INTERVENTIONS ON DOWRY IN INDIA- A REVIEW FROM A GENDER-SENSITIVE RIGHTS PERSPECTIVE

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A THESIS SUBMITTED IN PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR THE DEGREE OF MASTER OF ARTS (HUMAN RIGHTS)

FACULTY OF GRADUATE STUDIES

MAHIDOL UNIVERSITY

2005

ISBN 974-04-6639-7

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Thesis
Entitled

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Was submitted to the Faculty of Graduate Studies, Mahidol University
for the degree of Master of Arts (Human Rights)
on
November 4th, 2005

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ACKNOWLEDGEMENTS

Firstly, I would like to thank my major advisor, Dr. Jean D' Cunha for providing me with her support and guidance in spite of her busy schedule. Also, I wish to thank Dr. Mike Hayes, my co-advisor, whose supervision during the process of writing this thesis proved so helpful. I am very grateful to him for helping me finish this thesis successfully. My warm thanks goes even to Ms. Simonetta Cengarle who was the external examiner for my thesis defense.

I am thankful to Dr. Sriprapha Petcharamesree for selecting me for this Master's program. I have learnt so much from this program and the experience has been great. I thank her with all due respect.

I am grateful to the Raoul Wallenberg Institute and the Swedish International Development Cooperation Agency (Sida) for providing me with full scholarship to study in the Masters programme.

Moreover, I would like to express my gratitude to my uncle, Dr. Victor Prasad Karunan, without whose help, assistance, and caringness, I would not have been able to complete this master's program fruitfully. I am extremely grateful to him for his ample support.

In addition, I am thankful to all my classmates in the master's course with whom I have spent joyful moments with. All of them have contributed in one way or the other in pushing me towards the accomplishment of this thesis. We have shared the joys, pains and ideas of student life with each other. I wish to express my whole-hearted thanks to all. My special thanks to Maria Godskesen, who helped me so much during the process of thesis completion. I am really very grateful to her. Thanks Maria!

Furthermore, I thank my friends and relatives back home in India for their love and care. Their frequent communication and guidance boosted my self-confidence and helped me in finishing this thesis. I express my sincere thanks to each and every one of them.

Finally, I am indebted to my parents for their understanding, support and affection. They are one of the reasons for the successful completion of this thesis. In addition, special thanks to Kapithra, my elder sister, and Aarthi and Kathirvel, my best friends, whose love, support, and advice pushed me in completing this thesis successfully.

Lastly, I would like to contribute my Master's thesis to my parents as well as my grandparents. They have provided me with all the love and warmth and this thesis is my small gift of thanks to them.

Kanarindhana Kannapiran

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ABSTRACT

Dowry has been prevalent in India for centuries as a practice of Hindu families. However, due to its spread, the dowry system has affected other religions like Islam and Christianity. In some situations, the consequences of the non-payment of dowry have been tragic for young married women. The ill-treatment and harassment of women for inadequate dowry seriously violates their basic human rights. Due to the lack of a dowry, women are killed by their marital family. Due to the inferior position of women, their deprived condition remains untouched by the police. Human rights of women are given least preference in a male-dominated society like India. India has ratified the International Convention on the Elimination of All forms of Discrimination Against Women (CEDAW), but despite some efforts the condition of women remains poor and they are continuing to die of dowry related violence.

The study analyzes the role played by the government and NGOs in addressing the dowry issue in India from a gender sensitive rights perspective. Documentary research, semi-structured in-depth interviews, and case studies were the main methods used in this research. A total 14 people were interviewed from the government sector, NGO sector and family members of women affected by dowry related violence.

The thesis argues that consumerism and illegal money are some of the causes behind the continuance of dowry. Research outcomes revealed that the dowry system is still a widespread practice in Hindu marriages and women are being harassed and killed due to dowry problems. Government initiatives have been minor and ineffective. Police and the judicial system are gender-insensitive and inefficient in their work. NGOs are positively working towards the equal rights of women in the society, and though their interventions have been effective there are still more actions that need to be taken.

The study concludes by suggesting that the government, having ratified CEDAW needs to play its part as an obligation. NGOs have to initiate some valuable steps from their part. Finally, the thesis is concluded by giving vital recommendations.

KEY WORDS: DOWRY / WOMEN'S RIGHTS / GENDER / INDIAN NGOs / INDIAN JUDICIAL SYSTEM

119 P. ISBN 974-04-6639-7

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LIST OF ABBREVIATIONS

AIDWA	All India Democratic Women's Association
CAW	Crimes against Women
CAWC	Crimes against Women Cell
CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women
CID	Central Investigation Department
CSR	Center for Social Research
FIR	First Information Report
ICCPR	International Covenant on Civil and Political Rights
ICESCR	International Covenant on Economic, Social and Cultural Rights
IPC	Indian Penal Code
LCWRI	Lawyers Collective Women's Rights Initiative
NCRB	National Crimes Records Bureau
NCW	National Commission for Women
NFHS	National Family Health Survey
NGO	Non Government Organization
PBEF	Pre-Birth Elimination of Females
UDHR	Universal Declaration of Human Rights
UNFPA	United Nations Population Fund
UNIFEM	United Nations Development Fund for Women
VAW	Violence Against Women

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CHAPTER 1
INTRODUCTION

1.1 Framework of the Thesis

Human rights are universal concepts and everyone has an entitlement to it. Each person has a right to it and no one can be violated of his or her rights. Though men and women have been assigned the same rights without any differentiation but due to widespread gender differentiation in the Indian society women are not allowed to enjoy their rights and many of their rights are violated. Violence against Women (VAW) is a serious women's rights issue and due to gender roles and stereotypes women are often more vulnerable in any society. Violence affects the lives of millions of women cutting across cultural and religious barriers, impeding the right of women to fully participate in society. Violence and crimes against women take various forms, for example, rape, domestic violence, sexual harassment, child marriages, dowry harassment and deaths, female foeticide and infanticide. All these are the violations of the most fundamental human rights of women.

The status of women in India is poor. Women are seen as subordinates to men, and they are treated as objects. The inferior position of women makes it difficult for them to get access to basic necessities such as education, employment. Due to widespread gender discrimination some women are treated unequally compared to men and are not allowed to go to school, to work outside the home, they are expected to do household work among other things. Due to these reasons the literacy rate among women is very low. The literacy rate of men and women in India is 64.13% and 39.29% respectively (1991 Census of India). The above statistics shows that men are positively affected by the educational system, while women's condition has taken a backseat in the education system, the reason mainly being due to gender discrimination.

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In addition to facing discrimination in the access to education, women also face other difficulties too. Domestic violence is a serious problem in India with many women facing it on a daily basis. Domestic violence involves crimes such as rape, sexual assault, physical beatings, and intimidation. The 1998-99 National Family Health Survey (NFHS) shows the statistics of the magnitude of violence against women in India: almost 1 in 5 married women have experienced domestic violence; 1 in 9 women reported being beaten in the last 12 months of survey; 21% of women reported having experienced violence since the age of 15 years, and 19% reported having been beaten physically by their husbands. (National Commission for Women, 2004)

The above survey shows the severity of the violence women face from a very young age. In India girls are married at a very young age and violence against them can start early. VAW in India is seen as a common practice. Due to husband worship, where women respect their husbands, some women justify being beaten and abused by their husbands as a part of everyday life. Women believe that men being superior to them have the right to treat their wife as they want. Women are unaware of their basic rights.

As United Nations Population Fund (UNFPA) states, "Domestic violence is… a 'silent crime' because of woman's inability to speak about the violence inflicted on them due to shame, fear of further abuse on themselves or their children and lack of options. Thus domestic violence is frequently ignored, trivialized or denied by the family, community, judicial system (police, prosecutors and by judges) and women (victims) themselves" (UNFPA, 2004 (a)).

Domestic violence is seen as 'family matters' and people in general, and the police and judges, do not interfere in those matters. As Nita Bhalla has recently reported, using statistics from UNIFEM, domestic violence is rising: "Authorities in India say there were 50,703 cases of domestic violence in 2003 compared with 41,376 cases in 1998. Women's groups say the real figure could be ten times more as most cases go unreported" (Bhalla, 2005).

Furthermore, India is a vast country with much diversity in religion, culture, language, traditions, and values. But behind this rich diversity also lies some important limitations of the Indian culture and tradition. There are a few cultural and traditional

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practices that are harmful for people in general. One such custom is the practice of dowry in India. Dowry is the giving of gifts by the bride family to the groom's family at the time of marriage or engagement. Dowry involves items such as cash, cars, motorcycles, scooters, computers, televisions, refrigerators, and other electronic items. However, the demands can also include land, jewellery, and various other expensive items of property.

Dowry has taken a very new form in the past 35-40 years. Traditionally, the giving of gifts during marriage was voluntary. The families were united together with a bond of mutual understanding. Families exchanged gifts out of affection in the course of arranging the marriage. Gifts were exchanged mostly to provide for the future of the couple, or as a protection for the bride as her share of inheritance. The practice of giving gifts was customary rather than an obligation and they were referred to as "*stridhan*", gifts to the bride, in the religious texts. The parents gave items useful for the woman to start her own household.

Earlier, dowry was exchanged because it allowed people to rise in social status in the caste system. Also colonialism in India affected the dowry system. The British had stressed equality among people regardless of caste status. As a result, the lower class started to adapt the social norms of the higher-class people and dowry exchange also became a part of that stratification. The dowry system provided an ideal to which the lower castes would aspire. Consequently, social mobility led to the practice of dowry widely even among the low castes. It is clear that earlier dowry served as a form of inheritance for women, because only men were entitled to inherit family property.

The modern Indian dowry system has its roots in the traditional upper-caste practices of *kanyadhan* (gift of the virgin bride); *varadakshina* (voluntary gifts given by the bride's father to the groom); and *stridhan* (voluntary gifts given by relatives and friends to the bride). But the fact is that, there was subtle social pressure to give "*stridhan*". Hindu texts referred to giving of such gifts to the bride, and so "*stridhan*" was practiced. As Jamila Verghese mentioned:

> It was about the third century A.D. that the idea of *streedhana* began to be spelt out. Manu described it as:
>
> What (was given) before the (nuptial) fire, what (was given) on the bridal possession, what was given in token of love (By her husband), and what

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> was received from her brother, mother, or father, that is called the six-fold property of a woman. (Such property), as well as a gift subsequent and what was given (to her) by her affectionate husband, shall go to her offspring, (even) if she dies in the lifetime of her husband.[1] (1980, p.82)

In the past, dowry was given voluntarily and without consideration in marriage, but the present dowry is compulsorily extracted in consideration of marriage. The present dowry system has taken a negative appearance. Dowry exchange has become an obligation. The father of the bride is forced to give huge amounts of cash and other things to the groom and his family. Whatever is given to the daughter is not recognized as hers. The husband and in-laws can claim it as theirs. Dowry has been expanding so it is no longer just gifts to the husband and his parents but in some cases also for extended family members. And it is not only demanded during the marriage day, but also later on different occasions.

Soon after wedding, more demands might start. For example, when the first child is born dowry is again demanded, during festivals, during special house occasions. The treatment of the wife in the husband's household will depend on the extent to which these demands are met. Worst of all, when the wife does not meet these demands she is ill-treated, harassed, and beaten and there are cases where a wife has been burnt alive by throwing kerosene on her. The husband and his family will report to the police that it was a "stove burst" accident while cooking. This has been called Dowry death or Bride burning. It is hard to prove otherwise as there are no witnesses other than the husband and the girl's in-laws. The widower will remarry and earn a dowry from the second wife.

A recent report published in the *Times of India* shows the intensity of dowry violence. The Delhi Commission for Women (DCW) has received an estimated of 92% of all dowry-related complaints. "Of the 677 cases registered over the past six months (Jan 1 to July 31, 2005) with DCW, 500 were against the husband or in-laws about dowry demands. A telling 27 involved physical violence against the woman" (Banerjee, *Times of India*, 2005). Also, the number of calls that the DCW has received in its helpline in July 2005 are 688. In that 32% were about dowry, 22% wee about the harassment by in-laws and 10% of all the cases are from the upper social strata.

[1] Brackets in the original.

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The dowry system perpetuates women to voice their problems. The modern dowry could be considered as a clash between culture and rights. Women are seen as a commodity to be sold away to the groom's family for a huge amount of money which affects their human rights. AIDWA mentions that dowry can be served as a means to the groom and his family to start a new business or company. It says,

> Another aspect of dowry demands mentioned earlier is the increasing demand for cash which is used as an investment in income generating activities by the groom or his family…At a time when the work in the organized sector is shrinking as a deliberate policy thrust of the government, where banking serves the needs of big capital, affecting the availability of funds on reasonable conditions, the search for alternative methods of funding self-run enterprises is likely to grow. Dowry is already providing one such avenue. (AIDWA, 1999, p.19)

Dowry-related violence has been condemned as a violation of human rights, yet it continues to be an integral part of Indian culture. Many of the rights guaranteed in the international human rights treaties are in conflict with many religious and cultural practices. Human rights are said to be universal, which applies to all no matter what the circumstances are. But in cases like these, rights and cultures clash. This has been a very serious issue for many individuals. Karen Musalo says:

> These issues are at the heart of a long-standing controversy between the concepts of the universality of human rights and cultural relativism. Proponents of universality maintain that the human rights that have been guaranteed in international treaties and conventions are universal, apply to all countries, and must prevail even when they conflict with cultural or religious practices. In contrast, advocates of cultural relativism argue that permitting international norms to override the dictates of culture and religion is a violation of state sovereignty.

The custom of practicing dowry is widespread in most of the states of India.[2] Unfortunately, the practice of dowry has become very extensive. It is affecting the lives of young married women. Now dowry is not only practiced in India but also

[2] For example, Delhi, Punjab, Haryana, Uttar Pradesh, Maharashtra, Madhya Pradesh, Rajasthan, Gujarat, Bihar, West Bengal, Tamil Nadu, Andhra Pradesh, Karnataka, Kerala, Assam, Tripura.

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among the Indian Diasporas abroad, for example the Punjabis, Tamils, and Gujaratis living overseas in countries like England are reported to be engaged in dowry practice.

As previously mentioned, gender discrimination is extensive in India. Gender roles play a significant part in the Indian context. Girls and women have little or no status in the society. Gender inequality is the major cause of many women related problems in India. She is a temporary burden in her own parent's house. Indian society's thoughts are deeply rooted with a negative notion that women are supposed to be less important than men. Their main job is to get married, become 'breeding machines' and produce only male babies and take care of the family all through life. In India a woman is asked to treat her husband as god. She is told that the husband is everything to her and he is the one who is going to support her. This reflects the subordinate and unequal position of women in India. Even if her husband treats her cruelly, beats her, she is asked to bear all that because women are the weaker sections of the society and men have all control over them. Due to these reasons domestic violence, and dowry are still prevalent in India. As the Manu code says,

> In the childhood the father looks after the girl, in youth her husband, in old age her sons: a woman is never free. The only aim of her life is to obey and follow the command of her husband as it is said; the father's will or husband's will is the will of god. The place of woman is "inferior", and "subsidiary" to man in Indian society…her life is full of trials, turbulence, pains, and suffering from birth to death…she does not have her own identity after marriage. Even she has to change her name and surname after marriage. Her honour lies in the honour of her husband." (Shastri 2003, p. 250)

There is a cumulative cycle of human rights violations that cause and perpetuate dowry and this further leads to human rights violations as consequences of dowry. Moreover, patriarchy contributes to VAW in India. The Indian society is mainly patrilineal where men have a superior position to women. Patriarchy places men in the higher position thus giving them the right to make decisions. Women are allotted a subordinate role and position and they are not allowed to take any decisions. Patriarchy has established an unequal power relationship between men and women. 'Patriarchy has brought with it inequality, discrimination and deprivation for women

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on several counts, though in a way it was to provide security for all members in the family, including its women members. Women have also accepted subordination as part of the social ethos.' (Gopalan & Shiva, 2000 (a))

The main cause of gender violence is the unequal power relations between men and women. In traditional Indian society, women have to be controlled and the best way is to turn away from their needs and emotions. Women are restricted emotionally and sexually. Sometimes, the girls are forced into marriage and after marriage they are forced to have sex with their husbands. Women in India succumb to these restrictions viewing that men have the right to treat women like this and women are supposed to bear all these pains and beatings. Men and women are seen as two very different people with different social standing. Talking about violence against women and patriarchy, Ruth Finney Hayward (2000) says,

> First …gender violence is a means, used by men, consciously and unconsciously, to limit and control women's potential power and independence…Second, it is an expression of men's sense of entitlement to privilege and power. Third …it is an expression of men's own fears of weaknesses and powerlessness, of not being 'real men.' Fourth, many men, forced to suppress a range of emotions that are deemed to be inconsistent with manhood, channel a range of feelings into one emotion that is socially validated for men, that is, anger.

Gender discrimination, patriarchy and women's inferior positions create an environment where women's rights are easily violated. Women's lack of status and individuality contributes to their suffering making them vulnerable to physical and psychological violence. It is interesting here to note the clear definition of gender-based violence by UNFPA. UNFPA (www.unfpa.org) clearly defines gender-based violence as:

> Gender-based violence is violence involving men and women, in which the female is usually the victim; and which is derived from unequal power relationships between men and women. Violence is directed specifically against a woman because she is a woman, or affects women disproportionately. It includes, but is not limited to, physical, sexual and psychological harm (including intimidation, suffering, coercion, and/or

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> deprivation of liberty within the family, or within the general community). It includes that violence which is perpetuated or condoned by the state.

Subordination of women makes women lose their self-confidence which would be the most valuable source to claim their rights. VAW is widespread and takes place in all the classes of the Indian society, whether upper, middle or lower.

Also due to the patriarchal society and gender attributes women have not been given property rights. The Hindu Succession Act of 1956 gives women the right to own property. But men, who constitute the patrilineal society, are against it and men do not agree about giving women anything to own. Property rights of women are seldom taken seriously. Women are not allowed to own any property. Boys are given more importance than girls and so this subordinate role of girls in the childhood almost becomes a natural law that the girls are not worth much.

Gender-based inferior status often leads to violence in many forms such as dowry. Institutions like ‘family’, ‘marriage’, and ‘community’ that were significant for social security are slowly turning against women. Marriage does not provide security to a married woman. Instead after marriage some women face violence in the name of inadequate dowry. According to R.B.S. Verma (2003),

> Indian society is still predominantly patriarchal. In the social ethos…men are placed on a higher rung than women… The malaise of dowry attached to the girl’s marriage has terrorized Indian society to the extent that the birth of a girl into the family is considered inauspicious. She is automatically considered a burdensome appendage, an economic liability for her parents. Because her family gets crushed by the burden of dowry she is reared in financial and physical neglect. As if this were not enough, infanticide and female foeticide have added a new barbaric angle to the discrimination between girls and boys on the basis of dowry.

The Indian government has an obligation to protect the lives of women. The constitution of India recognizes women as equal citizens of the country and empowers the state to adopt “measures of affirmative discrimination in favour of women”. One of the fundamental duties of citizens, according to the constitution, is to renounce practices derogatory to the dignity of women. So, seeing the plight of women in dowry cases the then government came up with a Dowry Prohibition Act in 1961. The Act

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defines dowry as ‘All properties or valuables given or agreed to be given, before or after a marriage, either directly or indirectly, by one party to the other party, in connection with the marriage. However, anything given to the bride or groom out of one’s own free will and without any pressure is permitted. Presents given at the time of the marriage to the bride or the bridegroom by any person shall not be deemed as Dowry’ (Dowry Prohibition Act, 1961).

The giving and taking of Dowry is illegal. This Act was amended twice. Section 304 (B) of the Indian Penal Code (1986) and Section 498 (A) of the Indian Penal Code (1983) dealt with dowry deaths. But the fact is that despite these strong efforts, we can still find that dowry is being practiced. The dowry law has failed to eliminate the practice, as the law itself has many loopholes.

Not only the government but also women’s organizations had played a major part against dowry. Many women’s groups have taken the lead and have been fighting to eliminate the practice of dowry. During 1980s there was extensive growth of women’s movement chiefly addressing VAW. There were even media coverage and it highlighted several dowry cases. But again in spite of their commitment, dowry continues to remain in the Indian society.

Dowry deaths are clearly human rights violations and against women’s rights. India has ratified the Convention on the Elimination of all forms of Discrimination Against Women (CEDAW), and so it has a responsibility to protect their lives. Women fall victim to harmful traditional and customary practices that are deeply rooted in the tradition and culture of society. In India, preventing VAW is a challenging task because patriarchy is a key problem in Indian society. Right to life, freedom from discrimination, and the principle of non-discrimination are violated for these women.

1.2 The Significance of the Study

The thesis looks at dowry as a form of VAW and it also analyzes the socio-economic political basis for the existence of dowry in its present form, government and civil society intervention to identify the gaps and good practices and to suggest as how the issue can be addressed more effectively.

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Women's rights are to be protected in the Indian society. By recommending a few points to stop the practice of dowry or at least curb it to an extent; this research makes a small contribution to the issue of women's rights.

1.3 Objectives of the Research

The three research objectives are:

1. To examine the socio-economic and political basis for the emergence of dowry in its current form from a gender and rights perspective.
2. To evaluate the government and civil society interventions and to identify and analyze gaps and good practices in those initiatives.
3. To suggest recommendations and further initiatives to eliminate the dowry system.

1.4 Research Questions

1. What is the socio-economic political basis for the emergence of dowry in its current form from a gender and rights perspective?
2. How are the government and civil society intervening in dowry cases and what are the gaps and good practices in those interventions?
3. What are some of the recommendations and further initiatives to eliminate dowry?

1.5 Research Problem

Dowry being a social menace, the government and the NGOs have taken many steps to get rid of it. But despite the interventions of government and NGOs the system of dowry still exists. It is important to address this issue and to find out why this custom is still prevailing in spite of the interventions. Moreover, the study also seeks to analyze as what needs to be further done to address this problem.

1.6 Research Methodology

This research used a qualitative methodology. Many tools were used for gathering information. Both primary as well as secondary data were used. The basic primary methods used were the method of interview, documentary analysis and case

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studies. Other than those secondary sources like newspaper articles, books, journals, and so on were used.

The purpose of having interviews as a methodology was that it was easy for the researcher to analyze the interventions of NGO activists and government officials.

