

CHAPTER I

(A) HISTORY OF DOWRY SYSTEM

(1) Introduction of the subject

The dowry system in Hindu Society is the well-known custom of Hindu religion. Giving and taking dowry is one of the part of marriage ceremony in the Hindu religion. Today it is becoming a serious problem for Hindu people. The dowry means a gift of the bride's parents in her marriage because of their affection for her. But now-a-days it is becoming a competition in exchange of their daughter's marriage. If they fail to donate dowry, the bride has to suffer with hardship at the hands of her-in-laws. Thus dowry has become a social evil, which can destroy the peace of Hindu Society.

There is no social evil that cannot be eradicated and there is no society in the world which is without some social evils. Their nature differs in different countries. It depends on the social, economical and cultural set up of a particular society.

The custom of dowry also is not particular to India alone. It was existing in the U.S.S.R. and still exists in Japan. The girl has to earn for her dowry and marriage which are extremely expensive.¹

1. The Indian Express Newspaper, Magazine Section VI, (Jouce King Irwin, where Girls go to work to find husbands) October 6, 1968.

Mr. D. Chudnovsky in his artical 'How prostitution was eradicated in the U.S.S.R.' says that 'In olden times, girls who had no dowry were doomed to a lonely life and could not dream of marriage'.² Today people do not think of any dowry in the Soviet Union. They marry for love which cannot be bought for any money. The equal status of women in U.S.S.R. must be the cause for the eradicating the social evil like dowry.

The status of a woman in many parts of the world must have been mere bondage until the advancement of modern ideas of "freedom and equality. In most of the 19th century, British husband had sole rights over his wife's property and their children. He could chastise her, have her forcibly returned home or turn her out without a penny. Not until the married Women's property Act of 1882 could she own anything separately. Even then, she had no claims on his wealth".³

In our own country our attitude to women has been ambivalent indeed, it has been full of contradictions. Because Hinduism is not a monolithic religion. Over the centuries it has integrating the beliefs and attitudes of diverse racial and cultural groups, there is no single Hindu view of women valid for all time.

2) 'Social Welfare' December 1958, vol.V No.9 p. 32.

3. M.L.Khan and K.P.Krishna, The 'Economist' - The Times of India, 22-8-82.

SARR. BALAJI
SHIVAJI UNIVERSITY
KOLHAPUR



In respect of status of women it is customary to quote Manu who said women did not deserve freedom. But it was the same Manu who proclaimed that "where women are honoured, there the gods rejoice" and that "where they are not honoured, there all rites are fruitless". And this ancient lawgiver, said that "a mother surpasses a thousand fathers". He also laid down that "the daughter is equal to the son" (Putrena duhita Sama).

If the Hindu lawgivers were harsh in some respects, they were liberal - and far in advance of their times - in comparison with others. For example, they said a woman was not to be driven out of the home even if she was guilty of adultery. Such respect for women must have derived from their being regarded as showing for shakti and for the cult of the mother goddess. It came to be believed that, while there could be a bad son (kuputra), there could never be a bad mother (kumata).

Dharmashastras nowhere enjoin the giving and taking 'dowry' and it is also doubtful if there is sanction for the burning of widows (sati). Hindu people have a habit to connect so many things with the Dharmashastra to cover their selfishness and neglect so many good things in which there is not much self advantage.

The Mahabharata says : "He who sells his son or gives his daughter for a price goes to hell".¹ Though the Vedic

1. M.Z.Khan and K.P.Krishna, "Sunday Review", The Times of India, Sunday, August 22, 1982.

marriage ritual consists of kanyadana or the daughter is as a gift in the marriage, it also acquire the bride to be a "Samrajini" (empress) in her new home. The idea of "dharmapatni" means the pursuit together of a noble life. Manu said : "Let there be mutual fidelity ending in death alone".¹ This, in a few words, should be recognised as the highest law of duty for man and wife.

