

Dowry Harassment: Crime against Women

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Abstract

In India, dowry harassment is experienced by women and their families from the grooms and their families, when they are unable to pay sufficient dowry at the time of marriage. Dowry refers to the property, financial resources, wealth, and other valuables, which a groom or his family receives from the family of the bride at the time of marriage. Dowry harassment is prevalent among the families, belonging to deprived, marginalized and economically backward sections of the society. In some cases, due to giving of dowry, they do not even appreciate the birth of the girls and give preference to male children. When marriages are arranged, the groom's family receives dowry, whereas, the bride's family is required to give dowry. The Dowry Prohibition Act is an Indian law that was enacted on May 1, 1961. The main objective of this act is to prevent the giving or receiving of any form of dowry. In order to make the institution of marriage successful, it is vital to prevent giving and receiving of dowry and dowry harassment. The main areas that have been taken into account in this research paper include, understanding the meaning of dowry harassment, causes of dowry harassment, effects of dowry system, and The Dowry Prohibition Act, 1961.

Keywords: Crime, Detrimental Effects, Dowry, Harassment, Marriage, Marital Homes

Dowry refers to the property, financial resources, wealth, and other valuables, which a man or his family receives from the family of the bride at the time of marriage. In the Indian marriage, dowry is regarded as a practice as well as a problem. The practice of giving dowry at the time of marriage is to make provision of support and assistance to the newly married couple to start their life together. However, in the present existence, it has turned into a commercial transaction, in which the monetary considerations receive priority over the personal merits of the bride. The system of dowry has led to number of socio-economic problems, which have imposed detrimental effects upon the lives of the brides and their families. The dowry harassment is referred to, when the brides get harassed by their husbands and in-laws. There have been reporting of number of incidents related to dowry. These include, bride burning, harassment and physical torture upon the brides (Salim, 2017).

The Government of India has enacted the “Dowry Prohibition Act” in 1961, which was further amended in 1985 to control the demand for dowry. In spite of this act, the give and take phenomenon of dowry is practiced throughout the country. Irrespective of factors, such as, class, caste, creed, race, religion, ethnicity, occupation and socio-economic background, the individuals are making a demand for dowry. In many cases, the demand for dowry is not considered sufficient and the women become victims of various types of criminal and violent acts. Dowry related violence and inflicting torture and suffering upon the brides is prevalent throughout the country. The husbands and their families jointly participate in harassing the brides and their families for dowry. The dowry related violence has been regarded as the widespread phenomenon. In this framework, it is necessary to understand that the extent of dowry gives rise to crime and violence. Therefore, it is necessary to formulate measures and control this crime (Salim, 2017).

Understanding the Meaning of Dowry Harassment

The beginning of the 19th century was considered important in leading to degradation in the status of women. In India, family is considered as an important institution by all individuals, irrespective of their categories and backgrounds. Marriage is regarded as an important social institution. Marriage is not only regarded as the relationship between a man and a woman, but it involves establishment of social alliance between two families. The brides are expected to carry out the household responsibilities and take care of the needs and requirements of their family members. The victimization of women was initiated at the time of birth (Salim, 2017). In most cases, the birth of the girl child is not considered pleasurable. The families and individuals aspire to have male children. The reason being, there is prevalence of the viewpoint that girls would have to eventually get married and go to marital homes. At the time of marriage, the parents would have to pay dowry to the groom and his family. On the other hand, the male children are regarded as assets. It is believed that they would promote well-being of their families and communities.

The parents form the viewpoint that it is their primary duty to arrange the marriage of their daughters. The women are not considered settled, if they are not married, even when they are well-educated and engaged in full-time jobs. When marriage is to get organized, then there are number of factors that need to be taken into consideration. These include, age, personal appearance, family background, educational qualifications, interests and hobbies, norms, values, morals and ethics, occupations, and socio-economic backgrounds. There are

differences among individuals as well as communities, when these factors are to be taken into consideration. Therefore, the individuals need to work hard and possess adequate information regarding the families, before finalising marriage. In the present existence, women are acquiring good-quality education. They are turning out to be professionals, such as, doctors, lawyers, engineers, teachers, educationists, researchers, writers and so forth. The increase in the education of women have led to an increase in the demand for dowry. A woman, who acquires education with the main objective of acquiring self-sufficiency is in some cases discouraged by husbands and in-laws from earning an independent income. Thus, these individuals do make an attempt to make a demand for dowry (Salim, 2017).