1.6.1 Documentary Research and Analysis

Four types of documents were studied:

a) Domestic mechanisms, such as the laws, government policies, NGO policies and international mechanisms like the United Nations (UN) conventions, declarations, recommendations, and other sources of data on related matters.

b) Statistical datas such as reported crimes.

c) Academic literature, reports, articles, journals.

d) Case studies

1.6.2 Interviews

Formal interviews with women's organizations and NGOs, government officials, and family members of dowry-affected women were conducted. The interviewer was not able to interview women affected by dowry due to the sensitivity of the subject. The purpose of interviewing these people was to get a clear picture of what actions NGOs and government have taken or are taking to address dowry violations and also it was easy for the researcher to analyze their initiatives. The reasons for interviewing family members was that through those interviews, the researcher was able to find out what actions the members themselves had taken to fight for their daughters' lives and if they got satisfactory help from the NGOs as well as the government. Majority of the interviews were conducted in the NGO sector, as a number of women's organizations exist in the capital, New Delhi.

The selection criteria for the people interviewed are as follows:

Only NGOs that work mainly on the issues of women, including dowry were selected. In the government sector, the Joint Commissioner of Police of the Crime against Women Cell was chosen for interview as many dowry cases are reported to them. A member from the National Commission for Women (NCW) was chosen

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because NCW also receives lots of complaints relating to dowry harassment and deaths. The researcher was lucky to find some family members of dowry victims who agreed to tell their daughter's story and how they fought for their daughter's life. A Muslim family member of a dowry effected woman was chosen for interview in order to show the readers as an example that dowry has not only remained a Hindu practice but it has even spread to the Muslim community.

The researcher had an interview schedule for all the respondents. Overall, it was semi-structured in-depth interviews.

1.7 Case Studies

Some case studies of dowry victims were considered while working on the thesis as an example of how the legal cases of these women were taken into account, and whether the government and NGOs really fought for the lives of those women. Both successful as well as unsuccessful case studies were taken into consideration while writing the thesis.

1.8 Area of Interview

A large number of cases whether dowry harassment or dowry deaths have taken place in the state of Delhi. It has high numbers of reported dowry harassment and dowry deaths, so the capital was chosen. In addition to that, many women's groups are present in Delhi, which have among other pressurized the government to bring about the Dowry Prohibition Act and to set-up women's cells. Also, women's cells have been set up in various districts within the state of Delhi. One interview was conducted in Bangalore as that NGO takes up dowry death and harassment cases.

1.9 Interview Groups

There were three categories of interviewees:

1. Government personnel, like the police, the National Commission for Women (NCW) set-up by the government. All of them were interviewed to get a clear view of the initiatives taken by the government to prevent the atrocities faced by women in dowry cases. They were all interviewed in their offices after fixing appointments.

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2. NGO activists who have been involved in issues of women, and who have also participated in dowry protest during the 1980s. By interviewing the activists, the researcher got a good idea of their work, previous as well as present.
3. Family members of the women who were killed for dowry. These people were interviewed in order to get a picture of what their opinion has been of the assistance and help they have been getting from the government or NGO. Four family members were interviewed. Contacts with them were established through NGOs working in Delhi.

1.10 Interview Methodology

Prior to the interview with all of them, they had been informed about the purpose of the study.

While interviewing family members of the dowry death victims, they were clearly told that they could refuse to answer any question if they did not feel at ease. Respondents were asked to take their time in telling their stories and could any time stop the interview if they did not feel comfortable.

1.11 Language Used

Most of the interviews were conducted in English, but some were conducted in Hindi. Interviews with some activists in women's organizations and government were conducted in English. There was no problem in communicating in English with some of the respondents in that field.

However, two respondents from the NGO and government sector respectively were interviewed in Hindi. While interviewing families of dowry death victims, Hindi was the main language of communication. All the members of the family had little or no knowledge of English, so the best way to speak was in Hindi. All of them spoke Hindi fluently.

1.12 Recording Procedures

A tape recorder was used to tape most of the interviews. But in some cases, the respondents did not feel comfortable with having their interviews recorded, so hand-written notes were taken. The participants were allowed to take their time in answering

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the questions. They were not forced to answer any questions if they felt uncomfortable. Transcripts of the recordings were made, so that it could be easier for the researcher to interpret the data.

1.13 Ethical Considerations

Efforts were made to meet some women affected by dowry harassment but due to the sensitivity of the subject there was hesitancy to be interviewed. The respondents were clearly told about the reason for the interviews. Prior to each interview the interviewee was asked for permission to use the tape and in case they refused, a tape recorder would not be used. Only with their consent tapes were used to record. Confidentiality was promised to some of the interviewees.

1.14 Limitations of the Thesis

1) Lack of statistics, data and reported cases of domestic violence and dowry harassment.

2) Lack of interviews with women affected due to the dowry system.

1.15 Organization of the Thesis

This thesis has been divided into six chapters.

Chapter II describes the dowry system and also illustrates the various institutions attached with it. The chapter starts with a discussion about the dowry system. In the next part it has been discussed that how the dowry practice has evolved gradually. Later on, the present and modern system of dowry has been discussed. Also, the property rights of women as well as the concept of *stridhan* have been touched upon in Chapter II.

Chapter III mainly mentions the Indian and International Laws applicable to the dowry system. This chapter mainly deals with the laws that the dowry system violates. Both, International Women's Rights and Indian laws have been given importance in this chapter.

Chapter IV contains the main findings of the research. It looks into the causes for the presence of dowry. This chapter discusses the vital causes behind the existence of

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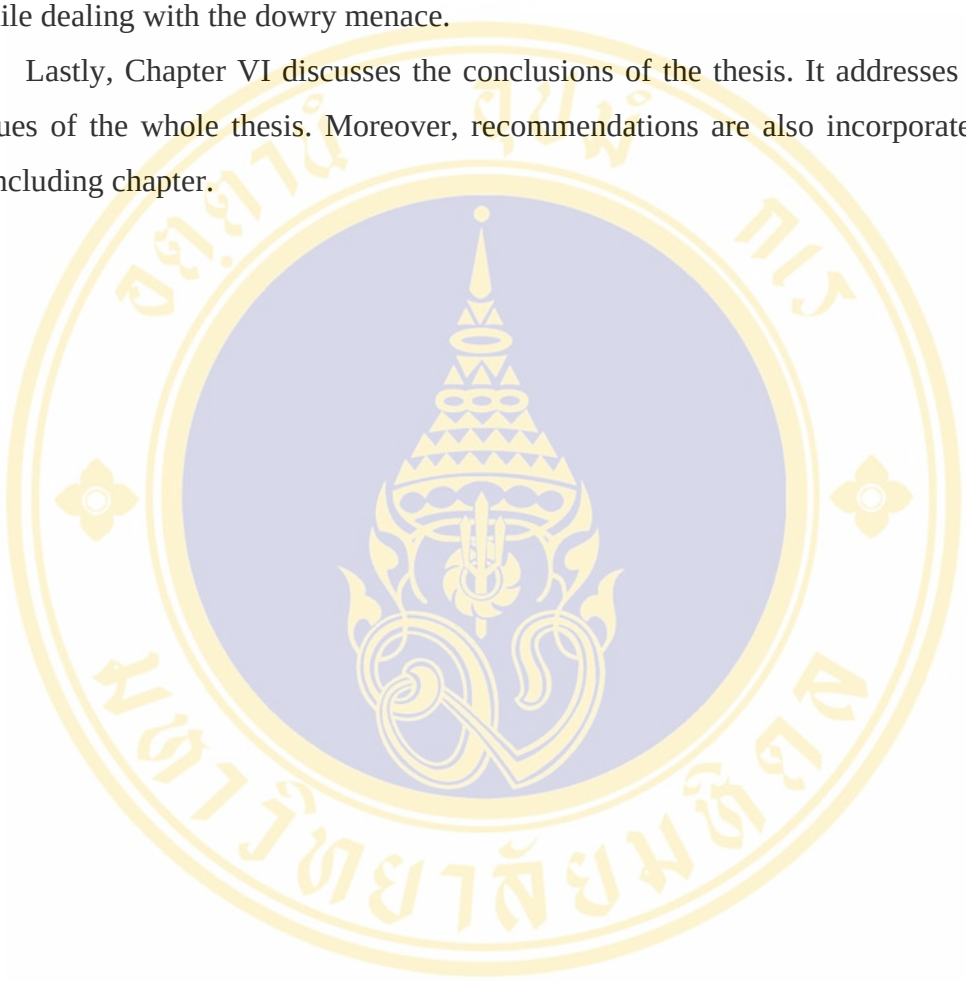
dowry in India. The social, economic as well as political causes of dowry have been discussed in Chapter IV.

Chapter V contains the results of the research done through fieldwork. This chapter mainly shows the various steps taken by the government and NGOs in India while dealing with the dowry menace.

Lastly, Chapter VI discusses the conclusions of the thesis. It addresses the vital issues of the whole thesis. Moreover, recommendations are also incorporated in the concluding chapter.



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CHAPTER 2
THE DOWRY CUSTOM AND RELATED INSTITUTIONS

2.1 The Dowry System

Marriages in India are usually arranged by the parents of the young man and woman. As soon as the girl approaches the 'marriageable age', the word spreads that the girl is in line to get married. Parents start finding a boy suitable for their daughter. Families of the boy and the girl look for some important criteria while searching for a match. The boy's education, profession, and status are taken into consideration. While looking for a girl to marry, the girl is selected seeing her fairness, her behaviour, and most importantly the amount of dowry she can bring in.

Additionally, indirect talks are held or sometimes direct about the amount of dowry to be given or taken. A sum is set before marriage as dowry. In most cases, the girl's parents bear all the expenses of the whole marriage ceremony. This can also be counted in as dowry because the parents are spending on behalf of the boy's side. The parents alone pay for the wedding hall, flower arrangements, lighting, and banquet. In addition to this they also have to pay cash and other things as dowry.

In India it remains a fact that a lot of women do not know about their rights. From an early stage women are taught never to complain when they are ill treated or abused by their husbands. Women are taught to keep quite and adjust to the new marital home once they get married. According to Dr. B. Devi Prasad,

> The secondary status of women in our society is the root cause of dowry victimization. Such forms of sex related violence as a manifestation of women's subjugation tend to continue as long as the basic social and economic structure remains unchanged. The basic strategy…must remain one of changing material conditions that produce the secondary status of women resulting in their extreme vulnerability for exploitation and abuse. (1990, p.307)

Further discussion in this chapter will show that when and how the practice of dowry has transformed over the past years. The dowry system has changed from a

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voluntary to a compulsory custom. The worth of a bride is not her own self but the amount of dowry she brings in to the husband's house. Marriages are fixed keeping dowry as the main priority, instead of the interests of the happiness of the future couple. Moreover, this chapter also touches upon the practice of brideprice in which the male used to give money and other things as gifts before marriage to the female.

2.1.1 The Historical Context

Earlier, marriages used to be a family matter with close friends invited for the function. The bride's family gave gifts to the groom and his family. These gifts were given voluntarily and there was no pressure applied in such practices. The woman was given her *stridhan,* which included some clothes, jewellery, utensils, and other items, which would help her to start a family of her own and she could live comfortably in her husband's house. *Stridhan* was given to the woman as her own gift and the husband had no authority over it. However, there was subtle social pressure to give *stridhan.* Old Hindu texts mentioned the giving of gifts as *stridhan* to the bride.

The modern Indian dowry system has its roots in the traditional upper-caste practices of *kanyadhan* (gift of the virgin bride); *varadakshina* (voluntary gifts given by the bride's father to the groom); and *stridhan* (voluntary gifts given by relatives and friends to the bride). "The practice of a woman giving a "dowry" or "gift to a man" at marriage is said to have had its origins in the system of streedhan (woman's share of parental wealth given to her at the time of her marriage)…There is no clear proof as to when this practice was first started in India." (Dowry- Gift to Bride…)

Thus, whatever gifts were given to the woman during marriage by her family or friends constituted her *stridhana,* whereas the presents given to the bridegroom in cash or kind were known as *varadakshina.* According to Altekar,

> In ordinary families, however, the amount of dowry was a nominal one. It was a voluntary gift of pure affection and presented no impediment in the settlement of the daughter's marriage till the middle of the 19th century. (Menski, 1999)

Among the aristocratic and royal families huge amount of gifts or dowry was given to the groom by the bride's family as a mark of social prestige and honour. In medieval times, the hypergamous system of marriages among the royal or aristocratic families helped in the growth of the practice of dowry.

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> It was prescribed under this system that a girl of a lower class could marry a boy of a higher class but not vice versa. The parents of the girl considered such status-climbing alliances advantageous for getting more prestige for themselves and paid the social cost of such a marriage through huge dowry. (Nijjar)

Social prestige was thus an important part of people's lives during those times also. This eagerness to climb up in the social ladder had ultimately accelerated the giving and taking of dowry and thus resulted in its commonness. According to Sudheer Birodkar the historical background of dowry is because of "absence of polygamy, in a society having a larger number of females as compared to males, many female members would have to be deprived of marital life. The obligation to get more than one female member into wedlock with one male member could have been the situation which gave birth to dowry…" (Birodkar).

The above quote states that marriage of a woman was a compulsory practice and in a society where there were fewer men, and women were forced to get married to men who were already married. Also, the caste system was one of the reasons for the dowry custom to increase rapidly. Such practices were followed as a result of the caste system. Due to conflicts within different castes, endogamy was followed, which led to the prevention of marriages between different castes. This can be seen as one of the reasons for the origins of dowry.

In addition, the Hindu scriptures provide evidence about the persistence of dowry in earlier times. In old Hindu marriage system there are eight forms of marriage. The 'mantras' that were recited during the marriage ceremonies contributed to the dowry system. Manjeet Singh Nijjar notes that,

> The ideas of dowry seems to have got justification from one of the seven benedictory 'mantras' recited at the 'Saptapadi' (marriage) ceremony of the couple which says, "May we live long dowered by our relatives." In the course of time this presumed idea of dowry took a concrete shape assuming the name of 'Vardakshina'. (Nijjar)

Furthermore, the custom of dowry is connected to colonial times when very few men worked in white-collar jobs and women were in competition for marrying the high-ranking grooms. According to Siwan Anderson (August, 2004),

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> Studies connect groom-price to competition amongst brides for more desirable grooms…Srinivas (1984) dates the emergence of groom-prices in India to the creation of white-collar jobs under British regime. High quality grooms filling those jobs were a scarce commodity, and bid accordingly… Chauhan (1995) links the widespread transformation of dowries into a groom-price to directly after Independence in 1947. This was a time of significant structural change where unprecedented opportunities for economic and political mobility began to open up for all castes.

In addition, according to Veena Talwar Oldenburg (2003), dowry was not a major problem in pre-colonial India. Rather, British policies started to change the society into a male-dominated one and sons were being preferred to daughters.

> In precolonial India, dowry was not a "problem" but a support for women: a mark of their social status and a safety net…. dowry and associated wedding expenses neither caused the impoverishment… which is what early colonial administrators claimed, nor where they the cause of the increase in violence against women, whether in the form of female infanticide or today's "bride-burning." Rather, imperial policies created a more "masculine" economy and deepened the preference for sons that fostered the overt or hidden murder of girls. The establishment of property rights for peasants, inflexible tax demands and collection regimens, and a host of other imperial measures prepared the ground for worsening gender inequality which, in turn, increased vulnerability of women to violence in both natal and marital homes (Oldenburg, 2003)

Thus, according to the above quote imperial policies led to the increase of gender inequality and thus to women being treated as inferiors. The economic strategies of the British while in India made men stronger and women weaker in the society. Slowly, due to social and economic changes brought about by British rule in India, dowry became a threat to women and it resulted in their discrimination.

In conclusion, dowry started to take a firm place for itself during early times. Due to its strong hold in history, the dowry system started spreading vigorously which accelerated the violations against women.

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2.1.2 "Modern Menace"

In the mid 19th century, dowry started to violate women's rights. It became a "modern menace", which means a threat to women's rights. The giving and taking of dowry started becoming an obligation. The woman's family was forced to give huge amounts of dowry to the man's family. The groom's family started demanding cash, jewellery, electronic items like television, washing machines, even car, scooter, as dowry. The bride's parents were compelled to give these things to 'marry-off' their daughter. Later, it became a rampant practice and associated with prestige and status, it increasingly assumed a very rigid form whereby there was a sign of competition and show-off.

The groom's family started expecting huge amounts of cash and other things as dowry and it turned into threats and in rare cases death. Speaking about the spread of dowry P.N. Mari Bhat and Shiva S. Halli (1995, p.129-148) say:

> In north India, escalation of the dowry rate was first noticed as the dawn of this century among the upper castes of Bengal who sought English-educated men in remunerative government services as bridegrooms for their daughters. From Bengal, the dowry 'evil' has spread to all of north India as shown by a number of village studies.

The fact that India is a male-dominated society it results in an unequal relationship between both the families, and thus demands by the man's family force the parents of the bride to surrender themselves and give away everything. Nowadays, status and prestige also play a very important role in the dowry custom. The more the dowry given, the higher is the social standing of the father of the girl. Thus the status symbol has been one of the driving forces of the dowry custom. Like in other societies, Indian families are very concerned about their social status. A Delhi based research on dowry by Madan C. Paul (1986) showed:

> 'Izzat' (prestige) is important in marital alliance making and the transaction of dowry is related to it significantly…prestige is more important in marital relation and dowry is perceived to be a mechanism of actualization towards that end…dowry is increasingly resorted to as a prestige symbol in urban Delhi.

Some parents give more importance to status and prestige than to their own daughter. A woman in India is seen as a liability, and it is believed by the patriarchal

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society that a woman's only aim is to get married and take care of her husband, his family and her children. Many families marry their daughters at a very young age because if a woman lives in her natal home beyond the 'marriageable age', it is socially unacceptable. Thus, social status and prestige is considered very important among families in India. According to Vijayendra Rao (1993),

> In the Indian marriage market there are strong social and economic pressures for women to be married within an 'acceptable' age range, as an unmarried older daughter can be a severe economic and social liability to her family. This is due both to a lack of job-market opportunities for women, as well as to an extreme drop in social status associated with having (or being) an older unmarried daughter.

Consumerism and materialism have also been blamed for the rise of dowry custom. Marriage has become business. People have started earning money through marriages. Social relations have become commercial. Modern urbanization, industrialization, and consumerism have made money and status an important part of marriage negotiations. Moreover, the more dowries the groom's family receives, the higher is their reputation in the society. The traditional practice of voluntary gift giving has shifted to a new form in consumerist capitalist society. The woman's family succumbs to dowry demands and gives the man's family everything they ask for. As the *Sunday Times of India* reports (May18, 2003), the check list of most favoured dowry items from Patna are the laptop, cellphones, home theatre sets, jewellery, honeymoon package in Europe, and a flat ("Didn't we ban dowry?").

In addition, it is wrong to think that only semi-literate or middle-class demand dowry. Even highly educated and top professionals, including doctors, engineers, IAS officers, businessmen, software engineers, executives, demand huge amounts of dowry. The higher their education and profession, the more is the dowry. And if the groom is living or studying abroad, the price of dowry increases.

Birth of the first child, festivals and house functions is taken as an excuse to demand more dowries. And each time the parents of the woman give huge amounts of dowry in cash or kind, the more the eagerness to acquire more increases among the husband's family. Most of the times, the dowry that is brought in by the daughter-in-law is not even opened or used as it is kept aside safely to give the same as dowry for the marriage of the husband's sister.

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If dowry demands are not satisfactory enough the woman may be humiliated, harassed, beaten and even killed for it. The husband and his family may even murder her to arrange a second marriage for the husband, in order to obtain more dowry. On the other hand, if adequate dowry is given to the husband as and when he wants, the woman is less harassed and beaten.

Women cannot even find comfort in their own natal homes. When the victimized woman returns back to her parental home, after being faced with harassment, she can be asked by her parents to return back to her husband's home. As Sunanda Y. Shastri (2003, p.252-253) quotes:

> In a Gujarati folk song the mother advises the daughter as follows:
>
> *O wise girl, you are going*
> *to your husband's abode.*
> *Pay heed to the advice of your mother,*
> *Be in your limit at your husband's place,*
> *Work hard without complain,*
> *Don't sit at anybody's home,*
> *Don't tell the story of your family,*
> *Speak less with your brothers-in-law,*
> *Be courteous to everyone.*

The woman is forced to return to her marital house and the physical and psychological abuse starts again. She is treated as a servant and is ordered to do all the household chores alone. Parents are reluctant to let a woman come back because they fear that she will become a lifelong responsibility. The matter of fact is that, when a woman is "married-off" she is told that 'no matter what happens, she is supposed to stay in her husband's home till her death'. To keep up this promise she stays in her marital home and bears beatings, tauntings, and harassment from her husband and in-laws. This pressure to keep up the marriage is one of the main killers of women, rather than just dowry or the absence of it. Therefore, the parents send her back and ask her to 'adjust'. Subhadra Butalia (2002) argues that Indian families are more concerned about status and prestige in society than the lives of women. For them women are non-existent, except as wives, even is this step means pushing them to death.

Today, dowry, *stridhan,* and *varadakshina* are entirely one and same thing. Talking about the escalation of the dowry system, Bina Kumari Sarma (1989) says,

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> These two gifts of Hindu marriages, *stridhana* and *varadakshina* got entangled and later on assumed the frightening name of dowry… distinction between *varadakshina* of those days and dowry of these days is that dowry is essentially a property which is extracted from the bride's family under coercion and pressure, while the former is that property which was voluntarily and willingly given.

When the woman takes her *stridhan* to her new marital house, the husband and his family, in some cases, take away the *stridhan* and refuse to give any part of it to the girl. Also, the husband may compel the father of the bride to give him essential things such as *varadakshina* for his own needs. Thus, all the three concepts have become one taking the name of dowry.

Dowry as it exists today in India has assumed the dimensions of a serious social problem. Unfortunately, with the development of education the custom has become more deeply rooted in the society. It is surprising to note that education has not been able to curb this social evil; rather men have started demanding more money to recover every rupee spent on education. Nowadays, men want to marry educated women, so that whatever they earn comes into their own hands and they are just left as a person who makes easy money. As a matter of fact, the more the education, income, occupation, the more people are interested in the continuation of the dowry system. Higher the income and greater the wealth, larger is the anticipation of dowry. Thus higher levels of education has not created a positive awareness of a dowryless marriage.

Dowry has affected the lives of people in India, and this custom is so deeply-rooted in their minds that they are not willing to give it up. People say that dowry is a practice, which has been going on for so many decades now, and it is because of it that a daughter can be safe and happy in her marital home. 'No dowry, no happiness' is what is believed by lots of people in India. Families spend a great deal of money on marriages. Dowry is separately given despite all the marriage expenses shouldered by the woman's parents. Families in India use the term 'decent marriage' today, which means a marriage with huge dowry.

