
THE NEVER-ENDING SOCIAL EVIL – DOWRY

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ABSTRACT

The never-ending evil effects caused by dowry still has its traces in the society which is mainly because of inadequate awareness among the people. India has abolished various social evils in the past and one such weed which is strongly rooted and not being abolished by even after various efforts taken in this direction the dowry still remains the same. Dowry has become so important that it became so inseparable from marriage that without dowry marriages are hardly happening. The initial intention was to provide financial security to the bride and as years went by, this completely deviated and became a burden by itself for the bride. Starting from the Medieval age to right now, this social evil gained its importance among the minds of the people. To curb the emergence of dowry, India established The Dowry Prohibition Act in 1961. In spite of existence of anti-dowry law, the existence of dowry in society is flamboyant which makes the law a toothless tiger. Even though it is evidently visible in society, complaints regarding to it are not in proportion to what's happening in real. The families consider dowry as a social prestige because of which there are so many cases which goes unreported. Dowry in India does not exist in a particular or among a particular section of people, it exists among all sections of people irrespective of their differences in place and status in the society. The laws have to be revamped so that fear is created among the minds of the people for involving in it. In most of the cases the accused persons are acquitted due to the loopholes present in the law and there is a need for the law to be dynamic and not as a static one. In order to ensure equality in the society the eradication of dowry is a inevitable step which cannot be further delayed anymore. In this article we will focus on the emergence of dowry as a social evil and the damages it has caused and the need for changing society's view about it.

Introduction

The word Dowry is not new to Indian Families, it's an age-old tradition which is followed for many centuries and comes into action during marriage ceremonies where the family of the bride gifts the groom's family which may include Jewelry, Cash, and other things which may deem fit. India in its past century had identified Sati, Child marriages, Devadasi system as social evil and have taken steps to eradicate it to a great extent and the unresolved member of the family is Dowry. In spite of dowry being identified as a social evil and the corrective steps which are formulated are not yielding the desired outcomes, the magnitude of the dowry is still being undervalued because we are failing to understand the destructions which it causes in the society. In this article we will see the raise of the dowry as a social evil, it's default presence in the society and the part which it plays in bringing it down, though identified as a social evil and there are laws existing to regulate and simply following it blindfolded questions the existence of the law.

Transition of Dowry into social evil

The start off point of the Dowry system can't be traced exactly as it was, it is been there in the society for ages and emerging as a major phenomenon during the medieval ages making it a mandatory step in the wedding. Even in British period the dowry was a mandatory one and without dowry no marriage was held, even the proofs can be found for the same. So, starting from the medieval period till now the role which the dowry plays in the society is crucial and is evident. The custom which we follow in India is that you never go anywhere empty handed and this similar thought is also found in the Indian weddings too where the bride's family offers dowry to the groom. This is done so that the bride can somehow contribute to the family and can take care of her expenses apart from this the dowry concept also provides a financial security to the bride and is a well-known fact that at those times the girl child was deprived of her ancestral properties so instead she was given her share during the wedding in the name of Dowry.

So as said the concept of the dowry was to provide a financial settlement to the bride but in the due course of time the purpose of the dowry was diluted and it started to emerge as a prestige where the more the dowry you offer the more the respect which you earn where the weightage of respect from the Groom's side depends upon the Dowry given by the bride. To gain respect, dowry became a instrument to get it. Even it is considered as a social prestige issue in few

villages and neighborhoods. We can also see the practice where there are two daughters-in-law in a family where the daughter in-law who brought more dowry is being respected more and for these reasons there are frictions between the daughters-in-law

In due course of time this concept evolved itself to a social evil departing away from its original nature that is to do support for the bride but instead it is now a burden to the bride and her family.

Unlike the older times the women are now ensured of their rights in every aspect and is given freedom to express her thoughts and opinions, and then she can stand in her own, she can self meet her requirements without being dependent on anyone. Compared to the old times the social status is being improved right now and then the view of the society is changing right now and she is not considered as a burden anymore. Previously women had very little to no opinion which is not the present scenario where she has an equal say in all the decisions from career choices to family decisions. Not alone deciding various parameters but she has also had an undeniable constitutional right which guarantees her share in her ancestral property any other man would have. The society is opening all the doors to them to progress and succeed, realizing their own potential.

With the advancement of science, technology and time women are conquering in all fields including politics, space, defense, science and many more and are continuously proving that they are no less than men. For a better future for women, eradication of social obstacles like Dowry, Inequality, Female Feticide are much needed. In spite of all these advancement people fall prey to dowry due to lack of awareness of the unimaginable tortures and crimes caused towards women in the society. Keeping this in mind the government has taken active steps in reforming the society by making laws not only to eradicate dowry but also to uplift women.

At the later part of 19th century, the true nature of dowry was left back and was demand was made for other reasons which were unjustifiable but the demand was met by the bride's side out of sheer fear that if the family is unable to meet the desires of the in-laws, the daughter remains unmarried and the burden would rest on the shoulders of the family for ever.