When marriage takes place between the families, the brides are required to augment their knowledge and understanding in terms of norms, cultures, values, and principles of their marital homes. They need to adjust themselves and undergo transformations in their overall lives. When they go to marital homes, in some cases, they are required to give up certain desires and aspirations. They need to cope with number of problems and challenges. In marital homes, the brides are required to carry out number of duties and responsibilities. Some of these include, taking care of household chores, health care and well-being of their family members, socialising and maintaining good terms and relationships with family members and friends, child development, and listening and obeying their husbands and other family members. When the women are required to carry out the household responsibilities or need to pay attention to the needs and requirements of their family members, they need to give up their aspirations as well. In some cases, when women are performing their duties and responsibilities well in their marital homes, still they are harassed for dowry.

The major problem takes place, when the families of the brides are required to make false promises for dowry. In some cases, they make commitments, but are not able to fulfil their promises. Dowry is not a one-time payment, but it continues for a certain period of time. Even after marriage, there are occasions at the time of which, the bride's family is required to give money or other valuables to the groom and his family. The individuals and families, belonging to deprived, marginalized and socio-economically backward sections of the society are the ones, who experience the problem of dowry harassment more as compared to individuals and families, belonging to well-educated, middle and upper class families. The reasons that are classified are two. These are, they are not educated nor aware and they have the main aim of up-grading their living conditions. Therefore, when the men are engaged in minority jobs and their pay is not sufficient to sustain their living conditions, they and their

families form the viewpoint that dowry will help in bringing about improvements in their living conditions. Thus, there is an increase in dowry demand among these individuals and families.

The consequences of the demand for dowry are detrimental. These detrimental consequences have an effect upon the women, men, their families as well as the marriage alliance. When there is an increase in the demand for dowry by the family of the groom and the bride's family are unable to meet the requirements due to some reason, then the brides are the ones who are required to pay a heavy price. They are required to undergo verbal abuse, physical abuse, torture, mental suffering, eve-teasing and in some cases, they are even murdered. When the women experience these forms of criminal and violent acts, they undergo physical as well as psychological suffering. In some cases, they do not have any other option, but to tolerate these acts. The reason being, they form the viewpoint that they need to live within the society and not disclose their problems. This primarily applies to women, belonging to deprived, marginalized and socio-economically backward sections of the society. On the other hand, educated women, who are engaged in jobs and are earning would formulate measures to curb this criminal act.

The dowry harassment of women by the husbands and in-laws involve commonly verbal abuse and physical abuse. They are required to listen to harsh and taunting words, obscene language, indecency and unethical behaviour. In number of cases, they are required to undergo various forms of physical abuse as well. These include, slapping, kicking, pushing, scratching, hitting with objects and so forth. Apart from experiencing abusive treatment, they are vested with number of job duties and responsibilities. When they are required to carry out the household chores and responsibilities, they are unable to take out time for leisure and recreational activities. Furthermore, they are required to obey the rules that have been implemented by their family members and are not allowed to express their viewpoints. Decisions are usually made by the male members and they are prohibited from participating in the decision making processes. In this manner, the brides are required to undergo numerous problems and challenges as a consequence for demand for dowry. Therefore, it can be stated that it is vital to formulate measures to curb dowry harassment. When this problem will get alleviated, the individuals will form good terms and relationships with each other and the alliance of marriage will be successful.