Furthermore, it is important to mention about the system of brideprice, which was a common practice during the 18th and early 19th century. 'Brideprice' as a customary practice has been overtaken by the system of dowry. According to the 'brideprice', the

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groom was supposed to give an amount of money to the girl's family. This was because after marriage the girl's family was going to lose a significant bread earner of the house to compensate the economic loss. Women were not seen as a liability, but as an equal individual as men. 'Brideprice' was practiced among the tribes and some other communities around India. The earlier custom of brideprice has almost vanished and only the dowry custom exists. Ranjana Sheel (1999, p.24) quotes Indira Rajaraman saying that:

> Indira Rajaraman's …purely economic analysis of dowry as a 'negative bride-price in the organized sector' is yet another attempt to discuss the problem from a very different angle. She argues that the earlier bride price served as compensatory payment to the bride's family for the loss of a productive member by way of her economic contribution to the household. As women's participation in production declined, organized sectors arose and prosperity increased, dowry served as compensation for women's share of 'leisure' and her 'negative networth'. Only rising contribution of women to family income can inhibit the dowry demands.

As 'bride price' is no longer practiced among many Indian communities, women are now being seen as an economic burden and parents want to get rid of their daughters as soon as possible. Parents are willing to pay huge amount of money as dowry. All this has contributed to the desertion of the system of 'brideprice'.

Moreover, upper-class people have black market money, which they give as dowry. The Report of the Committee on the Status of Women in India (1974) states:

> Black money and unaccounted earnings have given an impetus to dowry during the post-independence era. A new class of noveau rich has emerged that buys a daughter's future with dowry, to raise its own social status by entering into marriage alliances with families of high status. These people are keen to get rid of the black money, so they spend it lavishly during weddings. In this process the level of expectations in the marriage market has changed altogether.

Activist Urvashi Butalia[3] supports this view. She says that black money has to be used somehow and this is the most obvious and easy way of using it. And that is why a lot of money that is demanded in cash. Because it is paid in cash it becomes difficult to

[3] Interview on 4/10/2004

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prove and follow up. She further says that these changes have been very marked over a decade or so which is why one even sees the spreading of dowry across other communities and castes. It seemed like a middle-class problem centered only in Punjab and Delhi, but now it is spreading everywhere.

Today families are very focused on dowry. It is a possibility for them to increase their social status and the families thus continue the dowry system in order to achieve their goal. As Madhu Kishwar (2005) puts it,

> Contemporary dowry is more like an investment by the bride's family for plugging into powerful connections and moneymaking opportunities. Marrying a daughter to such a man means upward mobility for her entire natal family, especially brothers, because they will secure huge benefits through this connection. The component of dowry that still retains some resemblance to the traditional *stridhan* involves bride's trousseau, gold jewellery, household goods and any property that her parents might put in her name. But even this does not always remain in her control leading to bitter tussles. It is not uncommon for a groom's family to keep a part of this dowry for their own daughter's wedding or treat the household goods as offerings made to the family, rather than just the bride.

Wedding ceremonies have become more of a show-off than a ritual that binds amicably two young hearts and families. During these marriages costly gifts are given as gifts not only to the groom but also to his family members. With such grand weddings people become greedy and they also want to have such high-class marriage parties. These kinds of grand weddings contribute to the acceleration of the dowry system. Jyotsna Chatterjee[4], Director of Joint Women's Programme talks about the commercialization of marriages. She says,

> When black money is there it must find some way to being used. Politicians, to prove how powerful they are have large weddings and the people working in their houses, the economically poor, servants, etc., they see this extreme expenditure…On the one hand, it is a question of status, on the other hand it has become a question of demand and black money and on the third hand commercialization of the whole thing.

[4] Interview on 6/10/2004

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Overall, the marriage market is flourishing with stocks of dowry waiting to be given to families. Families believe that only when huge amount of dowry is given will the family be observed with status and prestige in the society. A woman's interest, her happiness, her ambitions are nowhere to be taken into account where men and money are concerned.

2.2 Inheritance Rights of Women

In India, people tend to believe that only men have rights over property. This was because it was felt that the woman belongs entirely to a different family after marriage and has no responsibilities or entitlements of her father's house or property. Moreover, the only property the women got where in the form of dowry. That is the reason why some young women prefer the dowry system as that served as their own property after marriage. This is one of the reasons why dowry system still persists. Talking about property ownership by women, Flavia Agnes (1999) had the following to say:

> A system of property ownership by women seems to have been an integral and significant part of the ancient moral, ethical and legal social norms. Due weightage was granted to this subject in Sanskrit scriptures. It does appear that patriarchal collusions constantly undermined the scriptural dictates of the dharma of streedhan. At each time the smritikars, with great effort, brought the emphasis back to women's ownership of property and in the process also expanded its scope. There seems to be a constant tussle between the smriti dictates and patriarchal subversions within the family.

Instances are different when a woman owns property. If women own property the incidents of violence, both physical and psychological was less. The following survey shows that property plays a very vital part in people's life. If one has money, respect and honour will directly come to them.

A survey done by Bina Agarwal and Pradeep Panda (*The Indian Express*, 7 August 2003) showed some interesting findings.

> Ownership of property by women is associated with a dramatically lower incidence of both physical and psychological violence and both long-term and current. For example, as many as 49 per cent of the women who owned neither land nor house had suffered long-term physical violence, compared with 18 per cent and 10 per cent respectively of those who owned either

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> land or a house, and 7 per cent of those who owned both. The effect of property ownership on psychological violence is even more dramatic; while 84 per cent of the propertyless women had suffered such abuse, the figure was 16 per cent for women owning both land and a house. In other words, women's ownership of immovable property clearly serves as a protection against all forms of spousal violence.

And where dowry demands were concerned, findings revealed the following situation,

> While a fair proportion of women (propertied and propertyless) faced dowry demands, only 3 per cent of the propertied women faced dowry-related beatings by in-laws and husband, compared with 44 per cent of the propertyless. This suggests another form in which owning personal property can protect women.

Thus the above survey shows that women who own property faced less harassments and beatings by their husbands. This might be because people have started giving more importance to material things and money and so possession of property by any person is seen as a significant factor. As is written in *Manushi* Editorial Collective (1979),

> When marriages are arranged, it is not just the boy's family who make sure that the girl's family is "well-settled and well-connected" and can give their daughter a "decent marriage". The girl's family too judges the boy by his job, income, inheritance prospects and social status. The worth of human beings is thus decided solely on the basis of the money and property they possess.

Inheritance rights to women have been a major concern of many NGOs and activists. Under the Hindu Succession Act women have the right to own property. The Hindu Succession Act came into force on June 17th 1956. The former Prime Minister of India, Jawaharlal Nehru raised his voice to give rights to women to inherit property, and with much resistance from orthodox Hindus, the Hindu Succession Act was enacted. A lot of changes were made to give women more rights but they were still denied the important coparcenary rights. But a development in the part of inheritance rights to women has been the amendment of the Hindu Succession Act, 1956. The Union cabinet of India has decided to amend the Act for the empowerment of women in India. As reported by the *Times of India* (Dec.17, 2004),

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> the proposed amendment would give women the same 'coparcenary' rights as men. A 'coparcener' in this context is essentially one who has a right to a share in ancestral property from the moment he (or now, she too) is born…The 15th Law Commission in its report on property rights for Hindu women suggested the Act be amended to give the daughter not only an equal right to property as the son, but also to empower her to act as a 'karta' (head of family) if she is the eldest in the family. The Cabinet has accepted this suggestion.

Women's groups and activists have welcomed this decision whole-heartedly across India. Moreover, activists feel that this decision will help solve the problem of dowry to an extent. Nirmala Seetharaman (*Times of India*, Dec.17, 2004) says,

> With the girl getting coparcenary rights (that makes her entitled for an equal share in family property when it is divided), there should be little reason for demanding or giving dowry. The girl will have some property in her name like her brothers.

Giving women rights to own property will be one way of g iving them incentus to fight against dowry. If a woman is allowed to act as 'karta' (head of family), it will be a good change for her, which will altogether increase her status in society. Most importantly, there are less chances of giving and taking dowry if girls are given a share in the parental property. It might not totally wipe away this practice, but the dowry system could be curbed to an extent.

Dowry means that female property is transferred at the woman's marriage as a sort of pre-mortem inheritance. In addition to that, dowry also became a tool to have good relations between the bride's family and the husband's family. As Mangai Natarajan (1995) notes,

> Some scholars suggest that the practice of giving dowry follows from a system of inheritance that excludes the female children and, by settling some of the family's wealth upon the daughters before the parents' death, to some extent compensates for the discriminatory effects of the system. The nature and purpose of the dowry practice should therefore be considered in the context of property rights under a system of exclusively male inheritance.

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But, as a matter of fact, this is not true in today's context. Dowry is not women's property alone. It is the property given to the man and it further does not develop smooth relations with the opposite party, instead, it makes relations worse. The eagerness to receive money has made the system of dowry stronger and it has further led to the inferiority of women. Whatever is given as dowry straightaway goes into the control of the groom and his family, and the bride has no control over it whatsoever.

2.3 The Concept of *Stridhana*

As explained in chapter 1 *Stridhana* means gift given to the daughter at her marriage, which belongs to her. *Stridhan* might include gifts like clothes and jewellery. All these things were a woman's own property. *Stridhan* was a kind of inheritance to the women, as earlier women were not given the rights to inherit any property. So all the items she got was only once during her lifetime, and that was at the time of her marriage. Parents viewed that because girls do not own any property, so the giving of *stridhan* was a way to make it up. According to Flavia Agnes (2000),

> The woman had absolute power of ownership over stridhan and could alienate it by way of sale, gift or will. The Smritikars clearly laid down that a woman's husband, father, brother or son have no control over this property. A Hindu woman was not bound by the husband's contracts in respect of her individual property. He had no power to part with her property without her consent or execute any document affecting her right to her property. The husband could use it with the woman's consent only in times of legal distress.

Today, the concept of *stridhan* has got merged into dowry. Nowadays, women do not own anything as their *stridhan.* When the woman gets married she is given cash, clothes, and jewellery, as her *stridhan.* But as soon as she enters her husband's house, all those things are taken away from her. In cases where the husband and the wife are divorced, the woman fights to get back her *stridhan*, which was, in some cases, forcefully snatched away by her in-laws and husband. But when the woman goes to claim her *stridhan*, it becomes very difficult, as she is asked to produce documents to prove that she is the one who brought those gifts with her after her marriage. Therefore, again, the woman is faced with complications to deal with this issue and eventually she withdraws without claiming her *stridhan.*

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Therefore, today dowry and *stridhan* have emerged into one thing. The husband's family enjoy dowry along with *stridhan*. Most of the people interviewed during the course of writing this thesis agreed to the fact that dowry and *stridhan* cannot be treated as two separate concepts. They both have fused together to make matters worse for women.

In conclusion, it is clear that the dowry system has transformed from a voluntary practice to a compulsory one. But at the same time, there was subtle social pressure to give gifts as *stridhan.* Earlier people used to give gifts to each other without any pressure or force from the groom's side. The custom of bride price in which the groom paid to the bride's father has slowly vanished. Brideprice has been replaced by dowry. Moreover, the property rights of women have not been taken seriously and many women are violated of their rights to own property.

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CHAPTER 3
INTERNATIONAL LAWS AND INDIAN LAWS APPLICABLE TO DOWRY SYSTEM

3.1 Human Rights of Women

The situation of human rights in India has been quite varied. The government's commitment to improve women's rights has not been impressive, but civil society intervention in support of women's rights has been better. As the UN Agency UNIFEM reports in relationship to the compliance with CEDAW,

> Significant gains in heightened public awareness of women's rights and violence against women, along with increased verbal governmental commitment on these issues are overshadowed by repeated violations of women's human rights. Several factors such as the persistence of a strong patriarchal culture and the perpetuation of gender stereotypes based on cultural, religious and traditional value systems affect the implementation of CEDAW. (United Nations Development Fund for Women, UNIFEM, 2003)

Dowry has led to violations of some of the basic human rights of women in India. Women are harassed, beaten and killed due to inadequate dowry thus violating their right to life. The practice of dowry violates conventions like the Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), the International Covenant on Civil and Political Rights (ICCPR), and the International Covenant on Economic, Social and Cultural Rights (CESCR).

Some articles strongly support the elimination of all forms of discrimination. For example, the practice of dowry in India is prevented through legal measures, but it is still practiced. As India has ratified the CEDAW convention, and thus has the obligation to reform the laws regarding the discrimination of women and also making efforts to change the attitudes of the people to those cultural practices. India has an obligation to take positive actions to help women and also uphold the law by creating a good law enforcement agency. The government moreover has an obligation to work

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along with the NGOs to eliminate the dowry system and also to make the police force efficient in dealing with cases of women. Some of the main articles that mention about women's rights and are related to the problem of dowry are as follows:

Article 2(f) of CEDAW states that States Parties agree to pursue, "measures …to modify or abolish…existing customs and practices which constitute discrimination against women." The government has an obligation to take measures to address the dowry system as it discriminates against women. As India has ratified CEDAW so it has a duty to modify or abolish laws that violate women's rights. Thus, Article 2(f) and Article 5(a) of the CEDAW obligate the state to take appropriate measures.

Article 5(a) of CEDAW states that, States parties shall take all appropriate measures:

> To modify the social and cultural patterns of conduct of men and women, with a view to achieving the elimination of prejudices and customary and all other practices which are based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women

UNIFEM, while mentioning about the 1995 Fourth World Conference on Women says, "The Beijing Platform for Action adopted at the conference recognizes that 'all governments, irrespective of their political, economic and cultural systems, are responsible for the promotion and protection of women's human rights'." (1999, p25)
In some arranged marriages in India, girls have no possibility to influence their parents in choosing their own partner and the girls are forced to marry him, whether she likes him or not. Like in other matters the patrilineal society does not allow a woman to make her own decision. Thus their basic right to choose a spouse and rights in their marriage is violated.

Article 16(1) of CEDAW calls upon states parties:

> "To take appropriate measures to eliminate discrimination against women in all matters relating to marriage and family relations and in particular to ensure, on a basis of equality of men and women:
> (a) The same right to enter into marriage
> (b) The same right to freely choose a spouse and to enter into marriage only with their free and full consent.

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India has made a reservation on Article 16(1). Though this is a very important provision, something that is so significant for many young women in India, but still this provision has not been accepted by India.

CEDAW's General recommendation 21 on 'Equality in Marriage and Family Relations' on Article 16(1) (a) and (b) observes:

> A women's right to choose a spouse and enter freely into marriage is central to life and to her dignity and equality as a human being. An examination of States Parties' reports discloses that there are countries, which on the basis of custom, religious beliefs or the ethnic origins of particular groups of people, permit forced marriages or remarriages…Subject to reasonable restrictions based for example on a woman's youth or consanguinity with her partner, a woman's right to choose when, if, and whom she will marry must be protected and enforced at law. (Sagade, 2005, p.137)

The ICCPR and ICESCR also emphasize free consent of the boy and girl to marriage. Dowry is related to these provisions because of the family's eagerness to higher status they neglect her right to be free to choose a spouse.

Article 10(1) of ICESCR states: "Marriages must be entered into with free consent of the intending spouses."

Article 23 of ICCPR states:

> (3) No marriage shall be entered without the free and full consent of the intending spouses.
>
> (4) States Parties to the present Covenant shall take appropriate steps to ensure equality of rights and responsibilities of spouses as to marriage, during marriage.

The Human Rights Committee in its General Comment states the problems faced by women in India. Women being dependent on men since their young age restricts them to take decisions on their own. The head of the family, which is the father, takes the decision about their marriages on their behalf. The women do not take any decisions.

The Human Rights Committee in its General Comment 28 on the Equality of Rights between Men and Women stated:

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> States are required to treat men and women equally in regard to marriage in accordance with Article 23…Men and women have the right to enter into marriage only with their free and full consent, and States have an obligation to protect the enjoyment of this right on equal basis. Many factors may prevent women from being able to take the decision to marry freely…In some States may be that either by statutory or customary law a guardian, who is generally male, consents to the marriage instead of the woman herself, thereby preventing women from exercising a free choice. (Sagade, 2005, p.138-139)

Dowry deaths take place for the inadequate amount brought in by the woman to her marital house. Her husband and in-laws kill her for the lack of dowry. She is thus deprived of her own life. This clearly violates the provision of Article 6(1) in the ICCPR convention.

Article 6(1) of the ICCPR mentions that: "Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life."

In addition, the Committee on the Elimination of Discrimination against Women, in its initial report of India (24 January 2000) stated,

> The role of the family in India is very strong. While the strength of the family, respect for elders and strong family values are abiding features of the society across religions, cultures, languages and castes, the family is also very often the place where discrimination and subordination occur. In the setting, violence against girls and women reach alarming proportions. Consequently…dowry-related violence and torture remain largely invisible and often go unpunished in spite of constitutional guarantees and the laws.

Family is very important in the Indian society. There are strong family ties among the people. Nevertheless, discrimination against women takes place within almost every family. Women are violated within the family and their voices are unheard outside the four walls of the house. Gender-based discrimination is widespread at home and even in the society.

Women's rights are given less importance by political actors as well as by men in the male-dominated Indian society. Women are denied their rights in many areas,

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whether it is at home or workplace or any other sphere. As women are seen as a lower sex they are discriminated even in their own family, whether it is the natal family or the marital family. According to Sunila Abeysekera,

> It is in the so-called private sphere, in areas such as marriage and the family, that women continue to be denied equal rights… The division of the world into two separate spheres, public and private, and the identification of these two spheres with 'masculine' and 'feminine' arenas of life and action, have been the basis of the institutionalization of discrimination against women.

The Special Rapporteur on VAW, Ms. Radhika Coomaraswamy, has also examined all forms of traditional practices including dowry deaths, all of which violate female dignity. In her preliminary report, the Special Rapporteur said:

> Blind adherence to these practices and State inaction with regard to these customs and traditions have made possible large-scale violence against women. States are enacting new laws and regulations with regard to the development of a modern economy and modern technology and to developing practices which suit a modern democracy, yet it seems that in the area of women's rights change is slow to be accepted. (http://www.unhchr.ch/html/menu6/2/fs23.htm)

3.2 Gender and Rights Perspective of Dowry

"Gender is a concept that refers to the differences between men's and women's roles and responsibilities that are socially constructed, changeable over time, and that have wide variations within and between cultures. As opposed to biologically determined characteristics, gender refers to learned behavior and expectations to fulfill one's image of masculinity and femininity." (Glossary, 2005)

Dowry transaction takes place because of gender stereotypes that women's value is less when it comes to ownership of property or income or on participation in family decisions. Women are assigned solely reproductive roles such as motherhood and family care, and due to this they are not able to take up jobs outside home. Thus, due to the definition of women in purely biological terms, their role becomes dependent on men for access to resources. Even if women are allowed to take paid jobs, they do not

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get good employment mainly due to their gender resulting in their weak social role. Therefore, women remain confined to their domestic/biological roles, which restricts them in standing on an equal position as men in the male-dominated society.

Culturally, Indian families have great preference for sons. This is because women are seen as an economic burden. Gender stereotypes like men are the breadwinners of the family while women are the domestic caretakers, tends to accelerate the growth of gender discrimination. In addition, women are married off early to protect their sexual purity and to get rid of an economic burden. The natal family is willing to provide huge dowry to give away an unwanted liability to the marital family. Even in the marital family the value of a woman's role remains low as she is considered a burden and she is supposed to take care of the whole family because of being a woman. Thus, gender stereotypes tend to make women vulnerable to day-to-day roles. Women's roles are gender-specific and they are forced to behave and act in a certain way in the patrilineal society. For example, society believes that women are supposed to stay home and do domestic chores, while the man goes to do work outside the home.

The initiatives taken by the state does not positively help women as gender roles are very strongly attached to the Indian society. Even if there is a policy of 'positive discrimination' especially for women, but due to patriarchal views and culture, these kinds of policies do not help women in standing equally with men in the society. As Jean D' Cunha puts it:

> Many well intentioned initiatives that target women are not necessarily gender responsive. They recognize differences and inequalities between men and women as natural and unchangeable, and reinforce discriminatory gender stereotypes. They tend to address inequalities by banning or restricting women's actions, controlling or morally reforming women often while intending to protect them…a gender and rights approach would address unsafe and discriminatory contexts, and equip women to deal with potential exploitation. (D' Cunha, 2002)

In conclusion, gender discrimination is a human rights concern as women are denied their basic human rights. Rights of women are seldom taken into serious consideration by state actors who themselves being males are insensitive towards women's needs and necessities. The system of dowry negatively contributes to women's rights

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because women are seen as the inferior gender and dowry is paid to the boy's family as a compensation for the inferiority of the woman. Thus, the continuous payment of dowry is nothing but the upholding of gender discrimination against women and also the increase of gender stereotypes in the society.

3.3 Dowry Prohibition Act 1961, Amendments and Statistic Reports

The Dowry Prohibition Act came into force on 1st July 1961 with pressure mounted by women's groups on the government. The Indian government passed the Dowry Prohibition Act of 1961. The Act defines dowry as,

> All properties or valuables given or agreed to be given, before or after a marriage, either directly or indirectly, by one party to the other party, in connection with the marriage. However, anything given to the bride or groom out of one's own free will and without any pressure is permitted. Presents given at the time of the marriage to the bride or the bridegroom by any person shall not be deemed as Dowry.

The law made the practice of giving and taking dowry illegal and it had provisions with which the perpetrators could be fined or even imprisoned. The act made the giving and taking of dowry in any form a crime. It made both the giver and taker of dowry culpable in the crime. But it protected the complainant from being implicated in the crime.

Though this was a positive step by the government, however the law has many loopholes. The law does not help the women and people continue to give and take dowry. For example, section 3 of the dowry act says that "If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more".

This provision clearly sees also the giver of dowry as a perpetrator. Thus, with such provision the bride's family would never complain to the police that they are giving dowry because obviously they do not want to be imprisoned or embarrassed about their practice of giving dowry. Hence, this section is very contradictory as the

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giver will not ever come and tell the police that they are giving dowry due to fear of the law. As Kirti Singh (2002, p.253) asserts,

> Section 3 of the 1961 Act made the giver and taker of dowry equally responsible. This obviously prevented the dowry victim's family from prosecuting a complaint.

Later on, with the dowry movement of the 1980s, the Dowry Prohibition Act was amended. The law was amended twice. Once in 1983 and then in 1986. With these amendments the law became a little more effective.

Section 498 (A) was added in the Indian Penal Code in 1983. This section defined cruelty in marriage and also mentioned about the harassment faced by women in marriage. This section proved to be really effective and women started coming out and complaining about the cruelty and harassment being meted up on them. Cases were being reported in the police stations.