Dowry which has no religious sanction, must have arisen in the course of the decay of Hindu society. It is doubtful if it is a more than a hundred years old problem. Are dowry deaths also a more recent phenomenon or could it be they never came to light in the past ? We don't know. It is also possible. Even at present hardly any dowry deaths have been reported from the country. But it is also true that brides are often driven to suicide, not by the husband only, but by the mother-in-law and sister-in-law also. Woman, after all, may be the worst enemy of woman.

2) Definition

1) According to Mr. Max Radin, "Ordinarily dowry is the property which a man receives when he marries, either from his wife or her family."

1. M.Z.Khan and K.P.Krishna, "Sunday Review", The Times of India, Sunday, August 22, 1982.

2) The Webster's new international dictionary has defined dowry as "The money, goods or estate, which a woman brings to her husband in marriage".

3) The Dowry Prohibition Act, 1961 defines dowry as - Any property or valuable security given or agreed to be given either directly or indirectly :

- a) by one party to a marriage to the other party to the marriage, or
- b) by parents of either party to the marriage or by any person to the either party to the marriage or to any other person -

at or before or after the marriage as a consideration for marriage of the said parties but does not include dower or 'mahr' in the case of persons to whom the Muslim Personal Law (Shariat) applies.

This definition does not include any presents made at the time of a marriage to either party to the marriage in the form of cash, ornaments, clothes or other articles to be dowry.¹

Thus the Dowry Prohibition Act, 1961, however, describes "dowry" as any property or valuable security given or agreed to be given either directly or indirectly.

1. The Dowry Prohibition Act, 28 of 1961 ~~Seiz Exp. 1~~).

Section 2, Explanation 1

In this definition dowry does not include any presents made at the time of marriage. This factor makes the definition of dowry narrow.

So many educated and uneducated people try to take disadvantage of this narrowness of the law. They make demand for different things and articles in the place of cash money as a dowry.

(B) DOWRY SYSTEM PAST AND PRESENT

(1) Origin of Dowry System in the past

In our country, the social and spiritual doctrines have a tremendous impact on the system of dowry. Little is known about the pre-vedic marriage ceremonies. Some information can be had from the marriage hymns of the Rigveda and the Atharvaveda. These hymns begin with the allegory of the marriage of surya, the daughter of the Sun with some or the Moon. When she started for the house of her lord, her dowry was also placed in her chariot. The Atharvaveda once incidently refers to royal brides, bringing with them the dowry of a hundred cows. In the marriage hymn, 'vahatu' or dowry is mentioned. Draupadi, Subhadra and Uttara were also given val uable presents of horses, elephants and jewels by their parents at the time of marriage.

The Jatakas also give an account of how rich presents were given to the bridegroom, when rich merchants like the father of Visaka sent their daughters to their husband's homes. In Raghuvansa a vivid description is given of how the king of Vidarbha sends handsome present to his sister Indumati immediately after the marriage at the time of her departure. These presents, however, can hardly be called dowries, for they were made voluntarily after the marriage, out of affection. There are no reference in the Smrities to the dowry. It seems that the dowry system, as we take it today was generally unknown in

early societies. It was only in aristocratic or royal families that gifts were given to the bride-groom at the time of marriage.

The Smrities have recognised eight forms of marriage - Brahma, Daive, Arsa, Prajapatya, Asura, Gandharva, Rakshasa and Paisacha. It is only in the Brahma form of marriage that the father gave away his daughter with ornaments and gifts but we could not call it dowry. This was left entirely to the desire of the bride's father. There are some references of dowry in such cases like - A daughter had some physical defects was to be disposed of with money.

In Vedic period sometimes bride was practically sold for a heavy price¹. In the Asura marriage the dowry custom was just the reverse. That is husband has to pay bride price instead of dowry. Thus there we did not find the dowry system in Hindu society but there were some cases of bride-price ~~were~~ found in the ancient time.