Causes of Dowry Harassment

When understanding dowry harassment, it is vital to generate awareness in terms of causes of dowry harassment. The causes of dowry harassment have been stated as follows:

Institution of Marriage – Marriage is regarded as an important institution, which individuals need to enter into at a certain age. In some communities marriage takes place at an early age, whereas, in other communities, it takes place later. It is important for both the families to form amiable and pleasant terms and relationships with each other and provide support and assistance to each other. In some communities, the individuals form the viewpoint that when they are making an entry into this institution, they are sending their girls to other homes, and they need to give sufficient dowry as well. On the other hand, the grooms and their family aspire to obtain dowry with the main purpose of promoting their well-being. Therefore, getting involved into the institution of marriage and in leading to its success is one of the indispensable causes of dowry harassment.

Promoting Well-being of Families – As it has been stated above that there is an increase in the demand for dowry by the individuals and families, belonging to marginalized and underprivileged sections of the society. The major cause is, these individuals are mostly residing in the conditions of poverty and backwardness. They do not possess sufficient resources to sustain their living conditions appropriately and struggle to make ends meet. Furthermore, the problems of illiteracy and unemployment are prevalent among them. When they are arranging marriage of their sons, there is an increase in the demand for dowry. They form the viewpoint that when they will obtain dowry, they will be able to promote well-being. Therefore, it can be stated that desire to promote well-being of their families leads to an increase in the demand for dowry and dowry harassment.

Providing Support and Assistance – The families of the bride as well as the groom form this viewpoint that through giving dowry, they will make provision of support and assistance mainly to the bride and groom in making their married life successful. In dowry, there are number of things, which are given to the bride and groom at the time of marriage. One of the important things that are given to them also include property. For instance, there have been cases of women, who do not take pleasure in living in their marital homes and desire to live separately from in-laws. In such cases, their parents may give property, so they can live in separate homes with their husbands. Therefore, when the parents of the brides form this viewpoint that through giving of property, wealth, financial resources or any other

form of dowry, they are making provision of support and assistance to their daughters, then there is an increase in dowry.

Excess Supply of Wives – Theoretical work that has been implemented by economists in terms of marriage alliances has found out that there has been an increase in the demand for dowry when an equilibrium conditions leads to an increase in the supply for women. Particularly, the women, who aspire to enter the institution of marriage. An excessive supply of women, or a relative scarcity of men in the marriage market, can be equilibrated through the use of the marital cost of dowry. In theory, the monetary cost of dowry leads to an increase in the supply of women, aspiring to marry. This leads to an increase in the supply curve, which is enough to balance the demand for wives. Therefore, when there is an increase in the number of women, who aspire to enter the institution of marriage, then there is also an increase in the demand for dowry and dowry harassment (Jaggi, 2001).

Customs of Indian Marriage – In most cases, the individuals possess the viewpoint that it is an important custom of Indian marriage to give dowry. When marriage is organized, there are certain norms, values, standards and principles, which need to be taken into consideration. In other words, the individuals and families are required to follow various customs. The customs of Indian marriage differ between communities. Therefore, when the individuals form the viewpoint that they cannot send their girls to their marital homes empty handed, there is an increase in dowry. When the girls are not self-sufficient, in other words, when they are not engaged in any types of jobs to generate a source of income, then parents give them wealth, resources and other valuables to sustain their living conditions in an appropriate manner. Therefore, it can be stated that customs of Indian marriage are also regarded as one of the indispensable causes of leading to an increase in demand for dowry and dowry harassment.

Social and Cultural Beliefs – All individuals and communities have social and cultural beliefs. When the individuals and families are entering the institution of marriage, they need to put into practice the activities in this institution in accordance to the social and cultural beliefs. The individuals, belonging to both the families form this viewpoint that individual and family utility, which is economic theory is generally defined as well-being, pleasure and satisfaction. It is derived not only from the possession of material goods and resources, but also from social and cultural beliefs. Acquiring an understanding of the social and cultural beliefs enables the individuals to generate awareness in terms of increasing the

demand for dowry and dowry harassment. The families of the grooms possess this viewpoint that social and cultural values would enable them to encourage the demand for dowry. Therefore, it can be stated that social and cultural beliefs leads to an increase in the demand for dowry and dowry harassment.