Other than that, Section 304 (B) was inserted in the Dowry Prohibition (Amendment) Act in 1986. This section stated that the women's death should have occurred within seven years of her marriage and she must have been subjected to cruelty or harassment soon before her marriage.

Section 113 A was inserted in the Indian Evidence Act in 1983. This section allowed the courts to assume that in certain situations, a husband or his relative had abetted the suicide by a woman.

But despite the law and all its amendments dowry is still widespread and common practice. As Indrani Mazumdar asserts,

> Despite amendment, despite having been the focus of the parliamentary debate, despite the expressed concern and loud promises of those in power, the Act itself has remained on paper alone. (*Gender*, 4 March, 1997)

The government has not been able to implement the law successfully. It was first with the enthusiasm and activism shown by women's groups that the main dowry law was passed and later on amendments were made in it. The government has not shown any vigor in women's issues as most of the political actors and bureaucrats are themselves gender biased.

The statistics of dowry related violence and dowry death show a grim condition of women. It has been reported that cases of harassment and deaths due to dowry are

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on the rise in Delhi. The Crime Against Women cell (CAW) of the Delhi Police had registered 37 dowry deaths till April in the year 2003. As the *Times of India* (13 May, 2003) reports,

> Cases of dowry deaths have increased from 113 in 2001 to 130 in 2002. Instances of cruelty by in-laws due to dowry have increased from 855 in 1997 to 1,196 in 2002. The figure was higher in 2001 at 1,208. Till April 15, 2003, the CAW had registered 1,902 cases pertaining to matrimonial disputes, of which mostly were related to dowry demands.

The above data shows that cases of dowry deaths and harassment are on an increase. This is despite the fact that all-women police stations and dowry cells have been opened to reduce crimes and VAW. These are just the statistics that get reported and there are still some numbers of cases that do not get reported at all. In case dowry is reported it is not addressed properly in the courts. The judicial system is very slow and time consuming and a case might take several years to be concluded. Thus the family or the effected women does not take it to court.

> A whopping 16,239 dowry death cases are pending in courts across the country…A total of 2988 dowry death cases are pending in the High Courts all over the country. In addition, 13251 dowry death cases are pending in the subordinate courts throughout the country. (*Deccan Herald*, 12 June 2001)

Thus a woman is not able to seek justice by the police as well as in courts. The cases just keep dragging in the courts sometimes leading to the witnesses to forget key incidents or to the complainants themselves withdrawing their case.

Moreover, the National Crimes Records Bureau reports are the main source in finding out the violence and crimes being carried out against women. The crime details of reported crimes during 1998 to 2002 along with percentage variation are shown in Table 1.

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Table 1

Crime Head-wise Incidents of Crime Against Women during 1998-2002 and Percentage variation in 2002 over 2001

Sl.No.	Crime Head	Year					Percentage variation in 2002 over 2001
		1998	1999	2000	2001	2002	
1.	Dowry Death	6975	6699	6995	6851	6822	-0.4
2.	Torture	41376	43823	45778	49170	49237	0.1
3.	Dowry Prohibition Act	3578	3064	2876	3222	2816	-12.6

Source: NCRB 2002 (a) Report. Crimes Against Women in http://ncrb.nic.in/crime2002/cii-2002/C-CHAP-5.htm

The above table shows that there has been a slight decrease in the number of cases related to dowry death and Dowry Prohibition Act. But the rate of torture has slightly increased. In addition, among 35 cities, Delhi (1,862) contributed 9.4 % of total crimes for example, rape, sexual harassment, domestic violence, dowry deaths. Delhi also contributed to 17.6 % of the dowry deaths. The number of total crimes against women in 2002 was a massive 146,678. There was a 0.1% increase in the crime rate, that is, 14.1 in 2002 as compared to 14.0 in 2001. 34.0% dowry death cases were reported (1,870 convictions out of 5,492 cases tried). (NCRB, 2002 (b))

It should be kept in mind that these are just the cases that have been reported in the police stations. According to women's groups, there are still a majority of the cases that do not get reported and registered and the crimes are continued inside the four walls of the house. There are still innumerable cases of domestic violence, dowry

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deaths, and harassment cases that do not get reported and the woman is forced to go through the ill treatment intended by the husband and in-laws.

3.4 Denial of Fundamental Rights of Women in India

The fundamental rights of India give every citizen a right without any sort of discrimination. Such rights allow every individual to enjoy his/her freedom without any barriers. These fundamental rights also maintain the non-discrimination of any kind among the sexes. As T. M. Vijay Bhaskar (2000) notes:

> The constitution guarantees fundamental rights to all India citizens…Article 15 prohibits discrimination on the grounds of…sex... a provision under Article 15 (3) enables the state to allow affirmative discrimination in favour of women…the constitution imposes a fundamental duty on every citizen through Article 51 (a) to renounce practices derogatory to the dignity of women.

Besides that, the Anti-Dowry Cells have been set up by the government, which also includes Dowry Prevention Officers. Their main role is to make sure that dowry transaction does not take place during marriages, dowry violence does not get unnoticed and appropriate actions are taken against the perpetrators. The National Crimes Records Bureau (NCRB) has been instituted for monitoring registered cases of VAW. Pam Rajput (2000) says that the "state has made many efforts, many laws have been enacted, and many policies and programmes have been launched. But it is the non-implementation and gender insensitivity of the machinery that needs to be addressed". The state has not been taking serious steps to address the discriminations against women. Only with pressures by women's groups the state takes action. The state actors being corrupt are not able to curb the violence faced by women. Rajput (2000) says,

> The nexus between the criminals and the politicians and corruption that is rampant in the country tend to defeat all the attempts made by the state in terms of both remedial and preventive measures. Economic liberalization, cultural invasion and increasing consumerism have further added to the increase in violence in its various manifestations.

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The police are not adequately trained to handle gender issues. In addition to that they wipe out the evidences after receiving bribe from the husband's family. Investigation procedures are slow and even the cases, which are successful in moving to the courts, do not get a fair and fast judgment. The following chapters will show as to how the police and courts are ineffective.

The Indian constitution provides some basic fundamental rights to its citizens irrespective of caste, colour, sex, and religion. The following are some such rights, which are related to women's dowry problem.

a) Protection of Life and Personal Liberty (Article 21)

Denial of women's basic rights takes place first and foremost within the family. Decisions taken whether in the matters of marriage, employment, or their daily movements is always in the hands of the men within the women's family. The family claims 'we are doing this for your own good', 'for your well being', 'to protect you', suppresses the rights of women to make their own decisions. The women are not given liberty to make any decisions as such. Such violations of women's rights are well ignored by the state as family affairs, thus, continuing to violate and suppress the rights and decisions of women.

During marriages, a woman herself does not decide with whom she wants to spend the rest of her life with; it is her family, and mainly, the male members who decide for her. She just has to agree with whatever they say, and that is the condition of women in the Indian society.

b) Freedom of Movement (Article 19d)

Living in bondage is well known to women as they are always under the control of someone. Men decide where a woman should and should not go, with whom she may or may not go, and when she should return back home. Women face this kind of restriction from their childhood until their old age. Women are taught to take all this as normal and if they do not take this seriously, the 'respectability' allowed to women will be at stake. Many people believe that women themselves choose to spend their time at home taking care of household chores and children. This myth has perpetuated women to stay within their homes thus denying their basic right to freedom of

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movement. For example, after marriage a woman may or may not be allowed to go out and work. If she insists on going out to meet her family or friends, a time is fixed for her to return back home. According to Madhu Kishwar (*Manushi*, 1983),

> Restricting women's freedom of movement is an important part of the strategy for making women dependent on men. Being denied access to the outside world of employment and public affairs, women are forced to depend on men as their intermediaries whenever they have to step into that world, whether to seek job, to find accommodation or to find out about a bureaucratic procedure. One affect of this is that women's fear of the external world borders on panic, so that many women learn to put up with any maltreatment at home rather than be forced to leave home for a world of which they know very little.

c) Right to Property

The Indian constitution guarantees that no one will be denied the basic right to property, whether man or woman. Families do not allow women to have an independent right to property. To give property rights to women, the Hindu Succession Act was formed. But it had proved to be inadequate because of too many loopholes. The state itself nullifies the right of the women to hold property in order to support those considered to be the male heads of the family. But with pressures from women's organizations, a positive step has been taken by the government to amend the Hindu Succession Act. According to the present amendment, a woman has been given equal rights to property as a man from the day she is born.

Families spend thousands of rupees on marriages of their daughters and give a lavish dowry, but are unwilling to give a little portion of that money for their daughter in her own name, for her own independent control.

d) Right to Freedom of Speech and Expression (Article 19a)

Women continue to bear violence within their own family. They have been trained to keep quite even if they are oppressed and exploited. When women are beaten or harassed by their husbands they prefer not to talk about it to their family and friends because they feel that by doing so they would be betraying their families and

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she fears the disrespecting of the training given by her parents of being a ‘good and obedient’ daughter-in-law and ‘adjusting’ to the situation. Thus, women continue to bear the maltreatment caused by their husbands.

Thus it is clear from the above discussion that women have been denied the fundamental rights of India. Though these rights talk about non-discrimination but women are undoubtedly denied access to their own life and hence are suppressed in the male-dominated society.

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CHAPTER 4
BASIS FOR DOWRY

As in many other societies and cultures, marriage is a big event in India, though love marriages (that is, non arranged marriages) are still a taboo in many families. Before discussing further about the basis of dowry, it is crucial to talk about the Hindu kinship and marriage practices of India.

India is divided into two large regions with regard to Hindu kinship and marriage practices, the north and the south. The different groups like the tribal, ethnic, and mountainous groups follow their own custom of kinship and marriage. In the north, families look for alliances with people with whom they are not related by blood. While in the South, families search for alliances within their kinship and marry within their own family. In the north, marriages with ones relatives are forbidden but in the South this is an acceptable practice. In the northern parts of India, every kin has a different name and that clearly indicates whether one is related to the other by blood or it's an affinal relation. But in the South, there is no clear-cut differentiation between blood and affinal relations because marriages in the south are a continuation of family ties and the married couples are eventually blood kin.

> In most of North India, the Hindu bride goes to live with strangers in a home she has never visited… Her natal family is often geographically distant, and her ties with her consanguineal kin undergo attenuation to varying degrees. In South India …marriages are preferred between cousins (especially cross-cousins, that is, the children of a brother and sister) and even between uncles and nieces (especially a man and his elder sister's daughter). The principle involved is that of return--the family that gives a daughter expects one in return, if not now, then in the next generation. The effect of such marriages is to bind people together in relatively small, tight-knit kin groups. A bride moves to her in-laws' home--the home of her grandmother or aunt--and is often comfortable among these familiar faces.

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> Her husband may well be the cousin she has known all her life that she would marry (http://www.country-studies.com/india/marriage.html)

Whether it is marriage in the northern or southern region, the status of the girl's family always remains lower and dowry is expected from them. According to Malavika Karlekar (1999, p.62),

> In the Indian context the preference for structural asymmetry between the two families and the consequent burden of gift-giving on the bride's family strengthens inequality…Here the notion of property in marriage acquires another meaning: not only is the in-marrying girl viewed as the property of her husband if not of the conjugal family, but also the event marks the unequal flow of goods and even property between the two kin groups.

The relationship between kinship and marriage is important for Indian Hindu marriages. This chapter will mainly discuss the social, economic and political basis for the existence of dowry in India. All these reasons have led to the continuation of the custom of dowry, thus affecting the lives of women the most.

Causes: Socio-Economic and Political Causes

4.1 Social Pressure

One of the reasons for the continual existence of dowry is that it is a traditional practice which people have followed. They do not want to get rid of this strong cultural practice and continue to give and take dowry. Social pressure amounts to the survival of the dowry system.

In some cases if a boy does not get dowry, his friends and colleagues will bully him, he is ridiculed and made fun. He is also pressurized by his family and friends to demand dowry and ask for more things for himself as well as for his family. The bride's family gives dowry partly because of pressure and partly to gain higher status. Pressure from the society to give and take dowry has been the driving force of the dowry system to exist. This compulsion from the society, be it family, friends and relatives, has indeed made the lives of women demeaning. Women bear all the pain and suffering caused by the social pressures to keep the dowry system going at all costs.

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As mentioned earlier, this tradition that once belonged to the upper-class is also spread to the lower classes. This forces the poor people to ask for loan to give as dowry when their daughters are getting married and ultimately gets stuck in debts. The servants or the economically poor working in the houses of the upper caste see the way they arrange marriages. They notice the amount of money being spent on things like tents, decorations, food, music, during marriage. They also see the huge amounts of gifts given to the boy's family by his master. This makes the economically poor man desperate to do the same. He also dreams of having such rich functions during the marriage of his own daughter. And he believes that the huge amount of dowry given to the groom's family will buy his daughter happiness. This makes him anxious to mimic his master's way of marrying off his daughter. And this leads him to borrow money and conduct as grand a marriage as possible for his daughter and at the same time give a large dowry to his son-in-law. Thus, the poor class is slowly starting to copy the upper class. Therefore, the different class structures are following the dowry system. Moreover, the more he spends on his daughter's wedding, the higher is his name and prestige in his own community. Thus this enables dowry to flourish in all stratas of society. As Dr. Aparna Basu[5] says, "Because the rich follow dowry, the poor imitate them. In this case, not caste but lower classes also. Economically weaker imitate the economically higher."

Social pressure to give and take dowry has thus resulted in the spread of the dowry custom even among the lower classes. Among the rich there is a competition about who gives and takes more dowry. And among the poor classes also this competition is starting, thus leading to a situation where the dowry system will spread its tentacles in the economically weaker sections also.

4.2 Status Symbol

Status and prestige are very important concepts in the family as well as in marriage dealings. There are many aspects to the concept of status here. First, there is an unequal social position between the two families. The groom's family is higher in position that the bride's family. There is an unequal flow of gifts between the two groups. This can be seen as a reason for the giving of gifts by the girl's family to the

[5] Interview on 2/12/04

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boy's family. Just because the father of the girl is inferior to that of the boy and his father, the girl is asked to pay dowry.

Secondly, the more dowry given and taken, the higher is the social standing of both the parties. Dowry items are proudly displayed in the marriage ceremony to show the society the family's capability of giving so much as dowry. The family of the woman is proud that they are able to give such amount of items as dowry to their daughter, thus showing the society that she would be able to lead a happy life in her marital house with such comforts as dowry. As Vimla Mehra[6] puts it,

> The more you give to your daughter the status is supposed to be higher in that extent. So, that is how people want to show-off their status and also they want to show that they have the money, they can afford to give it to their daughter.

This leads one to believe that respect comes to a woman only with money and the dowry she is able to give. So, this display tends to make the position and status of both the families higher in the society. As Madhu Kishwar explains,

> Dowry giving is an investment not in the girl's future but in her family's honour or *izzat*. The size of the dowry is talked about in the community and enhances the status not only of the groom's parents but also of the bride's parents. (1986 p.9)

Thirdly, as a woman is seen as a liability in most of the Indian families, the sooner the father gets his daughter married, the better is his social status. It does not matter if the woman is educated or uneducated, her main aim is to get married and bear children. A woman's identity lies in her ability to raise and keep a family. This is one of the reasons why girls get married at a very young age in India. When a girl reaches puberty, the family start looking for a match for the girl. When the girls get married they become a part of the husband's household. Parents advise their daughters to adjust to the changing environment in order not to loose face, thus forcing the woman to stay in the husband's house facing harassment and violence. Malavika Karlekar says,

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[6] Interview on 29/12/04

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> In India marriage continues to be universally regarded as essential for a girl, irrespective of class, caste, religion and ethnicity. Control of her sexuality and its safe transference into the hands of the husband is of primary importance. Concern over the conduct of the sexually vulnerable girl is an important cause of early marriage. (1999, p.61)

When there are many daughters at home, the parents want to marry their daughters as soon as possible. This is because once a woman passes a marriageable age the society starts pointing towards the family, thus making the father lose his status. Therefore, the status symbol pressurizes the girl's family to marry their daughters as soon as they enter the marriageable age. As Madhu Kishwar (1989) states,

> It is because they are so deprived of dignity, made to feel so unwanted in their parental homes that the pressure on women to marry and to stay married becomes so overwhelming. This pressure is the primary killer. In almost all cases of suicide by or murder of a married woman in her marital home her parents and brother's were fully aware that she was being maltreated but continued to persuade her to "adjust" in the marital home rather that break the marriage. The message the girl receives is "Better death than return to the natal home". Yet parents and brothers do not wish to acknowledge their own responsibility for the woman's death. They prefer to blame it all on dowry.

4.3 Inferior Status of Women

The inferior status of women in India makes them more vulnerable for dowry. This attitude makes the giving and taking of dowry an ongoing custom. Many of the persons interviewed for this thesis said that the status of the woman was an important factor for the maintenance of dowry. For example, according to activist Gauri Chaudhary[7],

> It is a sheer reflection of the declining status of woman. Where in our society marriage is the chief goal and no matter how educated a girl is, she will still and as a matter of fact if she is educated she has to find a boy who

[7] Interview on 20/12/2004

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> is even more educated. So, therefore, the dowry has to be given in a larger quantity. So it is a vicious cycle.

The woman's family is not always aware of the fact that the more the dowry they keep paying to the boy, the more likely it is their daughter facing harassment. The woman is a shortcut to make easy money, and the boy's family takes that advantage. A woman's subordinate position in the family is one of the main causes of the dowry flow between the two families. As Sonal Shukla explains that the socialization of the girl starts in parental home where her role is curbed and she is not encouraged to have a strong character or to have higher aspirations in life. The girls are denied higher education and are restricted from taking up jobs. With such conservative ideas they force the woman to stay at her matrimonial home even when she is harassed because they believe that a woman's place is her husband's house no matter what. It is also because they must guard their investment that they have made in form of the girl. (1985 p.12)

The advice to obey a husband and his family, which newly married women often are given ends tragically. The following quote is an example of the violence or the terror that a young married woman goes through due to the inadequate dowry she has brought into the marital house. Himendra Thakur (1999) says,

> Imagine the plight of a young woman, newly wed into an unfamiliar situation, and surrounded by those she has only just met, who regard her as a means to an end, little more than a device by which to enrich themselves. She knows only too well that a bride may be killed for lack of dowry…she too must have heard the same stories we've all heard…but she does not know what to do. She may have overheard her in-laws, even her own husband, talk casually about harassing her, and sometimes contemplate even killing her! The kind of fear that instills in a person is beyond our ability to comprehend. It isn't even fear, it is terror.

To be able to marry one's daughter away is seen as a good thing and parents to girls are so concerned to find a husband for their daughter that they often neglect the girl's interests.

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As mentioned before, the inferior status of a woman affects many issues. The natal family believes that there is no point in giving the woman a share in property because ultimately one day she would get married and move to her husband's house. Thus they do not inherit. In addition, women are not allowed to work and many times they are even not given land rights on these grounds. Inheritance is not drawn in the female line but only in the male line so the birth of a girl is not welcomed in the families.

Furthermore, the importance of status is seen during marriages when the father of both the bride as well as the groom feel proud while giving and taking dowry. They show the society that the amount of dowry they are able to give and receive during their children's marriage. In case a family is not able or willing to pay the amount of dowry the husband's family demands it is the bride who is the victim. Her rights are not considered at all.

4.4 Lack of Property Rights

Under the Indian constitution women have the rights to property, but in reality they do not inherit. Dowry is given as a kind of advance or compensation for the inherence.

> The idea that dowry payments function as a pre-mortem inheritance dates back to Goody … who postulated that 'dowry is part of a familial or conjugal fund, which passes down from holder to heir, and usually from the parents to the daughter.' (Suran; Amin; Huq; Chowdury (eds), 2004)

Traditionally, dowry was given to the daughter to entitle her as being a full member of her marital house with her own wealth. It was seen as a substitute to property rights, she would bring it as her own into the marital family. Dowry today has the same role as advance payment for inherence, but the reality is that the husband's family has control over it. Thus, the woman is left with nothing. Even the "*stridhan*", which originally was the girl's exclusive property, is considered as dowry and taken by her husband and his family.

Some women surprisingly support the dowry system. It is because they are aware of the fact that they will not get any inheritance rights in the family property. The only

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property the woman will receive is the dowry. Activist Madhu Kishwar supports this view of the women. She says that,

> If instead of this token dowry, a due share in natal property were to be given at the time of marriage or at least an assurance of inheriting natal property when brothers inherit their shares, the plight of married women would be less.

In her argument, prohibiting the dowry system means that women are deprived of even the small share of money they could have gotten. Therefore, she says, rather than protesting and legislating against the dowry system, it should be left undisturbed while work is done for bestowing equal rights in parental property for brothers and sisters.

According to Rajni Palriwala, in some cases women earn their own dowry. The well- educated middle class women as well as uneducated working women work to earn for dowry. They are willing to do this because they do not want to pressure their family to pay dowry. When women are willing to maintain the dowry system it is difficult to get rid of it. Many women are unaware of the fact that, in some cases, the dowry they give will ultimately go into the hands of their husband and the in-laws and that they will not have any control over their own dowry.

Some argue that giving property rights to women will stop the practice of dowry or at least decrease it. Brinda Karat[8] says that dowry has become a means. Even the daughters do not own any property. There is lack of property rights for women. She further says that dowry is both the cause and affect of the subordinate position of women.

Moreover, activist Gauri Chaudhary[9] explains the issue of property rights. She says that property rights are already there and the Hindu Succession Act gives the woman the right to property. Recently the Supreme Court announced that she can even have rights over the ancestral property. The question is whether woman takes it. Very few women want to have any conflict over property with their brothers. They value their relationship with them so much that they do not claim the property. And cases where girls have asked for property, it's usually the husband of the woman who has

[8] Interview on 15/6/2004
[9] Ibid. Supra Note 49.

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initiated the move. So property should, if there is countrywide awareness of women's right to property…can you change.

But as observed earlier, research indicates that if a woman is given property she is not in the same risk of dowry violence. But I would like to stress here that in very few and extreme cases a woman owns property because as discussed earlier due to their inferior status women are not allowed to own anything. Whether or not women own property it is not before they speak out about their situation that the issue of dowry can be properly addressed.