Since the daughter was denied the right of inheritance, this phenomenon led to the rigidity of the custom of dowry among the rich class. In medieval times, in Rajputana, we find the dowry system. This however, happened only in the case of royal and aristocratic families. The extraordinary pride which the Rajputs took in their ancestry, was mainly responsible for its development. A Rajput youth of the bluest-blood would be desired

1. R.B.Pandey, "Hindu Samskaras", P. 283.

as a son-in-law by a large number of people, and so his price in the marriage-market would go high. Thus, the dowry system had become a positive evil of Rajputana from about the 13th or the 14th century A.D.

2) Dowry system in modern times

In ordinary families, however, the amount of dowry was nominal. It was given according to the ability of the father, the fundamental postulate being affection for the daughter. To this extent, it presented no impediment in the settlement of the girl's marriage till the middle of the 19th century. It is only after that and more so in the present century that the custom of dowry has taken an acute form and has begun to assume scandalous proportions.

The system of dowry occasionally leads to the ruin of the family and causes immense harm to the happiness of the parties to the marriage. Here we are confronted with a psychological dilemma. Two families that establish a permanent alliance between themselves through matrimony tend to destroy each other. The huge amount of dowry that one party demands at the time of marriage from the other leads to their humiliations and creates conditions that are detrimental to the peace of the families; especially that of the girl, she latter being a greater victim to the stipulations about dowry.

Various forces have been affecting our social custom of dowry for a long time.

A) Economic Transformation and a New standard of life

Life in the rural areas was simple before scientific inventions took place. The needs of life were small in number and every village was a self-contained unit in itself. Due to the lack of the means of communication social and economical contacts with the urban world were meagre.

In the urban areas also, life was not complex. In the villages with their undeveloped economy people knew little about the modern splendour or pomp at the time of marriage. The parents gave away the girl in marriage with whatever little they could afford.

In their small confined community every family knew about the economic status of its neighbouring families and therefore, ample mutual understanding existed among them. There was no social condemnation even if the parents gave an extremely nominal amount of dowry to their daughters.

This produced contentment which illuminated every house and brought felicity. Dowry was not given for social prestige or a high name in society. The fundamental postulate was affection. The relation of parents and child was one of natural love and its spontaneity could not be destroyed. A girl in the social set-up of Hindu community had to marry. Her separation from her parents at a particular age was, therefore, inevitable. This created a natural anxiety in parents to give some gifts to their daughter at the time of her marriage. Dowry was, therefore,

an attribute of attachment, a symbol of reverential regard for their daughter. It did not predict a social binding nor was there any feeling to strive to reach the social standards of other people in the community.

In the urban areas too, in the pre-British period, dowry giving was subject to the bonds of affection. It is true that rich parents gave more gifts to their daughters, but it was because they could afford to give more due to their better economic position than others.

There was no question of social degradation if one offered less than the other. There was much contentment and homogeneity even in urban society. There was an absence of competition in the dowry market and the notion of its comparative value was non-existent. No social stigma was attached if one party gave less than the other and marriage ties remained strong with or without dowry. But changes in the social and economic pattern have become causative factors for its encouragement.

With scientific inventions, means of communication have become easy and it is convenient for the village communities to establish social, cultural, economic and political contacts with the urban areas. Roads, buses, trains, post and telegraph services and telephones have helped them a long way to feel close to their inhabiting the urban territory. The artificial life and the false sense of values in cities bedazzle and they feel a sense of dignity in copying the so-called more civilized

people. They like to waste money on the outward show in marriages and feel happy to give a large and showy dowry to their daughter.

The practice which started from imitation has taken deep roots and has become more or less an essential phenomenon in establishing matrimonial relationships. Most of the people incur heavy debts which they cannot liquidate for years together. If a young boy is employed in a good job in the village or somewhere outside and supplements the family income in such a way that the standard of family living is raised, his value in the marriage market increases and his parents expect a good amount of dowry from the girl's side on his marriage. Thus, the concept of dowry has its modern implications and in spite of its evil influence it continues.

