against women in family, the workplace and the neighborhood.

The issue of violence against women has been the most pervasive theme of all feminist, democratic and rights based movements in India. In the 1970s it was the horrifying and escalating numbers of dowry deaths. In the 1980s the problem of rape and sexual assault burst out of the shadows to stand as the symbol of women as a broken idol. In recent years it is the female infanticide and the violence against females through bio-medical practice such as amniocentesis have emerged as the new threat to gender justice .

Dowry: Why Given?

Any attempt to abolish dowry by merely putting an Anti-Dowry Act on the statute book, without tracing the causal roots and social relationships that underlie these transactions, is bound to be an exercise in futility on the part of legislators. After going through the social anthropological accounts of dowry practices of Tambiah (1972) a legal sociologist will doubt the suitability of the existing structural framework of the Dowry Prohibition Act to the empirical situation. Most of the work of social anthropologists in this regard are rural studies; urban dowry practices have not been studied at all.³ Impressionistic remarks including sweeping generalisations have normally been made out of anger and without any serious thinking. It is widely believed, for example, that dowry is given to buy the happiness of the daughter by giving a bribe to the groom who accepts it shamelessly. Legal academicians have shown absolutely no interest in identifying the causal roots of dowry as practised in contemporary India.

Major objectives of the study

1. Examine the major justification for demanding Dowry
2. Point out the consequences faced by the women if they fail to give Dowry
3. To figure out the suggestion to prevent Dowry

Table-1
Social responses towards marriages, where dowry is not paid

Sub questions	Young Men			Young Women			Parents		
	Yes	No	Don't know	Yes	No	Don't know	Yes	No	Don't know
Society will appreciate	80.5	12.5	7.00	67.6	20.6	11.8	67.8	22.2	10.0
Society will not appreciate	25.8	57.6	16.6	25.6	36.5	37.9	38.6	43.4	18
If not dowry, there will be a alternate arrangement.	60.5	20.7	18.7	66.6	18.8	14.6	70.9	10.1	19
Groom has ill fame.	50.5	32.4	17.1	60.6	20.8	18.6	65.8	16.2	18
Diminishing social status	30.5	57.6	11.9	40.5	44.6	14.9	46.7	30.3	23
Society will remind about the lost opportunity.	45.5	32.6	21.9	56.6	26.8	16.6	59.8	18.2	22
Groom/family have some defect	50.5	41.6	7.9	55.8	27.6	16.6	58.6	21.4	20

Surprisingly a brutal majority of women opined that the dowry went to the groom's family and that they have no complaints about it . rather their minority suggested that the 'dowry' given by their parents belonged to both the bride and bridegroom. Further, it was revealed that almost the entire women folk believes that their male partners enjoyed the right to penalize them even to the extent of physical torture the may lead to homicide.Astonishingly, majority of the women hold the view that the male partners have full sexual monopoly over their sexual life. They also believed their body was the property of their husbands and that they (husbands) can do whatever they wish to do with their (wives) body.

Table-2
Consequences a bride may face in case of non-payment of dowry

Sub questions	Young Men			Young Women			Parents		
	Yes	No	Don't know	Yes	No	Don't know	Yes	No	Don't know
Divorce	65.7	25.8	8.5	78.6	10.8	10.6	74.8	11.8	13.4
Desertion till demands are met.	66.5	20.8	12.7	90.6	5.8	3.6	80.6	9.8	9.6
Physical torture	74.8	20.4	4.8	87.6	5.6	6.8	90.5	8.5	1.0
Murder	60.6	26.8	12.6	76.8	10.8	12.4	70.8	10.8	18.4
Overloading of house-hold work.	64.6	26.8	8.6	86.7	7.3	6.0	88.8	8.9	2.2
Ill treatment in private & public.	68.6	22.5	8.9	88.6	7.8	3.6	80.8	8.4	10.8
Threat of desertion and divorce.	76.8	18.5	4.7	89.7	6.9	3.4	82.8	8.4	8.8
Looses groom's love and affection; of the grooms family.	69.6	20.8	9.6	82.2	6.8	11	79.8	7.5	12.7
Intentional neglect	76.8	20.7	2.5	89.6	6.8	3.6	78.8	6.8	14.4
No right to express opinions.	76.8	20.6	2.6	83.5	6.9	9.6	90.8	7.4	1.8
Loosing of status among contemporaries in the family.	76.8	18.6	4.6	89.8	4.8	5.4	86.8	6.6	6.6
Desertion	60.6	24.6	14.8	78.6	9.3	12.1	76.8	11.9	11.3