Sustenance of Living Conditions – Promoting adequate sustenance of the living conditions is one of the indispensable aims of individuals, belonging to various categories and backgrounds. In order to sustain one's living conditions adequately, there are number of factors that need to be taken into consideration. These include, health and well-being, making provision of infrastructure, amenities and facilities, education and training, skills development and so forth. In order to meet all these needs and requirements, the individuals need financial and material resources. Hence, when the individuals form the viewpoint that they need to help their girls and their husbands in adequate sustenance of their living conditions, they give them resources and valuables. On the other hand, when the families of the grooms possess this viewpoint that they are encountering problems within the course of sustenance of their living conditions, due to scarcity of wealth and resources, this leads to an increase in dowry harassment.

Enhancing Reputation in Society – Apart from sustenance of one's living conditions in an adequate manner, the individuals and families also form this viewpoint that it is vital for them to enhance their reputation in society. In some cases, the parents of the brides form the viewpoint that when they will give sufficient amount of dowry to their girls in marriage at the time of marriage, they will be able to enhance their reputation in society. On the other hand, the families of the grooms possess this viewpoint that when they will receive good amount of dowry, they will be able to enhance their reputation in society. Thus, to enhance the reputation in the society, there is an increase in giving of dowry. Research has indicated that when the families are unable to enhance their reputation in society, then out of the feelings of anger and frustration, there is an increase in dowry harassment.

Human Capital Accumulation – In the case of the human capital accumulation, two broad categories of human capital have been defined. These include, market specific human capital, which contributes to productivity and earnings potential in the labour market, and household specific human capital, which contributes to productivity and skills that leads to an increase in the social status of the households and families. It is assumed that market specific human capital generally require monetary investments. It is obtained through formal

education and training. Whereas, the household specific human capital can be generally acquired without any monetary investment through training and work within the households (Jaggi, 2001). In promoting human capital accumulation, there is an increase in the demand for dowry. When the families of the brides experience problems and challenges in fulfilling the dowry demands, they are required to undergo dowry harassment.

Preventing Mistreatment – It is comprehensively understood that when there is an increase in the demand for dowry by the families of the grooms and the families of the brides are unable to meet them, then the brides are required to experience various forms of criminal and violent acts and mistreatment. These acts have unfavourable effects upon not only their physical and psychological health and well-being, but upon their overall lives. The families of the brides want their girls to live happily in their marital homes. They should be treated with respect and courtesy and should not be subjected to any form of violent and criminal acts and mistreatment. The parents of the brides usually form this viewpoint that when they will fulfil the dowry demands, then their girls will not be subjected to any form of mistreatment and treated with respect and kindness. Therefore, in order to prevent mistreatment and dowry harassment, there is an increase in giving of dowry by the bride's family to the groom's family.

Effects of Dowry System

The effects of dowry system have unfavourable effects on women and their families. The effects are more unfavourable to individuals and families, belonging to deprived, marginalized and socio-economically backward sections of the society. These have been stated as follows:

Physical Health Problems – The physical health problems are experienced by the women as well as their parents, when they are unable to fulfil the dowry demands of grooms and their families. The various types of physical health problems that are experienced by individuals include, heart problems, eating disorders, sleep disorders, headaches, bodily pain and so forth. The brides experience physical health problems, when they are physically abused. The individuals and families, belonging to all categories and backgrounds aspire to promote well-being of their girls. Therefore, when they are unable to fulfil the dowry demands due to lack of financial and material resources or any other causes, they experience physical health problems.

Psychological Problems – The psychological problems are the problems, which have an effect upon the psychological mind-sets of the individuals. The various types of psychological problems experienced are, anger, depression, stress, anxiety, and trauma. When the brides are harassed and tortured for dowry, then they as well as their parents experience psychological problems to a major extent. When the psychological problems are severe and long-lasting, the individuals need to make visits to medical and health care centres and take guidance and counselling. It is vital for the individuals to be mentally sound, when they are to alleviate dowry harassment and promote well-being.