In big towns or cities the situation is still worse. With the spread of education, vocational and the technical, the number of doctors, lawyers, engineers, architects and professional business men are increased. Occupational heritage has become almost an hereditary. Progressive professionalism lucrative appointments and the prospective economic position of the youth have made him immensely attractive as a son-in-law. His price in the marriage-market thus automatically increases and this heightens the difficulty of the parents who have to give their daughter to a such young man. The formation of big firms and companies, the setting up of research plants and huge factories for large scale production, the building up of large dams and

projects and hydro-electric plants have enabled young men to take up attractive jobs.

The parents of the girl are highly impressed if they can find a young man who is well placed. The number of such boys are few and therefore, intense competition starts.

This factory allows the man to exploit the girl's parents economically, when a number of offers are made to a single person, he naturally dictates terms and the parents generally acquiesce in because they strongly wish to marry their daughter in the highest social group. The amount of dowry becomes exorbitant but due to the vicious circle of competition in the search for a bridegroom. The system of dowry cannot be brought to an end.

The air of superiority of the bridegroom and his family thus causes unmeasured grief to girls and has degraded their position. Economic changes in the modern world have, therefore, adversely affected our marriage system and have made man inhuman in outlook.

B) The Ideas of Respect

Competition in the marriage market has led to a wrong evaluation of the concept of respect. The rich and the poor, people of lower or higher classes get intrinsic joy and satisfaction if they can give ample property to their daughter. With a spirit of competition, they boast of this fact.

At the time of marriage, all the articles that are given to the girl are spread out for show. Relatives and friends see all the things and comments are made. If the amount of dowry is large, the family is praised and considered to be of a high social status. If, however, less property is given, unfavourable comments are heard from all sides that the parents have not given anything good to their daughter.

As has already been mentioned, the relationship of the child and the parents is one of natural love and they would love to give nice gifts to their daughter if their purse can afford it. If they give less dowry, it means that there is some handicap which does not permit them to cross the limits. If, by involving themselves in debt, they give dowry - a practice which is quite common - it means that a good name is purchased with one hand and sold with the other. The borrowing of money remains concealed. It causes worry to the family concerned.

Another notion of respect among the people is the search for it. Some members of the families feel that if they give an enormous dowry to their sister or daughter, people will praise them, and moreover, many others will come to know of their richness from their friends. This feeling gives them satisfaction but it causes great dissatisfaction in many other homes which cannot afford the same amount. It has become widespread among the higher classes and even people belonging to the scheduled or depressed classes talk highly of it. They feel that, even after

borrowing money, if they can spend heavily on the marriage of their daughter, they will have a good social position.

C) A Religious Duty

As has already been mentioned, dowry in earlier times was considered as 'Dakshina' attending the gift of the girl. This view is still held by a vast majority of the people who live in the rural areas. Illiterate people, conservatives and those who belong to the scheduled castes also feel similarly in the urbanised parts.

We were surprised to hear their remarks that they cannot 'salvation' without giving some dowry to their daughter. It is considered to be a religious duty to give dowry to the girl. It is felt that it would be sinful if parents did not give her gifts on her marriage. Raja ^{Janak}~~Rajak~~ who gave tremendous dowry to his daughter Sita when married to Rama is quoted.

Raja Janak was a philosopher-king and highly religious-minded. If he took this action, others must follow his righteous path. These people have a firm belief that happiness cannot dwell in their houses if they send away their daughter or sister without giving her the due share of dowry. With such thinking which can hardly be improved, people are bent upon following their traditional customs, however, harmful they may be. Religion is, therefore, one of the strong social forces that has led to the retention of the dowry system.

D) The Role of Education

In the present era of science, ample facilities exist at home and abroad for imparting education to the masses. Some of the brilliant scholars go abroad for higher education to build up a bright career, while a majority of young men get school and university education at home. When they complete their studies, their demand scores in the marriage-market and the parents of the girls run to them for matrimonial negotiations.