The dowry is deeply rooted in the society and has become in bedded in the social and cultural ethos of Kerala population. The first apprehension and the strangest argument in favour of dowry is that their daughter will remain at home for ever and that no man will come forward to marry their daughter without dowry. Therefore, in normal circumstances, a responsible parent, not with standing their views on dowry, will be compelled to pay dowry in order to fulfill their responsibility towards their daughter. The daughter herself will blame her parents for not paying dowry for her marriage. Hence dowry has become a symbol of parent's concern and affection towards their daughter.

At the same time, the same parents who are compelled to pay off dowry for reasons stated above, also demand dowry when their son marries a girl. They do not use their moral influence in their son to do away with dowry. The justification they pose forward is that dowry gives financial security to their son's life. It means in other words, "the more wealth you have, the more enjoyment of life you expect". Enjoyment of life is always linked with material affluence. Values have been replaced by prices. Women became objects of enjoyment. Kerala, being a highly consumerist society, interpersonal relationship became redundant and consequently dowry system became legitimized among all sections of society.

Table.3
Respondent's suggestion to prevent dowry system

Sub questions	Young Men			Young Women			Parents		
	Yes	No	Don't know	Yes	No	Don't know	Yes	No	Don't know
Stop saving for future generation	26.7	50.9	22.4	27.8	50.5	21.7	24.5	56.3	19.2
Promote a culture in young person dowry is not relevant.	89.8	4.8	5.4	88.3	4.06	8.1	86.6	4.7	8.7
Promote the existing legislation of equality in succession.	70.9	15.6	13.5	68.6	8.4	23	78.9	7.8	13.3
Women empowerment	73.4	10.7	15.9	89.7	4.8	5.5	89.6	8.7	1.7
Modify existing culture – gold – educational among parents or couples.	76.8	11.8	11.4	89.8	7.8	2.4	86.8	5.1	8.1
Educate public on dowry laws	88.9	7.5	3.6	87.6	3.2	9.2	87.9	5.9	6.2
Strict implementation existing laws	83.7	7.8	8.5	89.7	4.8	5.5	82.9	5.3	11.8
Brings social isolation of the family giving/accepting dowry	78.9	7.8	13.3	65.6	16.9	17.5	69.1	8.9	22
Decrease wedding expense	79.9	11.8	8.3	89.7	6.04	3.9	84.9	4.8	10.3

Dowry prohibition Act, 1961 says:

- If dowry is taken before the marriage, it must be handed to the girl within three months of the date of wedding.
- If dowry is taken at the time or after the marriage, it must be given to the girl within three months of taking it.
- If dowry was taken when the girl was a minor (i.e., below the age of 18 years) then it must be given to the girl within three months of her turning 18 years.
- If dowry is kept by a person other than the girl, then it is kept in trust by such person. This means that the person who has the dowry is responsible for keeping it properly and giving it to the girl at the proper time. He or she cannot sell, spend, use or give the dowry to anyone else.
- If a person does not return the dowry to the girl within the time laid by law, then she should file a complaint against the person. Such person can be punished with imprisonment from six months to two years or a fine of Rs 5000 upto Rs 10,000 or both.
- If a girl or woman dies before receiving the dowry, then her heirs can ask for it from the person in whose trust it is.
- It is essential to make a list of all the gifts received at the time of wedding. The list of gifts to the groom should be kept by him. The list of gifts given to the bride should be kept with her.
- The list should be made at the time of the wedding or immediately after the wedding.
- The list should be in writing