Legislation part

To avoid many more issues and to curb the effect of dowry the Government of India took necessary steps and enacted the Dowry Prohibition Act in 1961 by which the act addressed the

Dowry as a social evil and mentioned the punishments for the same. Apart from The Dowry Prohibition Act other acts including the Indian Penal Code had provisions for dowry death and cruelty. In spite of existence of anti-dowry laws in the nation, the effect of which in the society is not visible and the laws merely acts as a toothless tiger. The influence of dowry appears to be inalienable even in the more literate state in the country where young women were killed for gold by the husband's family. ¹The supreme court on the same note added that dowry is a social evil and there is no doubt about it the change has to come within the society as to how the women treated and how the people regard the women who comes into the family. The laws do not make a difference among the society unless awareness is created in the minds of the people who practice dowry as a rightful practice. In this the supreme court requested the Law Commission of India to take a fresh look to bring more teeth to the law against dowry. There has to be an understanding about the basic social value of a marriage that the women are independent individuals and the need for dowry does not exist in the current modern world where they have the potential of being financially independent themselves.

CASES

Rashika Jain Death Case²

The fact of the case is that Rashika Jain aged 25, was married Kolkata based Businessman Kushal Aggarwal. Rashika would also often ask her parents to send her money on several occasions when it was demanded by Kushal. When Rashika refused Kushal to meet the demands, he would abuse and torture her. Her father was hospitalized and she stopped telling the demands made after that. She came back to her maternal house and didn't want to go back but her father-in-law requested the couple to give one last chance and three days after which she jumped from the rooftop and committed suicide. Reportedly Rashika's family have given dowry of value Rupees 7 crores and still after receiving this much this incident has occurred. This created an outrage in the society and many people demanded justice for Rashika and also trended the hashtag #JusticeforRadhika in all social network handles.

Thushara Case³

¹ <https://economictimes.indiatimes.com/news/india/dowry-a-social-evil-but-change-has-to-come-from-society-says-sc-refers-plea-to-law-commission/articleshow/88128500.cms?from=mdr>

² <https://www.shethepeople.tv/news/rashika-jain-death-alipore-suicide/>

³ <https://indiankanoon.org/doc/28850430/>

The fact of the case is that Thushara aged 27 residing in Kerala was married and was living with her Husband and her In-Laws in their house. The dowry amount of Rupees 2 Lakhs was not met by the bride's family because of which Thushara was starved to death and at the time of finding her body she was weighing merely 20kg. It was found that she was fed only on rice soaked on water and sugar syrup. She went through all the pain because of non-payment of Rupees 2 Lakhs as Dowry. If she had 2 Lakhs no harm would have occurred to her.

Vismaya Case⁴

This is a very recent case in the COVID times where Vismaya aged 24 was married to Motor Inspector Kiran Kumar of Kollam in Kerala. At the time of marriage, it was said that the bride would bring 100 sovereigns of gold, 1.2 Acres of land and a car. However, as it was COVID the bride's side was only able to present 80 sovereigns. After marriage Kiran Kumar and his family demanded another car as a replacement and the remaining gold. In the meantime Vismaya was going through various tortures in her In-laws. She was beaten by her in-laws and was assaulted heavily during Onam celebrations and was treated harshly. While the mediation was going through between the families, she committed suicide. Chargesheet was filed against Kiran Kumar and his Parents and Vismaya's Father gave evidence on the suicide, subsequently Kiran Kumar was arrested and was imprisoned.

All this happened in a short period of time and in a very undesirable way. If Vismaya's family had given a formal complaint in the first place Vismaya's life could have been saved. This is not the only case where delay regarding complaint has been observed. If only the bride's family had approached the police in the initial stages the innocent lives could have been saved. The seriousness of Dowry has not been realized by the society marriages being given at most reverence in the society in order to keep the marriage alive the brides are asked to adjust a little more every time they said out loud about the torture which they undergo at their in-laws. In most of the cases which are filed under the dowry ambit, the lower courts decide in favor of the bride's side however on higher appeals in the later stage the Groom and his family members are acquitted from the cases citing various reasons mainly regarding evidences which are not maintainable. This was the exact scenario which was happened at Vismaya's case and similar traces are found in other case.

⁴ <https://www.onmanorama.com/news/kerala/2022/01/11/vismaya-suicide-dowry-harassment-case-trial.html>

The cases which we have mentioned are from the most literate states in the nation and respectable families in the society. So, when dowry is common even in these families imagine the scenario in the rural parts of the nation where the families are still afraid to approach the police for remedies on the simple reason that the girl's life would be at stake if they do so and considering this as an issue that would directly affect the honor of the family of both the bride and the groom. In spite of the legislations already existing there isn't sufficient impact created by it. The loopholes in the legislation are plenty and the offenders are somehow escaping without getting punished. These loopholes in the legislation are the reason why the social evil is still existing without fear.

Conclusion

⁵Reportedly in India about 19 dowry deaths are registered per single day and we should not allow it to increase anymore and this can be done only by keeping the laws up-to-date. The law as said should be dynamic and should not be static. The laws can only work to a certain extent beyond which it is the duty of every individual to understand the evil effect and should take necessary steps to curb the effects of the same. It is high time and the right time to say big no to this social evil where offering as well as accepting the dowry should be made illegal. If every family in the society considers this there would be a leap of development for upliftment of human race as a whole. If we are speaking about equal participation, equal shares, equal pay, gender equality and equality as a whole this dowry is the big back log which holds us back from achieving it and prohibiting dowry breaks the ice. Dowry being practiced for centuries together now cannot be vanished from the society in a fraction of a second, it takes a lot of awareness among the people making them understand the after-effects of it giving them faith to stand along with them in the process against it through proper legislations and necessary steps can bring the change which we desire. If done so the lives which are at stake could be saved and justice can be given and if actions are implemented properly even this so-called social-evil can also be eradicated from the society.

⁵ <https://www.cnbctv18.com/india/19-women-were-killed-for-dowry-every-day-in-2020-ncrb-10758421.htm>