4.5 Consumerism and Materialism

Radhakrishna Rao rightly says, "The concept of woman as property is strengthened by the dowry system and the culture of consumerism has fed the flames of dowry violence" (2000, p.27). Widespread consumerism is one of the core reasons for the existence of dowry in India. In recent years, the Indian market has been filled with digital cameras, home theatres, washing machines, and mobile phones and people have an intense desire to get these things. Dowry is one of the ways and maybe even the easiest way to get these things for the groom's family. As Sonal Shukla (1985, p.5) puts it:

> Every bit of technological advance in consumer goods can be turned into a dowry item…if a middle-class family fancies them, a son's marriage is the time to acquire them free for themselves… It is not only middle or lower middle class family that demands the latest consumer goods as dowry items, it is also the richer families that take pride in showing off what the newest bride in the family has brought with her…The rich are no less acquisitive in all this than the middle classes.

The newly married woman is the source of all the modern gadgets. The bride's father gives in to the dowry demands and fulfils the wishes of the groom. As Suguna explains,

> In today's highly consumerist society, a bride has become a source of substantial capital for the groom and the family. When the bride fails to live up to the material expectation, she is considered disposable and is either done away with or is driven to commit suicide. The structural form

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> of violence implicit in dowry system in such cases, finally erupts into direct physical violence. (Suguna, 2000, p.26)

Thus marriage is just an economic transaction between two families, and not something that unites two individual hearts. In an interview with Dona Fernandez, Director of Vimochana,[10] she explained that society has become very materialistic and there is no place and role of ethics and values. Marriage has become an economic transaction. As the above statement indicates, consumerism and materialism has added fuel to the fire of dowry. Material goods have increased the greediness of the people. They want to have everything and they want to own everything.

4.6 Power Relations

The position of the bride and groom's families are unequal. It has been like this for centuries. Being the parents of the daughter is an inferior status to the groom's parents. Both the bride's and the groom's family have interest in a big lavish wedding. The bride's family to show they can afford it and the groom's family to show their *izzat* (prestige). A country study report states that because of the unequal power relation between the bride and the groom's family, the bride's family is forever expected to give gifts to the groom's family. According to the report the flow of gifts begins at engagement and continues for a generation or two (http://www.country-studies.com/india/marriage.html)

People believe that a father of a woman has to bow down in front of the father of the boy, as the former's position is lower than that of the latter. Usually the gift-giver receives gratefulness, but this is not the case when it comes to dowry. It is very common for the bride's family to be insulted during the pre- wedding or wedding day. These insults on the bride's family have become very normal and have social sanction too. According to Madhu Kishwar (1989, p.85), every dowry ritual reinforces the idea that while sons are valued assets, daughters must be got rid of at all costs. What dowry achieves is not the material enhancement of one set of families and the financial degradation of others but the reinforcement of a culture which devalues women and empowers men.

[10] Interview 26/7/2004

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Dowry bolsters the pride of a man and it strengthens his superior position. The unequal power relations between the bride and groom keep the system of dowry going at all costs. *Beti paida ki hai to jhukna hi padtha hai* (A daughter has been born, so we have to bow): this is what many fathers say when they have daughters who are in line to get married.

4.7 Role of Media

Media plays a vital part not only in subordinating the position of women in society, increasing son-preference but also escalating the threat of dowry. The material goods that have come up in the markets are shown in advertisements through television as well as in the hoardings across the cities. The media advertises all new materials like mobile phones, digital cameras, holiday packages, and so forth. And the people being the consumers are thirsty to acquire all these things.

Advertisements in the media generally demean the status of women. For example, some ads show that daughters are to get married and sons have to be educated. This maintains the traditional gender roles. When the media gives the impression that a woman's ultimate goal is always to get married and a man has to be educated.

In addition, many advertisements encourage the dowry practice too. In a society where a number of activists are working time and again to altogether abolish the dowry system, such advertisements totally disregard their activism and support and encourage the dowry practice. An example is an advertisement for Durian imported furniture called 'Kanyadan Package' reads, "Give your darling daughter an imported wedding gift for her new home, exclusive range of Durian Furniture." This advertisement is targeted on the bride's family and not the groom's, suggesting that a father must provide for all needs of his daughter for her new home. Another example is the message of an LIC advertisement is that insurance is necessary for "*Beti Ki Shaadi aur Bete Ki Padai*" (a daughter's marriage and a son's education). This advertisement indicates what is most important for people- to get their daughter married and son educated. These two expenses are seen as equal. According to Gargi Chakravarthy, these advertisements strengthen the patriarchal structure of our society.

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People then, internalize such messages and apply them to their lives unaware that in the process they are demeaning and devaluing women.

The All India Democratic Women's Association (AIDWA) has set up a media-monitoring group (MMG) to address the negative portrayal of women in media, including advertising. They have complained to a number of prestigious companies like ICICI, and Life Insurance Corporation (a public sector company), and the like about their advertisements. Such companies, which promote gender discrimination and subordinate the position of women in society, do not see themselves responsible to the laws of the country.

For example, according to Malhotra, the "ICICI advertisement called *jeevan bhar ki suraksha* (lifelong security) promotes male supremacist values. This advertisement links *suraksha* (protection) to marital status, as though it is only through marriage that women can be protected or alternatively that the husband is a woman's sole protector. A woman's independence and individual capabilities are undermined. The ad also marginalizes single women" (Malhotra 2003, p.36-37). The Delhi newspapers carry a big section on 'matrimonial' where hundreds of matrimonial advertisements are put up in the newspaper each and everyday. These have different sections for the different religions, castes, sub-castes and languages, like, Brahmins, Sikhs, Christians, Tamils, Gujratis, and so on. All carry some basic information about the woman or the man. For example, for the woman the advertisement would be like, "Boy needed for a 'fair complexioned, 5/5 height, graduate girl'. Boy should be well educated, preferably an MBA with a high profile job in a big company." Earlier, in many of these advertisements the preference of dowry could be clearly seen. The advertisements targeted for the woman mentioned the word 'decent' marriage that is, the marriage to be lavish, with the girl's father bearing all the expenses and also giving the boy's side a good dowry too. All these expectations lie behind the word 'decent' marriage.

Nowadays, these kinds of advertisements mentioning 'decent marriage' have decreased. One of the reasons could be the fact that people are now becoming aware that such advertisements are illegal. Despite the fact that 'decent' marriages are not used anymore in advertisements, dowry still exists. It was difficult for the researcher to find matrimonial advertisements that mention the term 'decent' marriage because as

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mentioned earlier people have stopped putting such ads maybe because of the fear of law.

Therefore, the media plays a very important role in reinforcing gender insensitivity. In a society where women are still considered an inferior sex, the media clearly supports such notions and drives the patriarchal structure to flourish more strongly.

4.8 Lack of Effective Legal and Social Sanctions

Along with the law, a number of anti-dowry cells had been set up all across the country. In spite of these interventions the system of dowry exists. These laws and initiatives have not been efficient enough to address the problems of dowry and thus not been able to give justice to the women. As mentioned earlier, the police and the courts are gender insensitive. The cases that come to the police stations and courts are not taken seriously by the government officials and mostly are biased towards the husband's family. Women are not able to get any sort of help from them. According to Indu Agnihotri (2003, p.310) the state intervened on the issue of dowry only to a limited extent. The Dowry Prohibition Act and criminal law have not been able to affect the dowry transaction. The state has not done anything to implement the law. In addition, the police and judiciary have also showed bias and unwillingness. Therefore, the lack of effective law and its enforcement has not been able to implement the prohibition of dowry and help the women who are victims who are victims of the dowry system.

4.9 Consequences of Dowry Payment

The consequences of dowry affect not only the bride but in some cases also the bride's parents. Because the parents of the bride have to have a huge amount of money for dowry, they start saving early. Lower or middle classes families are often affected more. In poor families, the father takes loans to fulfill dowry demands and is left with lots of debts. If there are many daughters in one family, then the burden is very big. In many cases poor families go bankrupt because of dowry. In some cases, if the family is very poor, the woman is forced to work in order to earn her own dowry. As Dr. S.L.Hooja notes the dowry system makes people feel mentally disturbed and

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ultimately expect financial ruin. The consequences are felt more by the middle and the lower middle classes. These people are not well off. When, at the time of marriage, demands are made by the boy's side, most of the parents of the women are unable to meet them and this leads to psychological, social and economic maladjustments in society. The parents of the woman normally wish to marry their daughter in the highest possible social group so that she may lead a happy and comfortable life. But, in many cases, their endeavours end in disappointment. They have to involve themselves in debt which leads to enormous difficulties for the family (1969, p.209).

Also in the middle-class families, the women work in order to earn their own dowry. The women who earn their own dowry are often not aware of the fact that further dowry demands may start soon after the wedding. In some cases, the wife is sent back to her natal house and she is told to come back only when she has the dowry that they have asked for.

If the husband's family is not satisfied with the dowry, they is some cases plan to kill the woman for not fulfilling their demands. In other cases, the husband's family, with their harassment and beating, drive the woman to commit suicide. A common way of killing a bride is to throw kerosene over her and burn her alive. This has been termed as "Dowry death" or "Bride burning". They report to the police that it was a "stove-burst" accident while cooking. If there are witnesses, like neighbours or other family members, most of the times they do not come out and speak about it because it is considered a family matter and one should not intervene. In some cases, neighbours or other family members have supported the "dowry death". In addition, Mala Sen (2001) says:

> Women themselves perpetuate, accept and encourage traditions of the past, finding strength in their ability to accept whatever life has to offer in a world that is ruled by people other than themselves.

Thus the system of dowry helps the women negatively in assuming their inferior position. For ages women have been treated discriminatorily. Women's status is misused by the male-dominated Indian society. Seema Sirohi (2003) rightly says:

> Sanction for the subordination of women comes from old Hindu social and legal texts, which still rule common thinking. The text says that a woman's job is to perpetuate the family life and produce male heirs. Woman has a

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> ‘weak’ character. She needs male authority to shepherd her through life. Brahmins form the higher class of Indian society…‘Brahmanism has been seen as a religion that exalts the cow but degrades the woman’. Dowry is not unique to Indian society but its institutionalization and evolution into a modern-day monstrosity seems to be. As family structures changed from the matriarchal to patriarchal, Dowry began making a definite appearance.

The continued emphasis on women’s low status from among others family and media make women think it is natural for them to be treated like this. They are not informed about their rights or given confidence enough to stand up and say stop. Female infanticide and foeticide is another consequence of the dowry system. Families prefer the birth of a son because it is a son who brings in wealth into the family; he is the heir of the family property, while a woman means economic burden. Sex-determination tests are outlawed in India. Prenatal techniques for sex determination were introduced for other medical purposes. But many families turned it to find out whether “It’s a boy” or a girl. ‘Thousands of clinics have sprung up in the country which determine the sex of the foetus and then carry out an abortion. Data reveals that in Uttar Pradesh for every female born two are aborted, and in Haryana and Punjab, in 99 per cent cases the female foetus is aborted. For all those who cannot abort the expensive test there is always the blessed midwife who poisons, smothers, drowns or buries the woman child as soon as she is born.’ (UNFPA, 1999)

This gives the possibility for parents to choose to abort female fetuses. According to V.G. Julie Rajan,

> Having a daughter all comes down to one point: if one has a daughter, she must be married; to be married, a daughter must have a dowry; with each daughter and each dowry, the family wealth declines and family members live less well. Therefore, if a family is not wealthy, as is the case in most of India, it is more likely that parents would prefer to have sons who, even if they marry, will not detract from the family wealth.

Thousands of fetuses of girls are terminated every year in India. Advertisements carry information asking pregnant women to take the expensive and somewhat risky tests now in order to save a huge amount of money as dowry in the future.

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Dr. Aparna Basu[11] says that the growing female foeticide is very closely connected with dowry. Regarding the falling sex ratio and against the practice of female foeticide she says that people want to get rid of their girl child and one of the reasons being that they cannot afford dowry. She says that unless the practice of dowry is not stopped, the status of the girl child is not going to improve nor is the whole attitude towards the girl child because she will be considered to be a burden, to be a liability. From the moment she is born, parents are worried as to how will they get her married, where will they get the money to get her married.

The sex ratio of the country has become very unequal. According to Mythily Sivaraman (*Hindu,* February 15 2003),

> Dowry is not only a bride-killer but also a major contributor to son-preference, poignantly finding expression in female foeticide and infanticide, skewing up sex ratios with dangerous consequences for man-woman relationships…The All-India sex ratio that was 972 females per 1,000 males in 1991 dropped to 933 by 2001.

Some commonly held beliefs and myths leading to the Pre-Birth Elimination of Females (PBEF) are (UNFPA, 2004):

> Son is gold, daughter means worry (*Munda sona, kudi chinta*- a Punjabi phrase).
>
> A fool loses his male child and the fortunate one loses a girl child (*Ladka marey kambakth ka; Ladki marey Bhaagwaan ki*- a Hindi phrase).

[11] Ibid. Supra Note 47.

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CHAPTER 5
GOVERNMENT AND NGO INTERVENTIONS – AN ASSESSMENT

To address the problem of dowry a number of initiatives have been taken by the government and women's organizations in order to prevent such a practice, which in the name of tradition and culture kills many women.

This chapter will investigate whether the interventions by the government and women's organizations have reached the women suffering from the dowry problem. Also, it is important to identify and analyze both positive and negative aspects of the initiatives taken by them and if such actions have been able to help the women affected by the dowry system.

5.1 Government Initiatives Against the Dowry Custom

As discussed earlier, the dowry system is outlawed under the Dowry Prohibition Act from 1961. Thus, the government of India has taken initiative to stop the practice of dowry. The following discussions will show the initiatives taken by the government and assess whether or not those interventions have been successful in stopping the practice of dowry.

India is a democratic country with a parliamentary form of government. Gender issues and VAW have been raised a number of times with the government. Women's organizations have among other things protested and demonstrated in front of the parliament and outside the homes of politicians. The DPA was amended twice and giving or receiving dowry is criminal offence. For further details see 3.3 section of chapter 3. Furthermore, it was decided that Crimes against Women Cell or Anti-Dowry Cells would be set up. In 1985, the Supreme Court in a stated that women would now be able to acquire their *stridhan* from the husband's house. The court stated that if the husband and his family did not return the *stridhan*, they would be held guilty of the offence of breach of trust and would be punished for up to 3 years with fine or both. This offence is non-bailable and cognizable. This judgment led to many complaints about the non-return of dowry in Delhi.

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Limitations of Government Initiatives

Law

The law has been ineffective in dealing with the dowry system. In a joint seminar organized by Mahila Dakshata Samiti and Indian Federation of Women Lawyers in Bangalore, it was concluded that the dowry laws have failed in being effectively implemented. Speaking in the seminar, Karnataka High Court Judge, Justice D V Shailandra Kumar said,

> Among the main reasons behind the failure of proper implementation of the laws were corruption and incompetence of the investigating police officers and public prosecutors…unless the dowry law resulted in proper conviction of the guilty; it would not serve the purpose. (*Deccan Herald*, 29 June 2003)

Even if laws are passed they are not implemented. A woman's possibility of getting justice is not easy. According to Jayanti Sen (*Telegraph*, 27 July 2001) to a layman the law is inaccessible, and to a woman more so. She says that women face not only an unfriendly government but also an unfriendly judiciary. Lawyers are largely reluctant to explain the law to their female clients. Consequently, the latter lose interest to fight till the end.

Police- Poor Collection of Evidence and Gender-Insensitivity

In addition to the politicians, unwillingness to ensure the laws are implemented is the poor work of the police. The police force, which is supposed to help the people, are not capable of investigation cases properly. Among others they do not collect evidence. This means it is very difficult to prove cases of dowry deaths. The accused sometimes try to drag out the case as long as possible for example by giving excuses either of ill-health or being busy and thus it becomes difficult for the eyewitnesses to remember crucial details or sometimes they are not available for evidence. Besides, the dying declarations of the victims, which would be an important piece of evidence are not written down properly or sometimes they are just ignored. The following report, though old, but is quite relevant to prove the inefficiency of the police force. As P.K. Dey (*Pioneer*, 14 June 1994) reports,

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> In most cases, the investigation has been poor giving the accused the benefit of doubt. Statements are not properly recorded, site plans are not properly drawn, site inspection notes are sketchy, the physical evidence available at the place of occurrence is not properly collected and preserved. Persuaded by money, some police officers have failed to record the statements of key witnesses.

The entries in the police case diaries have not been proper. The entries are messy and very confusing but the police themselves does not consider it as a problem. The Supreme Court highlighted the police inefficiency and stated that, “the perpetrators of the crime not infrequently escape from the nemesis of the law because of inadequate police investigation.” It advocated that high priority be given to “expeditious investigation” of dowry cases, since, “the greed for dowry system calls for the severest condemnation.” The court also recommended that a female Police Officer of “sufficient rank and status” be associated with the investigation from its very inception. (Singh 2002, p.259)

Women’s groups have complained about the mishandling of cases by the police. The initial recording by the police of the complaint is not satisfactory. Sometimes, the complaints are not recorded at all and sometimes the police do not record what the complainant is asserting. Other than this is also the insufficient collection of evidence, testimony of witnesses not being recorded or being inappropriately recorded. Most of the times, the boy’s family bribes the police, which makes it difficult for the victim or affected woman of dowry to complain against the accusers as the police refuse to register cases or register dowry deaths as suicide. As Madhu Kishwar (2001, *Hinduism Today*) asserts:

> Even when the circumstantial evidence clearly indicates that the wife was killed, the police seem to go out of their way to establish her death as a case of suicide. There are also widespread allegations that the police often collaborate with the murderers in producing false post-mortem and forensic reports, even destroying circumstantial evidence so that the accused can easily secure acquittal.

Gender bias by police as well as lack of justice further leads to women to suffer more in the hands of the cruel and greedy husbands and in-laws.

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The following example shows the inefficiency of police in dealing with dowry cases and how the police itself help the accused most of the times to escape. The following case study was published in *Manushi* magazine (Das, 1979, p.21). The brother of the dowry death victim, Vinod Kumar, himself narrates his sister's sad end. His sister was killed 14 days after her marriage. He says that the police had been bribed and that they have no time for his sister's dowry case.

> At the police station, Karol Bagh, I got a strange reception. I was told, "Go back to Punjab. Why are you wasting time and money here? Nothing ever gets done in such cases." I had to insist, approach the local councilor, and spend two whole days at the police station before they would consent to write an FIR [First Information Report] and give me a copy.
>
> 30 residents…signed a resolution demanding an immediate police enquiry into the matter. They were planning to agitate for the transfer of the local SHO [Station House Officer] but the police intimidated them into silence.
>
> The police are clearly in league with my sister's murderers. They have not bothered to question the witnesses to whom Rakesh had complained or to read the letter written by her. After dragging out the case for nearly a year, they have finally, on July 10, 1979, informed me in scribbled note that the "case has been closed as untraced because despite best efforts, it could not be worked out." We have filed a suit against the police in the court of J.D. Dhanuka, Karol Bagh, for not producing Rakesh's case in court within six months but no matter how much we try, nothing much can come out of it because the police has helped destroy all evidence and wasted precious time.

As the above example shows the accused shut the mouth of the police by bribing them. The police is very easy to bribe and thus they do very little in helping the victims and effected women of dowry as well as their families. Sankar Sen (2003) reports that the Union home ministry recently issued a circular containing instructions on how dowry death cases should be handled. It had laid down that the postmortem of bodies in such cases should be done by a team of two doctors, that disposal of the bodies should not be permitted without a postmortem, that every case should be investigated by an officer not below the rank of deputy superintendent of police and

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that photographs and fingerprints should be taken in every case. Unfortunately, these instructions are rarely followed.

The above report mentions the procedure of following up a dowry death case. Though these provisions have been issued it is not followed as the previous examples have shown. Therefore, the lack of efficient work of the police leads to the escape of the culprits and women continue to face violence at homes.

Women's rights have seldom been given importance in the parliament. The government officials talk about women's rights in their speeches, but in reality they do not want women to come out and raise their voices. Gender discrimination is prevalent even in the government. It was only due to the force put by the women's groups that the dowry law had been enacted and it was amended twice. Overall, the role played by the government in the attempt to abolish dowry remains very weak.

Judicial System- Time Consuming and Gender Biased

The court has also not been affective in solving women's problems. The courts are not sensitive towards the problems of women and most of the time the judges give their verdicts which seriously is against the rights of women. Moreover, the courts have also not taken the cases of dowry deaths and harassment seriously. Some judges themselves are gender-insensitive and their judgment further makes the condition of the affected woman weak and the families of the victim loose their case. When a case goes into the courts it might take a number of years for the case to finally end. Because the cases drag out, the husband's family is able to destroy evidences. The eye-witnesses forget key incidents during the death of the woman. Moreover, for some lower middle-class and poor families it is both very time-consuming and expensive to go to different courts. Therefore, many families withdraw their case from the courts. They are not able to cope up with the cost and time that the judicial system takes.

Also, many of the lawyers and judges are also gender-biased. Many of the court judgments do not take women's rights seriously. Though the giving and taking of dowry is a non-bailable offence, still in many cases the husband is given bail by the judges. They do not consider the sufferings of the women at homes that they face by the husbands and in-laws. Usha Rai (*Times of India*, 21 December, 2001) says that as dowry cases drag on in the courts for several years, the girl's parents loose the will or

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the resources to fight the case. A lot of cases are dismissed on grounds of insufficient evidence. There are appeals by the accused to higher courts. A final verdict rarely comes in the lifetime of the complainant and the existing laws are not implemented. Medical reports get manipulated by corrupt functionaries at the behest of the accused, evidence collection is lackadaisical, not thorough enough for public prosecution. The result: Justice gets lost in the highways of the legal system.

The following is a short case study to show how long court cases can drag on in courts and also many times the verdict is against the interests of women. The researcher interviewed the mother of the victim, Ms. Sathya Rani Chaddha, who has been fighting against the dowry custom for many years now. The interview took place in Delhi in the NGO office of 'Shakti Shalini', which is co-headed by Ms. Chaddha.

The family members pleaded innocence saying that Pooja committed suicide. The police did not arrest anybody for more than forty days from the time of Pooja's death. But after the help from women's groups, the police arrested Manish, his mother and his sister. But soon they were granted bail by the Delhi High Court stating that there was no clear evidence of murder. Section 304 (B) had not been added during that time in the Indian Penal Code that defined a 'dowry death'. Meena filed an application in the Supreme Court of India for canceling the bail. But the case was returned back to the lower court.

The magistrate said that the demand for a scooter before marriage and soon before Pooja's death could not be seen as the same demand. He said that the demand for scooter soon before Pooja's death was made to celebrate the upcoming birth of the child. It did not amount to a demand in 'consideration' to marriage and therefore the provisions of the Dowry Prohibition Act did not apply. When Meena appealed to the Supreme Court, the Court said that it was not a 'dowry case.' Later the case came to the Crime Branch. But it also concluded that it was not murder. Meena unsatisfied with the judgement wrote a letter to the then speaker of the Lok Sabha. But that also was not successful.