Degrading the Status of Women – When women experience dowry harassment, it gives rise to number of impediments within the course of attainment of education and empowerment opportunities and in the adequate sustenance of their living conditions. In order to carry out the household responsibilities appropriately and take care of the needs and requirements of the family members in a satisfactory manner, it is of utmost significance to provide them opportunities, which would lead to up-gradation of their status and make them feel pleasurable and contented. Whereas, when they get subjected to dowry harassment, it leads to degradation of their status.

Gender Inequality – Gender inequality is one of the effects that takes place due to dowry harassment. When women are harassed for dowry and are subjected to various forms of criminal and violent acts, they form the viewpoint that they are being deprived of participating in various kinds of tasks and activities. In this manner, they are regarded as inferior to men. Gender inequality is also regarded as one of the most unfavourable effects upon the overall lives of women. It is a major impediment in leading to their well-being. Therefore, it is necessary to formulate measures to eliminate gender inequality.

Deprived from Acquisition of Education – The individuals and families primarily belonging to rural communities in some cases form the viewpoint that girls should not be send to schools to acquire education. The reason being, they have to eventually get married and in their marital homes, they will not be able to make use of their educational skills in any manner. Hence, they feel that they will be wasting their resources by encouraging girls to acquire education. In order to lead to reduction in dowry prices, the girls are prohibited from getting enrolled in schools (McCarthy, 2017). When the girls experience dowry harassment, they are deprived from acquisition of education. This proves to be one of the major impediments within the course of enriching their lives.

Deprived from Encouraging Economic Independence – In the present existence, research has indicated that women aspire to get engaged in various types of employment opportunities to promote economic independence. But when they experience dowry harassment, they feel deprivation from getting engaged in various types of employment opportunities to promote economic independence. The reason being that in order to participate in various functions and implement different types of tasks and activities, the individuals need to be mentally sound. The experiencing of dowry harassment enables the women from participating in any types of employment opportunities, which would enable them to encourage economic independence.

Encouraging Child Marriage – Child marriages are the marriages that take place, when girls are below 18 years of age and boys are below 21 years of age. These have detrimental effects upon girls more than boys. Child marriages are encouraged among the economically backward sections of the society. When girls are married off at a young age, then parents are most likely to give less dowry. Therefore, when the families and individuals are residing in the conditions of poverty and backwardness and experience scarcity of resources, then they encourage child marriage in order to alleviate dowry demands and dowry harassment.

Discrimination against Disabled Women – When the women are disabled or experience any health problems or illness, then their parents are likely to pay more dowry to the grooms and their families. The reason being, in the cases of disabilities as well as health problems or illnesses, they would experience problems in the implementation of various tasks and activities within the households and in taking care of the needs and requirements of their family members. Hence, when the grooms and their families are accepting these women in their families, they would demand for more dowry from their parents. Therefore, discrimination against disabled women is regarded as one of the major effects of dowry system.

Encouragement of Crime and Violence against Women – Dowry system has led to an increase in criminal and violent acts against women in their marital homes. Research has indicated that when the parents of the brides are unable to give sufficient dowry, they are looked upon by the families of the grooms with the feelings of antagonism and hatred. The negative feelings get reinforced to such a major extent that women are not only subjected to various forms of criminal and violent acts, such as, verbal abuse, physical abuse, sexual

harassment, eve-teasing, wife burning and so forth, but they are also deprived from participating in any kinds of social, cultural and religious activities. Therefore, it can be stated, dowry system has played an important part in encouragement of crime and violence against women.

Increase in Female Infanticide – Female infanticide is a deliberate attempt to kill the new-born female children within the time period of one year of their birth (Female Infanticide in India, 2018). When the individuals regard girls as burdens, which would only make demands and would not yield any returns on investments, they practice female infanticide. The individuals, who are residing in the conditions of poverty and backwardness regard girls as liabilities and prefer male children. They form the viewpoint that practicing female infanticide would enable them to get relieved from accumulating wealth to meet the dowry demands and dowry harassment. Therefore, increase in female infanticide is regarded as one of the most detrimental effects of the dowry system.