- There should be a brief description of each gift in the list.
- The approximate value of the gift should be written.
- If the giver is a relative, then the relationship to the bride or groom should be mentioned.
- The list should be signed by the bride and the groom.
- If the boy and the girl are unlettered, the list should be first read to them and their thumb impressions placed on it.
- If the bride and groom so desire, the list can be signed by a relative or person who has attended the wedding

Law against dowry and its flaws:

Not with standing the Dowry Prohibition Act 1961, the Government did not do any thing to implement the law or create among the people awareness of the law. One of the most important amendments to the IPC (S.498A) which deal with cruelty and harassment for dowry, made cruelty a culpable offence, but it has been left open to interpretation. Cruelty in this case is defined as harassment of a woman by her husband or his relative to coerce her or her relatives into giving a dowry. It is defined as willful conduct likely to drive a woman to suicide or to cause her grave physical or mental injury. Punishment for this extends to three years with a fine. The Indian Evidence Act, 1872, was also amended to provide that if a woman committed suicide within a period of seven years from the date of her marriage, and if it is shown that her husband or any relative of her husband subjected her to cruelty, the court can presume that such suicide was abetted by her husband or by the relative.

The Act was passed in 1961 but it was a total compromise between those who were concerned with the issue and those who felt there was nothing wrong with the giving or taking of dowry. The report of the historic Committee on the Status of Women in India (1975) held that there were hardly any complaints or convictions under the Act. In the early 1980s, the Joint Select Committee of the Parliament on Dowry noted that the practice had spread to all classes, communities and castes. The women's movement was witness to a rising number of dowry deaths during that period and subsequently launched a successful campaign in the early 1980s that resulted in some significant amendments being made to the Dowry Act, 1961. One such amendment broadened the definition of dowry to include that anything given in connection with a marriage and given either before, at the time of or after marriage would be deemed to be dowry. However, customary and traditional presents could be included in the definition of dowry only if their value was disproportionate to the financial means of the person who gave them.

Yet another amendment, Section 3(1) related to the penalty for giving and taking dowry. According to this, a person who gave, took or even abetted the taking or giving of dowry shall be punishable with imprisonment for not less than five years and a fine of not less than Rs.15,000 or the amount of the value of the dowry, whichever is more. The penalty for demanding dowry was made stringent; punishment for it extended from a period of not less than six months, extendable to two years with a fine. Giving or taking dowry was also made a cognisable and non-bailable offence, which meant that the police were bound to investigate all offences relating to dowry under the Act once they got to know about it. Another amendment, Section 8A of the Dowry Prohibition Act, held that where a person was prosecuted for taking or abetting the taking of a dowry or demanding a dowry, the burden of proving that he had not committed the offence under those sections was on him. Despite this, women's groups pointed out that unless the very act of taking/giving dowry was not proscribed and prevented from occurring (in majority of the cases, complaints were either made after the relationship had broken down or a murder had taken place), there would be little change. After the initial amendments in 1983 and 1984 (mainly due to pressures from the women's movement), in 1986, the Act was amended again, empowering State governments to appoint Dowry Prohibition Officers, who not only had a preventive role but also had powers to collect evidence against people who took dowry. The efficacy of such officers is a different question.

Conclusion

The practice of Dowry is a very crucial question to be answered in the present society. Much number of women was not able to pay the huge amount of money which they are asking for the marriage. In this situation parents are forced to search alternatives to meet their needs. After the marriage also these girls are facing severe kind of threats from their families. Sometimes this leads to the mental depression of the girls, alienation in the family and in society, separation from husband and ultimately the 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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