After almost a year and a half of Pooja's death, Meena in late 1980 lodged a complaint under section 302 accusing Manish, his mother, brother and two sisters of murder. In 1985, Metropolitan Magistrate said that there was no case against the two sisters. The case of Manish and his mother was sent back to the sessions' court saying that they

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should be tried for abetment to suicide under section 306 of the Indian Penal Code, not murder.

In the year 2000, the judge gave his judgement convicting Manish for a seven-year term for abetment to suicide under section 306 but set free his mother. This judgement came after twenty-two years of Pooja's death. But before Meena could rejoice in happiness, Manish's lawyer filed a petition in the Delhi High Court asking the sentence to be suspended. They got Manish out on bail after he had served just two months in jail of his seven-year sentence. His lawyers held that Manish had already gone through a lot of trial by media and that Meena was pointlessly troubling Manish by entangling him in various charges.

The above case shows the inefficiency of the police, some judges and investigators and it was only after pressurization by women's groups that they took some action. The judges kept on changing their verdicts and the investigation by the crime branch also did not help as they had said that it was not murder. It is even shocking to know that Manish had married again and even had children. When the interviewer spoke to the mother of this victim directly she said that she has been fighting against the practice of dowry for the past 27 years. She said she has received no help from the police and the government did not act all. She said, "My daughter was killed for dowry in 1979 and she was six months pregnant when she died."[12]

This case shows the extent to which a mother went on in seeking justice for her daughter and found little or no help from the police and judges. Though she was almost successful, but in the end the judgment did not favour her case. Though the mother got support from some women's groups, she seldom got support from the police or the judicial system. The tragic end of Pooja is just one of the stories, but there are many other stories like hers that end in tragedy and this misfortune is still continuing for thousands of women across India.

Also, the recent court judgment on dowry offences to be made bailable and permissible for out of court settlement, if no grave physical injury was involved, has raised serious concerns about the sensitivity of the judges towards the problems faced by women. Ranjana Kumari (*Hindu*, 25 May 2003) said that women are killed even now for dowry and the judgment will further aggravate the problem.

[12] Interview on 22/6/2004

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This verdict by the Malimath committee was a threat to the anti-dowry law, which will make it weak. This amendment of Section 498 (A) of the Indian Penal Code would deprive the condition of women and they will continue to face violence in the hands of the husband and in-laws. The Joint Action Front for Women (*Deccan Herald*, 20 Dec. 2003) was completely opposed to this recommendation by the committee. It said,

> This change would make the accused party strong and women would be left with no choice to bear all atrocities…The law enforcement agency does not even entertain women's plight or complaints regarding atrocities made on them by husband and in-laws.

The cases of dowry dealt with by the criminal justice system have been deeply patriarchal in attitude. Along with this is also the corruption and inefficiency in the system which leads to the cases not being prosecuted and investigated appropriately. Gender bias and insensitivity widespread in the judicial system has resulted in injustice being meted out to the complainants of dowry harassment.

Though the gender bias is a very serious problem in the judicial system, one other problem is that many women do not feel comfortable in fighting cases in the courts. They feel very insecure and they do not feel confident about themselves in fighting for their case. The women get no social or family support and are put to test in fighting on their own in the courts. Moreover, they fear the time-consuming court process which takes a lot of time, sometimes even years to end. As Rinki Roy Bhattacharya (*Lawyers Collective*) notes,

> For women, that proverbial knock on the doors for legal justice is still a far cry. A powerful deterrent is the fact that women have no social and familial support in a long, lonely and expensive legal battle. As a result, women continue to be displaced, and suffer lifelong in silence rather than tilt the power balance. Having neither independent income nor resources, women engaged in family disputes are hit the hardest by tedious court procedures, delays and formidable legal expenses. Even when women survive the family litigation, the orders of the court may not necessarily favour them.

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Crime against Women Cell (CAWC)

To deal more specifically with violence and crimes against women, the Crime against Women Cell (CAWC) was set up in Delhi in 1983. It was set up in response to the demonstrations and protests by women's groups in the early 1980s. A majority of complaints that are reported in the women cell are related to violence and maltreatment in matrimony. Complainants first try to sort out things by intervention of family members and relatives. When these means have not been successful they go to the women cell. Complainants believe that the police and the authorities are capable of imposing the rules on the husband and his family. Officers in the women cell are of the view that women should always be in a subordinate position and should adjust in the marital house. And until she is treated inhumanly or violently, she has no serious complaints to make. When a sub inspector in the women's cell was speaking to Ruth Vanita (*Manushi*, 1987, p.14) he said,

> After marriage, the woman has to mould herself according to the atmosphere of her husband's family. It is unrealistic for her to expect the atmosphere to be like that of her own family. It is easier to change oneself than to change so many other people in her in-laws' house…If a mother or father interferes in the married daughter's affairs, it is difficult for her to adjust.

This attitude of the officers shows ample gender bias in the women cell. The cell has been specially set up to help distressed women, however with such an attitude of the police officers, it is hard for the women to get justice. This is not to say that the CAWC has been a total failure. There has been an increase in the number of complaints reported in the cells. But the general attitude of the officers working in the cell is gender biased. Ruth Vanita reported the following about the women's cells. Even though this report was made 18 years ago it is used in the thesis, because it still reflects how the officers work. Ruth Vanita (*Manushi* 1987, p.15) reports that the officers share with most of the complainant and respondent families the view that woman's place in the family should be subordinate to men. In addition the officers agreed with the notion that women should cut themselves off from their natal families to the extent that their husbands desire.

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Moreover, in the cell the officers first try to reconcile between the husband and the wife. Their first and prime aim is to bring about a settlement between the husband and the wife. Only when this aim fails they move ahead and file a police complaint. Ruth Vanita (*Manushi*, 1987, p.14) adds,

> The officers stated that their primary aim in all cases is to bring about a reconciliation and that they register a police case only when all attempts at reconciliation fail…Most of the officers seem to believe that divorce is a disaster and that a woman should go to great lengths to avoid it. On this question there seems to be a consensus between cell officers, women's families and men's families.

As the above quote that the CAWC is also a little gender biased in its way of handling the cases. Though counseling is not a police officer's job, but many of them do that.

> One of the reasons given by social scientists and senior police officers is that an ordinary policeman is ill equipped to deal with difficult and sensitive cases of crimes against women and weaker sections. The social background from which the policemen are drawn is itself found to be wanting in its behaviourial attitude towards the female sex. Therefore, the policemen cannot be expected to be better behaved than the society and its members. (Vasudevan, 1993, p.97)

When the police is trained to deal with cases of theft or murder why are they not trained to deal with VAW including dowry deaths. Dowry deaths are considered as crimes against women and are thus being neglected.

In addition, the National Commission for Women (NCW) was established by the government. It takes care of important issues concerning women. Nirmala Seetharaman,[13] a member of NCW said regarding dowry that NCW take up policy initiatives, they review every action of the 1961 Act and also indulge in actions. She further said that they review laws and advise the government to improve the law. She suggested that every district should have Dowry Prohibition Officers.

The NCW in its recommendations in a consultative meeting proposed (*New India*) that at least one special court of judge or magistrate to deal exclusively with

[13] Interview on 5/1/2005

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crimes against women should be created in every district in order to facilitate speedy justice and preference should be given to the trial of crimes against women. Moreover, provision of Flying Squad, a police van with a lady police officer must be made available in the central office of Crime Against Women Cell round the clock and the media should to be sensitized to gender issues. The media should play a proactive role in inculcating gender sensitivity from childhood and within family. Constitutional and legal rights are to be advertised and discussed regularly. Media should take a proactive role in creating public awareness on the rights and privileges of women.

The initiatives from NCW have not had a measurable impact on dowry and the police's investigation procedures are still very slow. There is only one police van in the Crime against Women Cell in Delhi. Adam Mynott reports (14 Nov. 2003) that it can take two hours to get to the other side of the city and they rely on co-operation from a police force that is riddled with corruption and inefficiency.

And where media is concerned, as mentioned earlier, some advertisements promote gender discrimination and thus pose a threat to women's status.

Positive Initiatives by Government

Some of the positive steps taken by the government were to bring a law on dowry with the amendments. Recently, after pressure from women's groups, women have been given coparcenary rights. Moreover, on June 23rd 2005, the cabinet passed a bill to give legal protection to women not just against domestic violence but also against the threat of abuse. According to the *Times of India*,

> The Bill defines domestic violence to include actual abuse or even threat of abuse that is physical, sexual, verbal, emotional or economic. The definition covers harassment by way of illegal dowry demands of a woman or her relatives. The Bill…aims to protect the rights of women to "secure housing". Women will have the right to stay in their matrimonial home or shared household, irrespective of whether they have a title or rights. (*Times of India*, June 24, 2005).

Under this new Domestic Violence Bill women will be protected from any form of abuse by their husbands. NGOs and protection officers will provide help to the

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affected women and they would be identified as “service providers”. These are the three main optimistic initiatives taken by the government in the issue of dowry.

Evaluation of Government Intervention

But in general, government intervention is very poor. All the respondents from the NGO sector believed that the Indian government has failed to act effectively against the dowry practice. They said that there has been no positive initiative by the government except the dowry act and that the laws themselves have many loopholes. As the Masimanyane CEDAW Working Group 1998 (Pickup, 2001, p.287) puts it:

> The assumption by governments is that once legislation is in place, things will change. There must be greater emphasis on implementation with clear guidelines on how to monitor this. Collaboration between government and NGOs must be strengthened. To achieve this would partly require governments to appropriately acknowledge NGOs’ contribution in the fight against violence against women…. Government must attend to the immediate need for services, such as shelters, social security benefits, setting up of victim assistance programmes at all courts and police stations, and the training of service providers.

Moreover, the respondents said that the government does not take women’s rights seriously and that there has been no effective policy by the government to deal with violence and crimes against women.

Activist Urvashi Butalia,[14] said that the government response has been positive only to the extent that when dowry laws needed to be changed, the government listened and somehow responded by enacting changes. But this step is not enough, the government needs to place in a machinery that could function, which was maintaining judges, training police to do investigation, getting lawyers and alongside a lot of awareness raising was needed, but none of that was done.

During the parliamentary debate over the Dowry Prohibition Act, 1961, Jawaharlal Nehru had said, “Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential, so that it may give that push and have that educative factor as

[14] Ibid. Supra Note 24.

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well as the legal sanctions behind it which help public opinion to be given a certain shape." (Sen, 2003)

5.2 NGO (Office Bearers and Members) Response to the Problem of Dowry

Positive Steps by NGOs

Anti-Dowry Movement of early 1980s

The problem of dowry came into forefront with the activism shown by the women's organizations and NGOs. In Delhi, the early 1980s saw the uprising of demonstrations and protests against families who had been involved in killing innocent women for dowry. Dowry had become a major issue at that time. The anti-dowry movement of the 1980s shaped the women's movement of today. The *Dahej Virodhi Chetna Manch* led the anti-dowry movement, which raised voices against the practice of dowry in itself and also atrocities faced by newly married women. This mass movement brought many major organizations together in order to fight the dowry system. It also included many women parliamentarians. With the participation of women parliamentarians in the movement, dowry became a vital issue in the parliament and the Dowry Prohibition Act of 1961 was amended and many other laws were enacted. Vina Mazumdar and Indu Agnihotri (1999, p.221-238) explain about the development of the dowry movement.

> Dowry deaths to the Indian women's movement were much more than an attack on women's right to life. They indicated increasing dys-functionality of the institutions that Indian women value greatly- their natal and matrimonial families… In the 1970s to 1990s, dowry has come to provide a rationale for murder of adults, infants and female fetuses involving collusion between families, law enforcement agencies, medical and other professionals, and certain identifiable policies of the state, such as population control. It was a 'social menace' and an instrument manipulated by growing economic forces and hidden external influences. Today, activists report that it is increasingly becoming a quiet source of resource mobilization for petty business and economic enterprise.

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The movements drew attention on the grave crimes and violence faced by the women. 1980s saw the reformation of women's issues, which later helped the women facing violence come out and raise their voices. The state of Delhi saw continuous demonstration against dowry and dowry-related crimes. Delhi had the highest number of reported dowry murders of women and so many women's groups came out to fight for women's rights. The movements were successful because until the time of these demonstrations and protests, a woman's death due to fire had been seen as suicide, and not as related to dowry death. No one, not even the police, cared to investigate these deaths properly because they were seen as 'domestic' matters that took place within the family. But with the women's movements, a woman's death by fire came to be seen as something related to dowry harassment, and regarded as murders instead of suicides. As Radha Kumar (1993, p.119) rightly agrees,

> Until this time women's deaths-by-fire had been put down as suicide, and even these suicides were rarely seen as being due to dowry-harassment. No one (including the police) had ever bothered to investigate them, or even categorize them. And mostly they had been passed off as 'private' affairs which took place within the family and which were no concern of the state. Within weeks, however, feminists reversed the indifference of decades, linking death-by-fire with dowry harassment, showing that many official 'suicides' were in fact murders.

The movement forced the police to change the attitude regarding. Anti-dowry demonstrations took place outside the homes or offices of dowry demanders or dowry murderers. Police stations have also been a site for such protests and demonstrations. The names of the victims as well as the accused have appeared in the slogans and neighbourhood groups have been formed to shun dowry harassers and demanders. Also, public meetings have been arranged in which people have pledged not to give or take dowry. At present, there are a number of NGOs and women's organizations in Delhi. Some of these organizations and NGOs were a part of the movements that took place during early 1980s, and also many of the new organizations have fought against the dowry system. These organizations have taken up the issue of violence and crimes against women and have been active in preventing abuse and crimes against them. They are active among other things in lobbying and advocacy work, demonstrations,

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meetings, protests. Some of these NGOs run short stay homes, counseling centers simultaneously to help and support some needy women who have been abandoned by their husbands and family members.

In some cases, the victims of dowry murder had survived long enough to accuse their husbands and in-laws of murder in their dying declarations. But the police procedure was so poor that such deaths were seen as suicides and the whole issue was forgotten. For example, the dowry campaign was first launched in 1979. It was a demonstration against the murder of Tarvinder Kaur, a newly married 24-year old Sikh woman of Model Town in Delhi. She had been murdered for her failure to bring enough dowry. Tarvinder, in her dying declaration, had accused her mother-in-law and sister-in-law for setting her on fire. Despite this statement, the police had registered her case as a suicide. Several women's groups joined the Stree Sangharsh (a woman's group), as well as many neighbours, local residents, sweepers, and domestic workers. They marched to Tarvinder's in-law's house and demanded punishment for her murderers.

After several months of campaigning however, the activists along with the women's groups decided to address the problem of dowry deaths more directly. They viewed that the severity of dowry harassment should reach the general public with a more direct method of communication. This led to the idea of having a street play in order to inform people about the negative sides of dowry. Many women activists performed the play, *Om Swaha*. This play was based on the true-life incidents of two women. It became extremely popular and soon people belonging to different places started asking the group to visit their localities to perform and play there. For the many middle class women who took part in the play, this was a very good and first experience at activist work. Thus, the movements and plays have drawn attention to dowry death.

Advocacy work by NGOs

There are some women who go to the NGOs when they need support and are in distress. Some of the women who face domestic violence, rape, sexual abuse, dowry harassment, come to them and ask for help. The NGOs counsel the women and in some cases the NGOs invites the husband for meeting in order to sort out things

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between them. In many cases the husband admits that the violence has taken place and asks for pardon and tells the counselor that there will not be such complaint again. However if the woman continues to face beatings and harassment from her husband, the NGOs take some harsh steps against the husband. The organization and the woman together register a complaint against him in the local police station. They compel the police to take serious actions against the husband. Sometimes the husband is arrested and even legal action is taken against him. The women either returns back to her natal home or she stays in the short stay homes provided by that organization to her.

Though this happens only in very few cases. In most cases women continue to face harassment even when she knows NGOs can help her because in many cases, when a woman complains to an NGO she will suffer more harassment and beatings from her husband. Though the NGOs tell the woman that they can protect, she will refuse to accept it and asks them to stop helping her.

In cases of dowry harassment or murder the NGOs have played a very important part in helping the victim's family as well as helping women who have been affected by the demands of dowry.

Rohini,[15] a member of Dowry Campaign Unit of Jagori, a very famous NGO in Delhi says that they constantly call up and make home visits so as to ensure that the woman is safe. Sometimes the woman says that 'I do not want to deal with it anymore', because it becomes too much for her. Because the woman has not spoken about it to anyone, and if once she speaks to them, the family violence increases and she wants to put a stop to everything.

Rohini further adds that there are two types of cases. When there is harassment and the woman suffers she lodges a complaint either in the women's cell or in the court. After that she comes to them. Because the women's cell also is not all that gender-sensitive, they help her to follow up on the case. The woman goes to the women's cell a particular day, she then comes back to Jagori and she tells them what happened in the cell. Jagori gives her suggestions or they themselves go with the woman to the cell. The other type of cases, the woman has come to them first. The NGO will call the man and his family and they will counsel all parties. The counseling

[15] Interview on 7/7/2004

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especially about legal rights as well as showing the woman they support her is important part of their work- as well as just listening to the woman.

Jagori have regular demonstrations, and some times they join other groups. They also have a campaign called 16 days campaign every year. It is called International Forthright to Protest Violence against Women. They are further planning to launch a dowry campaign. After these campaigns there has been an increase in the number of cases that Jagori gets.

The advocacy work done by many NGOs helps the women facing violence to come to them freely and voice their problems. The NGOs involve lawyers and police. The women's groups take the cases of women to the lawyers and from their it goes to the courts. Shakti Shalini, another famous women's organization in Delhi has been involved in helping distressed women since many years. The founder of this organization, Sathya Rani Chaddha[16] says that their organization is involved in educating girls, tailoring, hospitality, computer training, typewriting, helping victims by fighting their cases, and short-stay homes. They also do advocacy work, lobbying work as well as talking with the government and lawyers.

At present, women have started coming out and complaint about the violence done by their husbands and in-laws. But the number of women who complaint is just a minority. There are still lots of women who are facing violence in their homes and fear coming out and raising their voices. Traditional customs and the patriarchal society do not allow women to talk about their problems. So many women, as women's groups say, justify being treated inhumanly by their husbands, as they see their husbands as gods and to complaint against them are like disobeying god himself. Such old notions make women weak and subordinate and thus increase the violence and crimes against them. Therefore, though there are a number of women's groups available to them who can help the women, the women still face harassment in their marital home and refuse to talk about their problems.

An interesting survey done in Delhi by the International Institute for Population Sciences in 1999 showed that many married women justified being beaten by their husbands. In Delhi, 21% of women accepted at least one reason as justification for wife beating. Less than 1% are least likely to agree that wife beating is justified if their

[16] Ibid. Supra Note 67.

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natal family does not give expected amount as dowry. Also, 20% of women agree with at least one reason as justifiable for wife beating in urban Delhi and 26% in rural Delhi. Moreover, in the age-group of 15-50, 10% have been beaten or physically mistreated by their husbands. Only 1% have been beaten or physically mistreated by in-laws (NFHS-2, 1998-99).

Furthermore, despite of some good steps taken by NGOs and women's groups, there are still some problems that the NGOs face when they deal with the problems of women. Due to the gender insensitivity of the police and also the time consuming process of the courts, it makes it difficult for the women's NGOs to follow up the cases of the women and thus the immediate help that they ought to receive becomes very slow. As Ranjana Kumari[17], Director of Centre for Social Research (CSR) says,

> There are no places where such victims can be, … only in major cities. Girls coming from smaller towns, either she is condemned to suffer in the same family because she has no where to go. That is a major problem. Second is the problem from the police side. Majority of the times we approach the police, there is non-response of the police, except for Delhi… Sometimes even the women are over dependent on us. And we do not have the resources to deal with that. We do not have much money to help them out… So the problems that we face are: a) legal, b) Financial support, c) Non-cooperation of the law enforcement agency … [The] process of law is so long and difficult that we cannot stand through the whole thing. We need to have staff which will go through the cases for 10-12-14 years, it is very difficult.

When dowry deaths or dowry harassment is reported to an NGO, it will take up the case and help the woman in fighting for her right. Women's rights are at the forefront of all the activism by the NGOs. They deal with all the issues and problems concerning women and thus try to put a stop to the violence faced by women in the society. In India, there are a number of women who face violence daily. As the UN report (*One World*) puts it,

> Jagori conducted a study in Delhi from July 2002 to July 2003 and found that 217 women had died in the Indian capital because of domestic

[17] Interview on 2/12/2004

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> violence. They were just 20 to 30 years old. Some were brutally beaten, some burnt alive and some were forced to commit suicide…

The above research shows that total 217 young women had died as a consequence of domestic violence. In some cases, when women report domestic violence to an NGO, they do not say directly that they are being harassed for dowry. They might talk about all other kinds of harassment but not related to dowry, because once they say that it is dowry harassment the chances of reconciliation come up. Dona Fernandez[18] says that dowry is only made an issue only when marriage and chances of reconciliation fail and there is no hope. Until then nobody wants to talk about dowry and they hope for some kind of reconciliation or counseling and nobody wants the marriage to be broken. However, now there are increased number of women who come out and speak about their problems, but there is still a long way to go before all women will talk about it.

Some of the positive steps taken by the NGOs as well as women's organizations are that they have set up counseling centers and short-stay homes for women in distress. Also these groups are so active in taking up cases for women who come to them and tell their stories. These groups get help from lawyers, the police and also psychiatrists in order to help the women. They follow up on the women's cases and try to solve their problems. In order to create awareness regarding women's issues like domestic violence, dowry deaths, and rape, women's groups conduct research, workshops for public awareness, meetings, demonstrations and protests. In addition to that they provide services like legal aid, counseling, jobs for distressed women and shelter homes, plus they do advocacy and lobbying. They directly confront the government and the perpetrators of violence. In case a woman stops coming to them, they call her up and assure her support and help.

The increasing problem of dowry has been addressed by many activists. Many female lawyers also take up cases of VAW as well as suggesting laws that can help women claim their rights. Lawyers Collective Women's Rights Initiative (LCWRI) is a pro-bono legal aid cell that takes up cases for women. A lawyer[19] from Lawyers

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[18] Ibid. Supra Note 54.
[19] Interview on 17/9/2004

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Collective said that they have a legal aid cell in order to help women and that they do research and advocacy work.