The Dowry Prohibition Act, 1961

The Dowry Prohibition Act is an Indian law that was enacted on May 1, 1961. The main objective of this act is to prevent the giving or receiving of the dowry. Under the Dowry Prohibition Act, dowry includes, property, goods, financial resources and other valuables that are given by the families of the brides to the families of the grooms. This act was put into operation, with the main objective of generating awareness among the individuals that it is unlawful to make dowry demands and as a consequence promote dowry harassment. The Dowry Prohibition Act has rendered an important contribution in preventing crime and violence against women. This act is prevalent throughout the country except in the state of Jammu and Kashmir. It shall be put into operation on such a date, as the central Government, by notification in the official gazette appoint. This act specifies the penalty for giving and taking dowry. If any person demands directly or indirectly, from the parents or guardian of the bride or groom, as the case may be, any dowry, shall be punishable with imprisonment, which may be of the time period of six months, or with the fine, which may be 5000 rupees or both (The Dowry Prohibition Act, 1961).

Provided that no court shall take cognizance of any offence under this section except with the previous sanction of the state government or of such officer as the state government may be general or special order. The agreement of giving and taking dowry needs to be avoided. Dowry is to be for the benefit of the wife and heirs. Where the dowry is received by

any person other than the woman in connection with whose marriage, it is given that the person shall transfer it to woman. If the dowry was received at the time of or after marriage, within one year after the date of marriage, or if the dowry was received at the time or after marriage, within one year of the date of receipt or if the dowry was received, when the woman was a minor within one year after she has attained the age of 18 years, and pending such transfer shall hold it in trust for the benefit of the woman (The Dowry Prohibition Act, 1961).

If any person fails to transfer any property as required by sub-section and within the time limited therefore, shall be punishable with imprisonment, which may be of the time period of six months, or with the fine, which may be 5000 rupees or both. Where the woman is entitled to property under sub-section (1) dies before receiving it, the heirs of the woman shall be entitled to claim it from the person holding it for the time being. The other areas that have been taken into account in the Dowry Prohibition Act, 1961 are the cognizance of offences, offences to be non-cognizable, bailable and non-compoundable, power to make rules and repeals. Any offences, which are made under this act are non-cognizable, bailable and non-compoundable (The Dowry Prohibition Act, 1961). In order to prevent criminal and violent acts against women, particularly dowry harassment and enabling them to carry out their job duties and responsibilities in their marital homes in an effective manner and to generate the feelings of pleasure and contentment, it is vital for the individuals and families, belonging to all categories and backgrounds to follow the Dowry Prohibition Act, 1961.

Conclusion

Dowry refers to the property, financial resources, wealth, and other valuables, which a man or his family receives from the family of the bride at the time of marriage. Dowry harassment is referred to, when the brides get harassed by their husbands and in-laws, when their parents are unable to meet the dowry demands of the individuals in their marital homes. Dowry harassment is usually prevalent among the individuals, belonging to deprived, marginalized and socio-economically backward sections of the society. The causes of dowry harassment are, institution of marriage, promoting well-being of families, providing support and assistance, excess supply of wives, customs of Indian marriage, social and cultural beliefs, sustenance of living conditions, enhancing reputation in society, human capital accumulation and preventing mistreatment. When the individuals take into consideration one or more of these aspects, they do promote dowry harassment either to a more or lesser extent.

The effects of dowry system are, physical health problems, psychological problems, degrading the status of women, gender inequality, deprived from acquisition of education, deprived from encouraging economic independence, encouraging child marriage, discrimination against disabled women, encouragement of crime and violence against women and increase in female infanticide. The Dowry Prohibition Act is an Indian law that was enacted on May 1, 1961. The main objective of this act is to prevent the giving or receiving of the dowry. After conducting research and acquiring an understanding of dowry harassment, it is understood that this has imposed unfavourable effects upon the women as well as their families. Therefore, in order to promote well-being of individuals and encourage women empowerment, it is necessary to eliminate dowry harassment and treat women with respect and reverence.

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