The NGOs have been better than the government to help the women. According to Kamayani Bali Mahabal (*Health Action*, 2004, p.4), the women's movement is fragmented into countless groups of various kinds, representing different interests, pursuing different goals and… making contradictory demands…with these qualifications, it may certainly be said that there is a women's movement in India, and it is active, draws attention to itself, and fights. All over the country, and right down to the villages, more and more women are becoming aware of their rights and are showing an increasing willingness to fight for them.

Weaknesses of NGO role

In spite the hard work and small success of many NGOs in making dowry a public issue and in helping women fight for their rights, they have still not been able to abolish the dowry practice, which would be the ultimate goal, or to help all women who are affected of dowry. Some NGOs follow up the case after counseling and reconciliation, while others do not follow up, which can have negative consequences for women who are in risk of violence. The interviews with NGOs made for this thesis showed that they had ideas how dowry issues could be addressed, but the ideas are not transformed into action. There are many women's organizations in Delhi, but those groups do not specifically deal with dowry. They take up many other issues affecting women like sexual abuse, trafficking, and domestic violence. This can be seen as one of the reasons as to why still the NGOs have not been very successful in stopping the practice of dowry.

Activist Urvashi Butalia[20] said that as far as women's groups are concerned they also did some good things, but again that was not enough. She said that achieving changes in the law was something very important, but focusing only on the law was not enough, they should also had spent some energy on information and implementation.

[20] Ibid. Supra Note 24.

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5.3 Case Study: The Family of Dowry Death Victims

A total of seven case studies have been considered in this thesis. The following case studies will show the extent to which the police, the judicial system and the NGOs have helped the victim as well as the family of the effected woman. The names of people have been changed in some case studies to protect their identity. These case studies have been used in the thesis in order to give the readers a clear picture of the reality of dowry and dowry death cases. Two case studies have already been used in earlier sections of the thesis; and five additional case studies will be used in the following sections.

The following story has been narrated by the father of the dowry death victim to the interviewer during a personal interview. The interview took place in Delhi in the office of the NGO 'Shakti Shalini'. The interviewer was able to get in touch with the father through this NGO. The name of the victim and few other people has been changed for the purpose of confidentiality.

A young victim of death[21]

Meera and Kamal got married in February 2002. Meera was 18 years old at that time. There were no demands of dowry before and during the marriage and it was agreed by both the parties that whatever the girl's family can afford they could give. After 4-5 months of marriage Meera started being taunted by her in-laws and husband saying, "What has your father given? What have you brought?" They demanded a television and Meera's father gave them an old TV set he had. They were not satisfied with that and again the taunts continued.

Meera became pregnant. She was sent to her natal home as the in-laws and husband did not want to bear the expenses of having a pregnant woman at home. She gave birth to a girl. In Hindu custom, in order to celebrate the birth of a child the parents of the woman are supposed to give gifts to the husband's family. Meera's father gave them clothes and utensils for the amount of 3000 to 4000 Rupees plus silver jewellery for the child, and clothes and gifts for Meera, her sister-in-law and other relatives.

After a few days Meera's infant daughter got jaundice but the family did not take care of the baby, and as a result the baby died. Later, due to some fights Meera was thrown

[21] Interview on 22/6/2004

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out of her house. She and Kamal stayed with an uncle with whom Meera's father was related. After about one to one and a half months, Meera's sister-in-law, who was very shrewd, started threatening Meera. Meera's father-in-law and one sister-in-law had died and she started telling Meera that she will do some black magic and these people would not leave her alone safely. Meera being ignorant and frightened moved to her marital place.

The taunts and abuse started again. This time they began asking for golden bangles and a cycle. Meera called to tell her father that they are demanding these things. Meera's father told her frankly that he could not afford the golden bangles but he would try to get a cycle. After about 3 days, Kamal came and left Meera at her father's place after a fight. She stayed there for one to one and a half months.

Meera's father convinced his son-in-law by giving him a silver key chain to take Meera back to his house.

Meera used to be hungry most of the times because she did not get proper food. Every time they made an excuse saying that the money would go to pay bills. Meera's parents asked Meera and Kamal to come over to their house for a meal. Seeing their condition, Meera's mother gave her among other things some rice, sugar, to take with her.

Soon before Meera's death Kamal's family demanded gold bangles and a cycle. Because of these two main demands there had been lots of fights and arguments at her marital home. Two days before Meera's death she told her father that she had arguments with her sister-in-law. "She started hitting me and to defend myself I also started hitting her. The family members saw our fight but no one said anything. By mistake my sister-in-law's daughter was accidentally hit in the head." The family started blaming Meera. They started beating her and she soon fainted. But when she became conscious she felt she had been burnt. She ran out of the house and the neighbours helped extinguish the fire. Police was called and Meera told the truth to them.

The police, the husband's family as well as the neighbours forced Meera to say that she was cooking and her clothes accidentally got burnt. They said if she did not tell the lie her natal family will get stuck, police would arrest her saying that she was trying to commit suicide. She was pressed a lot by the people around her. Meera was

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afraid and succumbed to their needs.

The day Meera was burnt to death she had some arguments with her sister-in-law. Meera was burnt at 9 pm. Meera's father met the sister-in-law in the hospital. When he enquired about Meera's burns she said, "She was cooking food, her clothes caught fire and so she was burnt." The next day when the son-in-law was asked about Meera he said, "She poured kerosene over herself and set herself on fire." Meera's father got suspicious and he asked Meera directly about the facts of her burns. She said, "All of them together burnt me. When the small woman was hit by mistake my husband's family got furious and they all started beating me. They were not aware of what they were doing. I fainted from the beatings. When I came to consciousness I could feel my body burning. They all did it together."

Meera's father went to the police station thrice but he could not meet the police officer. When he at last met the officer he asked for the papers in which his daughter's dying statements were written. The officer did not show much interest in the case. Meera's father said, "The officer treated me in a way that it was as though he works only for the man's family, and had no sympathy for me." Meera's father quoted the officer who said, "All this depends on destiny. A person has 70% burns and still survives death. But your daughter had just 35% of burns but she still did not survive. There is no chance now, she was destined to live only till now, and now there is no chance of continuing the investigation any longer." When Meera's father insisted that he wanted to fight for justice, the officer said, "Your daughter told herself in the dying declaration that she had burnt herself and nobody has burnt her. You cannot do anything now, no matter how much you try, you cannot do anything."

When Meera's father contacted Shakti Shalini, an organization that works for women, they helped him and with their support the police was forced to note down Meera's parents statements. The police arrested some people. Though the names of total six people were given, but only three people were arrested. Meera's parents told the whole story to the police and he was noting down their statements, but when they got a copy of their statements they found that only four lines were written. The husband's and the sister-in-laws' name was not in the list. Only the two brothers-in-law and mother-in-law were arrested. But they were kept in jail for just 2-5 days and then they were released on bail.

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It is already one and a half years since Meera died and the police has still not come up with any charge and, they have not done any enquiry. The officer has ignored the case totally. Some significant papers like the First Information Report (FIR) and dying statement were not given to Meera's parents. The police were accused of being irresponsible by Meera's father. Shakti Shalini asked Meera's father to contact a lawyer in Lawyer's Collective, a legal aid cell where cases are taken up for the needy. One of the lawyers helped him by talking with the SHO directly and telling him about the case. The SHO asked Meera's father to go to the station again the next day and collect the papers. But again he was not able to get the papers. Then, Sathya Rani Chadda, who is the founder of Shakti Shalini asked Meera's father to meet a person in Delhi Commission for Women. He went there and met a person and she wrote a letter to the Commissioner of Police and asked Meera's father to meet him. When the Commissioner heard about Meera's father's case he spoke to the officer in the police station and ordered him to give all papers to Meera's father. So, at last, he finally got it. But Meera's father is still waiting to get back the dowry he had given to Kamal and his family.

Despite the tragic death of his daughter he has not been able to get justice yet. Kamal and his family members are fine and living happily. Meera father says, "They are happy. It does not seem to matter to them that someone from their family has died."

The above case study shows the irresponsible and biased nature of the police. The attitude of the family and neighbours shows the subordinate role of a woman in the society as well as to the extent people support the dowry system. The greediness to get hold of goods and other things makes families to kill a woman. This case study shows that the father got ample support from women's group and lawyers, but not that much from the police. The police showed no interest in his case and was bias towards the man's family.

The next case study is about a young married woman who was brutally murdered by her in-laws and other family members. The desire to acquire material goods forced the family to kill the girl. The woman belonged to a Muslim community. I have added this case study in the thesis to prove to the readers that dowry has not only remained a Hindu practice but it has spread to other religions like the Muslim, where the concept

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of dowry was not practiced that much. The mother of the victim was interviewed and she narrated her daughter's story to the interviewer. The researcher interviewed the mother of the victim in the office of a Delhi-based NGO called 'Jagori'. The names of the woman and others have been changed for the reason of confidentiality.

The Thirst of Dowry[22]

Zaara was 15 years old when she was married and sent to her husband's house in Jaipur. As soon as she got married the violence and harassment for dowry began. They first asked for a motorcycle and television. When Zaara resisted saying that her parents being poor won't be able to give whatever they ask for, her husband and his family together used to beat her up. Zaara stayed in her mother's house in Delhi for 6 months. After 6 months she was sent back to her marital house as the man's family promised that they wouldn't ask for anything from her again. But after she went back the violence and harassment started again.

Zaara died while staying with her in-laws, brother and sister-in-laws in Jaipur. They informed Zaara's uncle, who stays in Jaipur, about her death. They told him that she died of a heart attack. Zaara's mother Fatima, left for Jaipur the next day. Though Zaara's face was totally covered with cloth, Fatima insisted on seeing her daughter's face but nobody would let her. But at last when she saw Zaara's face, she saw that her mouth was filled with cloth, and there were several marks on her chest. Despite Fatima's resistance, Zaara's husband and his family took Zaara's body away to be buried. They told the police a lie that Zaara's father had given them hundred thousand Rupees to bury his own daughter.

Men from gangs shadowed Fatima and her husband by Zaara's in-laws and their family. They did not want Fatima and her husband to complaint to the police. With great difficulty they lodged a complaint in the Jaipur police station. After a few days Zaara's body was taken out for post mortem, four people were blamed for Zaara's death, but only two were arrested. According to Fatima, the police was bribed with hundred and thirty thousand Rupees to remove the names of the other two accused. Zaara's husband and his brother are in jail now and have been sentenced 12 years of imprisonment. The day Zaara was taken out from the ground, the Muslim committee

[22] Interview on 20/9/04

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came to the spot and demanded the burial of Fatima's husband along with Zaara. They were furious of Fatima and his husband because the taking out of a dead body after burial was against the Sharia Law.

With the help of a NGO in Delhi Fatima was able to take her daughter's case to the high court, which later convicted Zaara's husband and his brother for a 12-year term in jail.

This case is just one example of the severity and the spread of the dowry system among the Muslim people. Though there is a concept of 'Mehr' among the Muslims, where the groom gives an amount of cash to the bride's family, this system has slowly faded away and dowry has instead become a practice. Moreover, it is interesting to see that in the above case, the Muslim committee did not support the actions taken by the woman's parents. They condemned their step of taking out the dead body of the woman from the ground saying, "God will punish the perpetrators, you do not have to take any action against them". They said that it was against the Shariat Law. But when I personally interviewed the woman's mother she asked, "Why does the Islam committee not take action against the husband? This response from the Islam committee shows that women are not in favour and that their rights are of no concern to them.

In addition, during the interview the woman's mother said that the role of the police was very poor. The husband's family bribed the police. It was only with the help of a NGO in Delhi that the girl's mother got some support and was able to arrest the two main culprits. This case has been termed as successful by the NGO as the main perpetrators of the murder had been arrested. Hence, the above case study shows that the dowry custom has spread its roots even among the Muslim religion that never practiced dowry very strongly before.

The next case study was published in the *Manushi* journal (Das, 1979, p.19). The case study is about a young woman named Valsala in the Southern state of Kerala in India.

The Evil is Spreading

P. Valsala was married to M. Chandra in June 1976. Her father gave the usual clothes and jewels; also Rs.1, 000 as "marriage expenses". The couple stayed in Ranchi where Chandra was employed as a compressor operator in the Dakara Collieries.

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After marriage, he started demanding money from Valsala's father, who gave him Rs.1, 000 more, but could not afford to meet further demands as he is a Class III Government servant and has five daughters and a son to bring up.

From November 1977, Chandra began to maltreat Valsala. He beat her up severely and she came home to her parents. He then files a suit against her for adultery, and she petitioned for maintenance. In September 1978, the Court granted her maintenance of Rs. 80 per month. After this, Valsala stayed with her father, Mr. Nair in Delhi.

Chandra came to Delhi at the end of April 1979. He arranged a compromise with Valsala and took her to Ranchi on May 13. On May 17, Valsala was hanged in her husband's house in Ranchi. Her father got a telegram on the 18th, "Valsala expired come soon." He wired that the body should be kept, but when he reached there, she had already been cremated. Chandra said Valsala had committed suicide and he found her hanging from a rope when he returned from work.

None of the neighbours were willing to talk to Mr. Nair. He also found that Valsala's clothes, jewels, and suitcase had vanished from the house. There was nobody in the Police Station, Khalari, when he went there to lodge a complaint. He waited for about 15 minutes and then was forced to leave because some people tried surrounding him in suspicious manner.

The doctor who conducted the post mortem said that Valsala's death could be "homicide, suicide or murder" and that she many have been hanged while she was unconscious.

Since Mr. Nair is pursuing the case, Chandra visited Kerala and threatened to murder his wife and children. Mr. Nair has submitted complaints to 12 different authorities in Bihar, Kerala and Delhi, but has received no reply, except from the DSP, Trichur. The post mortem report has also not reached him.

Therefore, the above case study shows the serious impact of the dowry custom on the lives of women. It even shows that despite some strong efforts by family members to fight for the lives of their daughters the police are not helpful. This was a case study from the southern state of Kerala, where there is highest literacy rate compared to other Indian states. Thus, cases like these show the true picture of the dowry system and shows that being literate has very less to do with dowry.

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The below case study being mentioned is about a woman named Premkumari. Her mother narrates the tragic case of her daughter. Like the previous case, this case study has also been quoted from the *Manushi* journal (Das, 1979, p.20).

In Her Mother's Words

My daughter Premkumari was married to Premkumar… on May 31, 1978. On May 9, 1979, he and his family broke my daughter's hands and feet, poured kerosene oil on her and burnt her to death in their house, Kanpur.

My daughter was not happy to the cremation ground. We were shown the corpse only for a minute. The teeth had been broken and the whole body was so badly burnt from the neck to the feet that the flesh was falling off the bones. We were absolutely helpless, as her in-laws who are influential people in Kanpur, had silenced the doctors and the police.

On May 13, we wrote letters to the following: H. M. Patel; Charan Singh; Chandra Shekhar; Banarsi Das Gupta, the Deputy Commissioner of Lucknow and Kanpur; Police Station, Gumti No. 5, Kanpur; the SSP, Lucknow. We have written three registered letters to each of these people and received signed acknowledgement slips. But there the matter ended. We have not got a single reply.

The Kanpur police have not taken any action at all, nor was Premkumari's death even mentioned in a single newspaper.

The insensitivity of the police in dowry cases in this study shows the misuse of power by the man's family. Despite writing letters to various powerful people, no action was taken against the man and his family.

The next case is about a father's journey through police and court to bring his daughter's murderer behind bars. His daughter was an alleged victim of dowry death. Mr. S.K. Chakraborty brings into light his plight in the *Telegraph* dated 24th May 2003.

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An appointment with death[23]

S. K. Chakraborty and his wife have been running from pillar to post over the past decade in the hope of justice. Losing their only daughter was a nightmare. An even greater shock was the way her alleged killers moved about freely in public, evading any retribution. The reason being the interminably long legal procedures needed to bring an accused to justice. The accused may be charged with murder, yet the case is settled only after an equally long police and CID (Central Investigation Department) investigation.

Chakraborty's daughter was an alleged victim of dowry death. She was married off in an affluent family in Shibpur, Howrah. Two years after her marriage, she died under mysterious circumstances at her in-laws' place. She was in perfect health, without any trace of a known ailment and was not suffering from any disease either. Her in-laws claimed that she had committed suicide by consuming poison. However, from where she got the poison is still a mystery.

According to the Chakrabortys, the in-laws refused to cooperate and insisted that their daughter had been mentally deranged and had committed suicide. Chakraborty suspected foul play and lodged a first information report (FIR) with the local police, along with copies of his daughter's letters. He firmly suggested that he believed his daughter's death to be a case of 'dowry death.'

After investigation, the local police came to the conclusion that it was an unnatural death. However, their report suggested it was a case of suicide and not murder. In 1994 they produced as evidence a viscera report of the deceased, almost three years after the death.

The viscera report took a surprisingly long time to be submitted, though the viscera was sent to the forensic laboratory in Calcutta immediately after the incident. It is mandatory to check the viscera within six months after death. Medical science holds that the viscera should be examined within six months after death; otherwise, the cause of death cannot be proved beyond doubt. Thus a lot of questions have remained unanswered.

Chakraborty feels that his daughter's in-laws influenced the police and deliberately delayed the viscera report. "They have strong connections with a leading political

[23] *Telegraph*, 24th May 2003

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party of the state. For them, influencing the police would not be a difficult task. It was rather difficult for me to come down from Bokaro every time the case came up in court and keep a watch."

Moreover, the bereaved father could do little to change the fate of the case, for such is the law of the land. Chakraborty was not satisfied with the tale of suicide lodged by the police and moved before the Women's Grievance Cell of the CID (West Bengal) in 1995. After investigation the CID submitted a chargesheet before the sub-divisional judicial magistrate in 1996 accusing the in-laws under Section 304B of the Indian Penal Code.

Chakraborty's hope of getting justice soon stumbled over another hurdle when his case was transferred to the additional district judge of Howrah from the SDJM's court. The ground of transfer was that a case where punishment is more than seven years is a sessions trial case. As was only expected, this simple transfer of the case from one court to the other took a whole year.

Meanwhile, Chakraborty came to know that the public prosecutor on behalf of the state was not showing proper interest in his case. He went over to Howrah personally to meet the man and learn about the progress of the case. "I was greeted by a public prosecutor who openly showed irritation at my arrival and said I being the defacto complainant need not be bothered about the case. He also added that he had no time to explain to me the progress of the case as he had other important matters to look after."

With nowhere to go, Chakraborty has finally written a letter to the state law minister, Nishit Adhikary, and also to the Chief Justice of the Calcutta High Court requesting them to look into the matter to expedite proceedings. He has also requested that the prosecutor be changed, if possible. "I need someone who will fight my case with conviction, otherwise my daughter's murderers will go scot-free."

The above case study shows that because of the inattentiveness of the police as well as of the judicial system. This is just one of the cases that has come to light that reveals the time-consuming nature of the Indian judicial system. Also, as in the previous case study, in this case also the influential nature of the man's family has curbed the police investigations. "Says Chakraborty, … "I know my daughter won't come back, but my mission in life is to see that no other helpless parents ever become

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victims of delayed justice. Even nine years after my daughter's death, I have not received any assurance from the judiciary that could give me some consolation. I am fighting, but I don't know where all this will lead." His case is yet another case that reflects "justice delayed is justice denied."

In conclusion, my motive behind adding these case studies in the thesis is that I would like to show the readers that, first of all, the police is not following its mandate properly. Their investigation procedures and handling of cases is poor. And where the judicial system is concerned, as a few case studies showed, they are time-consuming and makes the woman's family to loose their money and patience. Moreover, I wanted to show that compared with the initiatives taken by the state, and even the police and judiciary, the women's NGOs and groups are addressing the issue more wisely. They have provided direct help to the women and her family members. They have pushed the police to take actions and helped the women in need.

Thus, the case studies supports my analysis that the government, police and judiciary initiatives have not addressed women's problems properly, while the NGOs provide better support to the affected women and her family. This is because NGOs are committed towards eliminating VAW and they work on a widespread basis. However, in the government as the state actors are themselves men, they do not take women's rights seriously and thus do not take affective actions to curb VAW.

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CHAPTER 6
CONCLUSION AND RECOMMENDATIONS

CONCLUSION

Women are in a very vulnerable position in India. Though the country has developed economically and technologically, but socially and culturally it remains traditional. There are many old, traditional and customary practices that are still practiced all across India in all the states. Women are affected by these practices. Gender discrimination is widely prevalent. The majority of the women face violence at home. “Today, in our communities, hundreds of thousands of women and children, as victims of violence, are experiencing violations of their basic human rights, including the right to live with respect and dignity.” (Swaminathan & Kumar, *Health Action,* 2004, p.7).

Together with that, female foeticide and infanticide adds to the problems women face. A woman’s foetus is destroyed once it is known that the foetus is that of a girl. A girl child is not wanted in the patriarchal society. As Meenu Anand (*Social Welfare,* 2004) says,

> When girls go missing in a society, when a child is denied the right to life even before being born because of her sex, when discrimination starts when the child is in womb and continues throughout life till the grave, when a girl child is denied her basic right to survival, development, participation and protection: it becomes an issue of paramount concern and urgent action.

One of the reasons why families do not prefer girls is because of dowry. As stated by many studies,

> The parents view her as others’ property and therefore they feel that there is no need to spend on her education as it would involve double expenditure i.e. on education and at the time of marriage on dowry…once the girl is married the parents are of the view that she has no right in the parental home and the marital home is the only place where she has to live and adjust. (Tandon, 2000 p.15)

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Thus, it is seen as a bad luck when a girl child is born in the family. Whereas, if a boy is born, there is so much happiness among the family members. They celebrate the birth of a boy and cry over the birth of a girl.

A social reason for the existence of dowry is that there is high social pressure from the society to continue the giving and taking of dowry. One of the reasons why families in India justify practicing dowry is because they say that dowry has been a traditional custom of the Hindus. Many people see dowry as an important part of a marriage. In a few cases where the man's family refuses to take dowry, the woman's family forces the man's side to receive some dowry because the woman's family wants to show off.

Dowry is also one way of spending black money. Many of the rich people as well as the politicians who own black money are desperate to get rid of it. And they see the marriages of their sons and daughters as a way to spend it. Consumerism and materialism have been blamed as essential reasons for the survival of the dowry custom. Electronic equipments have boomed in the market have given rise to the greediness of the man's family to acquire everything.

Furthermore, the importance of social status of both the families becomes a reason to give and take dowry. Marriage ceremonies have become an opportunity for both the families to show off their status. One can see the proud display of dowry in the marriage functions. Thus marriage ceremonies are a chance for both the parties to 'show-off' their status.

The main economic reason for the existence of the dowry system is the lack of property rights to women. Though the Hindu Succession Act of 1956 allows women to own property but the men do not accept that, as they believe that women do not have the right to own anything.

Moreover, the power relations between the male and the female and also between the woman's father and the man's father contribute towards the existence of dowry. Dowry is never given to an equal from an equal. There is always an inequality between the two families.

Media also plays a very important role in demeaning the position of women and also contributing for the prevalence of the dowry custom. There are many advertisements shown in the television that threaten the rights of women. Some

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advertisements promote the practice of dowry by telling the people to give such and such things to the daughter when she gets married, thus saying that there can be no marriage without these kind of materials.

The police are irresponsible in dealing with cases of crimes against women. The police themselves are biased and they do not help the women. The court cases take 10-15 years to end and by that time the families are exhausted financially as well as with energy. Thus, the social, economic as well as political reasons altogether contribute to the existence of dowry in India. Dowry harassment, violence and dowry deaths are increasing and jeopardizing women's happiness and lives.

Women's groups are trying their best to abolish the dowry system. They work hard to address issues related to women. They are active in addressing the atrocities faced by women due to dowry demands. The NGOs and women's groups organize workshops, meetings, demonstrations, and protests to deal with the cases of dowry deaths and harassment. They also have gender-sensitization programmes for the people in general and also for the police. On the whole, compared to the initiatives taken by the government, the roles of the NGOs have been much better. They have shown that they are stern about the illegality of the dowry custom and that they want to get rid of the practice in order to protect the rights of women in India.

Despite some measures taken by the government and NGOs the system of dowry still persists. First of all, the government's role has not been very satisfactory where the issue of dowry is concerned. Unfortunately, the dowry law has not been effective as it contains many limitations. Anti-dowry cells were set up but most of the officers working there are themselves gender biased. Shelter homes provided by the government are not sufficient.

I think dowry is still a part of the Indian society as many politicians, who openly talk about the ill-effects of dowry payment, themselves follow the dowry custom in their children's marriages. Thus the laws are just lip service. The politicians who are part of the Indian government know the prohibition of dowry in the country but they practice the custom in their own lives.

Moreover, where the role of women's groups is concerned, the strength and the power of the women's movement have faded and the traditional custom is continuing with great pressure. Unfortunately, the movement during the 1980s was not able to

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stop the dowry practice. It raised awareness about the ill-effects of the dowry custom, people came to know about dowry deaths. Dowry did not stop and people still continue the tradition as it is so deeply rooted in the customs and minds of the people.

I believe that though women's organizations are doing a very good job in dealing with women's issues, they lack coordination and effective action approach. Nowadays, activists have become very busy with many other women's issues and so the problem of dowry has taken a backseat. Moreover, all the activists who are fighting against the dowry custom should have good knowledge about the various institutions attached with the dowry system, like the concept of *stridhan*, brideprice, and inheritance rights. While interviewing some of the activists from women's groups I noticed that they are not well aware about these institutions and that they just have basic knowledge about them. I think only when they know well about these institutions can they address the dowry problem more effectively and they can easily challenge all these systems.

Also, some NGOs do not follow up a dowry harassment case. When a harassed woman comes to the organization seeking help, the activists provide counseling to the husband and the woman and they return back home. Sometimes, even after the reconciliation dowry harassment continues and the woman might be reluctant in coming back to seek the NGOs help. During this time, it is important that the women's group follows up the case, but this happens in only a few organizations. Some groups stop contacting the women after reconciliation. I think this is not a good step because it is very likely that the woman will continue to face harassment in her marital house. If these NGOs follow up a case and keep supporting the woman then the husband would know that his wife is not alone and that the women's group is helping her and this might make him fear legal proceedings.

In conclusion, the custom of dowry is still a widespread practice all across India. It has now spread even to those religions where it was not practiced before. Initiatives by the government have been weak and even the police and judiciary have not faired well in addressing VAW. NGO interventions are better as compared to the state, but the women's groups need to take more stern actions. Despite a few positive steps by both the government and women's groups the dowry system is still prevailing. Women continue to face violence at home and are going through dowry harassment and violence. Families still continue to believe that the dowry system is an essential part of

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the Hindu religion. Therefore, due to the ongoing traditional custom of dowry, women's rights are at stake in India.

RECOMMENDATIONS

- Women have to be treated equally in the society and the inferior status of a girl child has to be confronted. Sex-determination tests that seriously violate the right to life of many girls need to be stopped. Training sessions for the people must be arranged so that they are informed about the ill effects of female foeticide and infanticide. Advertisements and hoardings that carry the idea of aborting female fetuses must be banned. Education of girls must be promoted. Women must be allowed to work and thus the government must make provisions of quota reservations especially for women. Talking about some ways to tackle the system of dowry, Vijaya Nidadavolu[24] says,

  > Get the word out that dowry or violence or any of these manifestations of VAW are just not acceptable and try to increase social sensitization. One definite need is to try and attack the notion of wanting only boys. Lot of work should be done on ratios and what factors can help overcome that. Research needs to be done on looking at what motivates women to leave abusive relationships, what will make women realize that their lives are worthy. Also, there is desperate need to work with men.

- Marriages have to take place according to the woman's wishes. The subordinate position of women has to be challenged effectively. Efforts by women's groups of gender literacy can be promoted. The government and the women's groups can work together and organize workshops or meetings to create awareness.
- Women's groups must enrich their knowledge of key issues related to dowry by researching and documenting articles and clippings. They can do good research before addressing the dowry system. They have to touch upon issues like patriarchy, gender discrimination, inheritance rights of women, infanticide and foeticide to address the issue of dowry.

[24] Interview on 1/11/04

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- The Dowry Prohibition Law alone cannot eradicate the dowry system. The law enforcement agency has to be strengthened by taking the help of lawyers and judges who are well-versed with the laws and also with the presence of women's groups. They all can plan a meeting and do some brainstorming to bring positive changes to the law enforcement agency and thus to the dowry law itself. . The law should be used as an effective tool to combat dowry violence. Law is a main source but depending on just the law is not enough.

As Justice Sujata V. Manohar (Gopalan, *Times Foundation*) says:

> It is not easy to eradicate deep-seated cultural values or to alter traditions that perpetuate discrimination. It is fashionable to denigrate the role of law reform in bringing about social change. Obviously law, by itself, may not be enough. Law is only an instrument. It must be effectively used. And this effective use depends as much on a supportive judiciary as on the social will to change. An active social reform movement, if accompanied by legal reform, properly enforced, can transform society. And an effective social reform movement does need the help of law and a sympathetic judiciary to achieve its objectives.

- Men need to march against dowry. Unless and until men themselves do not step in and voice their thoughts against the giving and taking of dowry, the system cannot be stopped. Young unmarried men must refuse to take dowry when they get married. Men must be taught about the consequences of dowry payment by organizing training programmes and workshops by women's groups as well as UN agencies.
- Men have to be the core of the struggle to curb the violence perpetrated on women due to the dowry system. Men have to be taught about gender sensitivity and how to deal with anger and conflict. Gender-sensitization programmes could help the men a lot. Many men believe that masculinity means to show anger and violent physical strength while dealing with women. This wrong notion has to be corrected through such programmes.

According to Patricia Sheerattan-Bisnauth (*Warc*, 2005),

> Violence against women is an issue to be addressed by both women and men. It is crucial for boys and men to be re-educated on how to be men in

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ways that do not involve abusing girls and women - physically, sexually, or emotionally. Young men need to be taught how to develop skills, attitudes and behaviour that can help them deal with conflict in non-violent ways. Masculinity is often linked with the ability to carry out violent acts, sometimes in the most gruesome manner. Male involvement in overcoming violence against women requires that women and men work together in partnership.

- Men need to realize that what they are doing is totally against the rights of women and that they need to change their attitude towards demanding dowry. This realization of the truth can come from having group discussions among men with a few gender specialists guiding them. In such groups men could be taught about the gender stereotypes and how negatively they affect women. With such discussions, men will come to know about gender stereotypes and having dowry system as one of the issues to share during the group discussion the men might realize that by demanding gifts from someone is a shame on their own part. It is a shameful practice that shows the hostile nature of the man and his family.
- People themselves have to change their attitude and should start realizing that the dowry system is a danger in the society, especially for women. As the dowry system has existed in the society for many years now, it has become deeply-rooted in the minds of the people. People's notion can be changed by initiatives taken by the government. The state can show advertisements in the television and broadcast documentary short movies that show the negative aspects of dowry custom. Indu Prakash Singh (1990, p. 107) talks about some rationalizations that dowry seekers and givers give for their demands and compulsions for giving and taking dowry. Some of these are:

  Prestige of both sides are involved and if dowry is not given the *izzat* (prestige- *My translation*) of both sides (mainly groom's side) would plummet; to make one's daughter's life comfortable… "It is not uncommon to hear the daughters themselves asking for dowry from their parents…"; demanding dowry for one's son's marriage in order to finance daughter's marriage; …; what would *samaj* (society- *My translation*) say if the only

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> daughter among brothers or with no brothers was not given anything?; who else except bride's side is going to give sarees and dresses to the intimates on the groom's side; etc.

The dowry system can only be eliminated when these rationalizations are overcome. The social equality of men and women can be achieved by changing the mindsets of the people. Jolly Mathew and Shally Prasad (1995 (ed), p.150) rightly say that social change begins with the individual. They say:

> To transform social attitudes, change cultural practices, and truly strive towards a sexually equal society, individuals must take responsibility for the knowledge they attain. Individuals must be transparent in their approach to reporting, investigating, litigating and adjudicating crimes against women…Individuals in the private sphere must be aware of, and accountable to, the social processes which can save women's lives…

- The people in the public arena too need to take steps in curbing the menace of dowry. The police and the judges must be given gender-sensitization training. They must be made to understand the depth of the crimes and violence women face. The NGOs could intervene in giving these training sessions. "Individuals in the public sphere must be accountable to the standards set forth by the state, which if followed, can effectively prosecute and convict perpetrators of violence. Individual commitment to gender justice in every day personal and professional life is a *sine qua non* before our society can truly undergo change" (Mathew & Prasad, 1995 (ed), p.150).
- Judges have to be sensitized towards the issues concerning women. Many of the court judgements have been against women. With such verdicts women continue to face problems and violence at their marital homes.
- Gender sensitive training programmes, workshops, and meetings, are a must for the police and the judges. They should know their responsibilities and act according to it. The training programmes would give them a clear idea of the preconditions of their actions in helping distressed women. They will come to know about the physical, mental and emotional pain women go through while dealing with violence at homes.

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- As the NGO and government relation is not good, but they must try to work hand in hand. There has to be good cooperation among them. The government should improve their policies that would contribute to the well-being of women. The state along with the women's groups must make amendments in the laws, set up shelters, and so on.
- Setting up of more shelter homes for women by government is necessary. NGOs provide shelter homes for victimized women but the government should also intervene and start shelter homes. The government has set up a few short-stay homes for women, but that is not enough. Short-stay homes are very helpful for battered women. That is the only place where they can live in peace.

As Chanchal Sarkar correctly (*The Pioneer*, 2 February, 2001, p.7) says:

> There should be more short-stay homes after a complaint is filed where the oppressed, threatened and battered wives could take shelter. There are very few such homes set up by courageous and compassionate social workers, usually women. But until the political parties take up the matter- they do not even mention it in their election manifestos- very little will happen. It is no wonder that, in the matter of dowry deaths in India, very little is happening.

- Speedy trials of court cases is important as cases drag on for years and years in the courts. Dr. Ranjana Kumari[25] says that setting up of fast track courts is important. She says that the first thing the nation needs to do is to put all these victimization, violence, harassment cases, dowry death cases into the fast track court, so that justice is not denied and delayed. Second thing is to redefine the dowry law and really book every single person who has demanded or taken dowry directly or indirectly, whether it is a politician or minister.
- Dowry Prohibition Act must be made effective. Proper use of law by the police and judiciary is significant. This can be done with the help of law enforcement agencies. Also, though there is a Crime against Women Cell in Delhi where a number of cases come to them everyday, but as seen earlier, many of the

[25] Ibid. Supra Note 78.

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officers themselves are gender biased. Dr. D.B. Krishnakumari (*Social Welfare,* 2004, p.25) asserts some measures to curb dowry violence. She says:

> Provision of sections 3 and 4 of the Dowry Prohibition Act may be included in the IPC and code of criminal procedure. The persons giving dowry by force and extortion should be excluded from liability. Person engaged in negotiations for dowry extortions must be punished under cognizable offence. List of presents given by the parents, relatives or friends at the time of marriage should be registered…Limitation on the marriage expenses of the parents is essential. Appointment of the Dowry prohibition officer… must be implemented…Punishment for abetment of suicide may be raised to a minimum of 7 years as in the case of dowry death. This is desirable in view of the fact that police treat most of the unnatural deaths as suicide and the accused persons are prosecuted for abetment of suicide which attracts a lesser punishment.

- Media can also be of great help in combating gender violence and in this case dowry violence too. Advertisements that promote the dowry system need to be banned. Also, films and songs that promote dowry system and demean the status of women must be banned. The freedom of expression of the media violates the rights of women. Such issues must be tackled by the UN agencies. Documentary films must be made that depict the true nature of a woman's life in the male-dominated society. The films must be able to show the consequences of the dowry system and how it contributes to the human rights violation of women.
- Setting-up of rehabilitation centers by government and NGOs in all major cities and villages for women, where they can find moral as well as economic support. There are many NGOs in Delhi that find it difficult to support the woman as soon as she comes to them seeking help. The NGOs have to be with her and go to the court and fight her case. The role of the government is essential here as it can help some NGOs that run shelter-homes for effected women and victims by providing financial help. Also free counseling centres and free legal aid centres should be opened up in the cities and villages.

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- The government and the NGOs could jointly set-up rehabilitation and counseling centres in villages. They are necessary because there must be a lot of cases in the villages that never come into focus. In the cities at least a few women know that there are women's organizations from which they can seek help, but in the villages women are not aware of that. Women living in the villages are illiterate and they do not know their rights. Due to this reason they continue to face the harassment and beatings from their husbands and family members. Thus, it is very important to intervene from the grass root level, as awareness is needed for many women and men from the villages. Therefore, gender sensitization programmes must be spread in the villages so as to make the men and women aware of their rights and duties.
- The women's movement of the early 1980s brought the issue of dowry deaths into the public eye. But even after the movement the dowry system and dowry deaths have continued. The importance and the intensity of the movement got faded away. It's been about 25 years since the movement had started. After 1980 there has not been any mass movement. At this point, to curb the practice of dowry, a mass movement must be initiated. Women's organizations, activists, the public, including both men and women, film stars, must be involved in this mass movement. They should all join hands and set off a 'Dowry Prohibition Movement'. There must be good media coverage and the advertisements and news channels should report about the movement in a large scale. The movement should pressurize the police and judiciary to be sensitive towards dowry cases, to amend the laws and make it more effective, to open up shelter homes for victimized women, and so on. At the same time, documentary films and short advertisements must be broadcasted in the television showing the ill-effects of dowry payment.
- Before planning the movement, it should be kept in mind that they should not just look into the amendment of the law. They should also touch upon the issues of inferiority of women, property rights of women and patriarchy. Men should also play a major part in the movement. Major women's groups from all cities must come to a common ground and plan the movement. The movement must educate the public that they should report the violence in the police

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stations once they see a crime committed against a woman. The movement should instruct a woman to question her husband when he beats or taunts her and move out of the house if matters become worse. Women must be made to realize that they should not continue to stay in an abusive relationship once their husbands start harassing and beating them. Women should be educated about women's rights, as many of them believe that it is fine if a husband beats his wife. Such wrong and traditional thoughts must be erased from women's minds.

- Gender-sensitive topics must be taken up in curriculums in schools and colleges. The young unmarried women who prefer the dowry system need be told about the consequences of giving dowry. They have to be taught that by giving preference to dowry, they are negatively contributing to the subordination of thousands of women across India. Therefore, to teach them all this, the gender-sensitive subjects could be of some help. Some commonly held beliefs and myths about being a 'true Indian wife' must be questioned and basic gender sensitive education must be given to women. A counselor in *Mahila Dakshita Samiti*[26] says,

  > Dowry should not be practiced at all. The boy and the girl themselves have to take the initiative not to give and take dowry, and not just the family…Parents themselves have to come out of the web and they should think that 'my daughter is well-capable of earning and she can live her life with her own money, then why should we pay others'. *(My Translation)*

- Teachers and professors must be trained about the gender concerns. It is significant that books carry the information about some bad traditional and orthodox thoughts, practices and beliefs, so that the youth are aware about such customs and they would condemn such a practice in the future. The education ministry could take some steps regarding this and the women's groups could guide them in this process.
- Activists in the women's groups who play an important part in starting the movement must themselves stop giving and taking dowry and they should also stop attending marriages in which dowry is given. Madhu Kishwar notes that

[26] Interview on 20/9/2004

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in the women's movement of the 1980s, where many women activists participated in the movement, many of them would participate in the anti-dowry movement one day and the next day they would themselves attend a marriage of close relatives and friends where dowry is given and taken.

> Too often activists themselves cannot implement what they preach…Many of the activists would participate one day in anti-dowry demonstrations condemning those who give or take dowry, but would not themselves hesitate to participate in a dowry wedding the very next day…They offered excuses…that they couldn't annoy or displease their family or friends. (*Manushi,* 1994)

I believe that when one preaches something, it should first and foremost be implemented in one's own life. Only when we ourselves start implementing what we preach people, will the movement be successful. Thus, this mistake by activists must not be repeated in the future 'Dowry Prohibition Movement'. They should apply this rule in their own lives first if they are participating in the movement. Only when this happens would the movement be successful.

- Many people think that with the system of brideprice dowry can be removed. But I believe that neither brideprice nor dowry should be practiced in the Indian society. Giving place to dowry or brideprice prior and after the wedding shows the importance of money in a marital relationship. Great importance should be given to relationships, to family, relatives and friends and not to money. Giving dowry or brideprice during marriages shows that they are very vital and that there can be no marriages without them. This belief must be eradicated and the youth should marry without taking or giving anything as dowry or brideprice. With the presence of dowry and brideprice relationships get affected, they get worse. Nowadays, marriages have become business and as Merlyn Lobo Brito (1983, (ed) p.5) rightly terms it, "Matrimony or Matter of Money". When marriage talks are held, dowry is given a major priority. These kinds of negotiations, which mainly discuss money issues, must be stopped and the people who take and give dowry should be severely punished.
- Spending time in gaining knowledge about institutions like *stridhan,* brideprice and inheritance rights related to the dowry system by activists is important. It

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might be that to find out more about these institutions the activists have to spend some precious time of theirs to research on these subjects. I think if this happens then the dowry problem can be addressed more strongly as then the activists would have good understanding of the institutions and they will know where to put in more effort while dealing with dowry system.

I think to address traditional and customary practices like dowry and to end the violations faced by women in India the knowledge of such topics are essential.

In a nutshell, recommending the above points the practice of dowry could be eliminated to an extent. It is very important that the dowry system is curbed as it is totally against the rights of women. Women's rights have to be given major consideration in India, as women are the most vulnerable in the Indian society. It is significant to protect their rights and with practices like dowry in India, human rights have to be given the vital significance. Women's rights have to be defended and women and men have to be treated equally in the society.

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APPENDIX

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1) Name of the Interviewees (NGO and Government)

Name	Designation	Name of the NGO	Date and Place of Interview
Brinda Karat	General Secretary	All India Democratic Women's Association (AIDWA)	June 15, 2004 Delhi
Sathya Rani Chaddha	Founder	Shakti Shalini	June 22, 2004 Delhi
Dona Fernandez	Director	Vimochana	July 26, 2004 Bangalore
Rohini	Member	Jagori	July 7, 2004 Delhi
-	Lawyer	Lawyers Collective	September 17, 2004 Delhi
Jyotsna Chatterjee	Director	Joint Women's Programme (JWP)	October 6, 2004 Delhi
Urvashi Butalia	Co-Founder	Kali for Women	October 4, 2004 Delhi
Vijaya Nidadavolu	Member	Population Council	November 1, 2004 Delhi
Dr. Aparna Basu	President	All India Women's Conference (AIWC)	December 2, 2004 Delhi
Dr. Ranjana Kumari	Director	Centre for Social Research (CSR)	December 2, 2004 Delhi
Gauri Chaudhary	Executive Committee	Action India	December 20, 2004 Delhi

Note: The name of one NGO activist has not been added due to confidentiality.

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Name	Designation	Name of the Government Institution	Date and Place of Interview
Vimla Mehra	Joint Commissioner of Police	Crime Against Women Cell (CAWC)	December 29, 2004 Delhi
Nirmala Seetharaman	Member	National Commission for Women (NCW)	January 5, 2005 Delhi
-	Counselor	Mahila Dakshita Samiti	September 20, 2004 Delhi

Note: The name of one Government worker has not been added due to confidentiality.

The family members of the affected women of dowry were promised anonymity so their names would not be added in the interviewees list.

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2) Interview Schedule

The following questions were asked to the NGOs, government officials, and dowry affected families.

NGOs

1) What do you think are the economic, social, and political reasons for the giving and taking of dowry?
2) Do you think that dowry is different and separate from “stridhan” now?
3) What are the government initiatives on dowry and what is your assessment of them?
4) Can you provide examples of the impact of these- positive and negative- on women and their families?
5) In what ways do you assist the affected women of dowry as well as their families? What are some of the problems you face in this work?
6) How would you do things differently if you could?

Government

1) What do you think are the economic, social, and political reasons for the giving and taking of dowry?
2) Do you think the families should practice that dowry?
3) What do you think dowry represents to the people practicing it?
4) Do you think that dowry is different and separate from “stridhan” now?
5) What are the key NGO initiatives on dowry and what is your assessment of them?
6) Can you provide examples of the impact of these- positive and negative- on the women and their families?
7) What are the actions taken by you against the custom of dowry?
8) What are some of the problems you face in this work?
9) How would you do things differently if you could?

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Researchers and Academics

1) What do you think are the economic, social, and political reasons for the giving and taking of dowry?
2) What does the phenomenon of dowry represent today and how is it different from “stridhan”?
3) What is your assessment of government and civil society interventions on dowry- positive and negative?
4) What do you think further needs to be done or done differently to address the practice?

Women affected by dowry and their families

1) Why do people give and take dowry?
2) Do you think that dowry should be given and taken?
3) Do you think that dowry is different and separate from “stridhan” and how?
4) What have been the problems encountered by women and their families who have sought NGO assistance or legal redress and remedies for dowry? What have been some of the positive aspects of these?
5) What do you think further needs to be done or done differently by government, NGOs, society at large and women themselves to address the practice?

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