Numerous offers from good families are made, with the result that these young men become conscious of their importance and they begin to attach an unduly high value to their education and their career. They begin to look for a beautiful and smart girl who is highly educated, accomplished in domestic work and belongs to a rich and well-connected family. They reject offers if some of the above mentioned characteristics are missing. This intensifies the competitive spirit among the girls' parents who are compelled to agree silently to their demands.

"If the father has a misfortune to possess a girl of somewhat dark complexion or in any way ugly or deformed, the demand may run to many thousand rupees. Add to this the numerous other items of expenditure to be incurred by the bride's father on, before and after marriage, and the result is simply ruinous to him."¹

1. Kapadia, "Marriage and Family in India", P. 103.

E) Effects of war on Dowry

War has also tremendous impact on marital affairs. It sweeps away the young population of the community to fight on the front if war has already broken out or to stay prepared on the borders from where the enemy can penetrate at any time. This community of young men who have joined the army, navy or air force is most of the time away from friends and relatives. This affects their marriage and the dowry.

They usually expect to get on their marriage for that part of the period when they are undergoing training. These young men often do not marry and the parents of the girl are also quite reluctant to give the hand of their daughter to any such young man because there is great insecurity for the girl.

A similar trend repeats itself when these young men actually go to war and stay there for a pretty long period. This involves not only a danger of psychological set back but physical insecurity also. The consequence is that the parents who are interested in getting their daughters married to military men wait for a few years till these young men return or else arrange the marriage of their daughters, who are already of marriageable age to civilians.

This is bound to affect the marriage market which becomes comparatively dull during the war time, when the war is over and young men are available for their daughters or when the military

trainees come back after finishing their training period. Since parents always wish to marry their daughter to a handsome military man, with a bright prospective career, many offers from different corners are made to the same boy and thus the demand for dowry increases.

During war, certain factories multiply at a rapid speed. The general level of income rises. People occasionally get windfall profits in business and increase in the income leads to a rise in the standard of living. Inflation follows the boom. All consumer goods become expensive and the value of money decreases. People undoubtedly spend more on marriages and get psychological satisfaction.

In due course of time after the war, windfall profits stop but inflation persists. This affects the entire structure of national economy and individual families are naturally influenced. The business activity slows down, profits in business are greatly reduced and people are confronted with financial difficulties. But the dowry-market is not affected. To avoid an ill-assorted match or any other kind of marital unsuitability, the parents of the girl give every type of temptation to the boy to accept the offer of their daughter and this increases the quantum of dowry competitively.

Civil war also results in family harassments in dowry settlements. Communal disputes may sometimes take a serious turn as it happened in our country. None could predict that the

disquiet between the Mohamedans and the rest of the Indian community would be so disturbing as to create two separate states.

The partition of the country into two distinct territorial units displaced thousands of families which became homeless. Those who could get property in exchange with some Mohamedan or were able to bring cash with them, could still marry their children after a brief span of years, but many who had to build up home and career once again applied their endeavours to attain their old standard either by imparting education to their children or by engaging them in some business or occupation. With the result that many girls who were already of marriageable age at the time of partition had to wait till the family finances permitted to start matrimonial negotiations.

All such girls who were completing their thirties found it difficult to search a suitable match for themselves. It is a social stigma that due to the practice of dowry, these girls could not get married at a suitable age.

Something very peculiar had taken root. On the one side, the parents of the girl were not in a position to give a heavy dowry to their daughter; because they left the country without money and property. On the other, the boy's side started making frank and high demands. They felt that they would be able to remove some of their financial difficulties by demanding dowry. But failed to realise that the impact of partition was equally bad on the girl's side. This dilemma placed the girl's parents

in a very troublesome position and in spite of their gross financial sufferings, they had to meet the greater demands of the boy's parents. This factor helps us to realise that war, civil or international, makes conditions more critical so far as dowry is concerned.

F) Move towards westernization

The standard of living and expenses of education have struck at the root of the dowry custom and the conservative people seem disagreed to modify or change their rigid ideologies, with the result that the present generation is westernizing the system of marriage. We are in a state of perplexity. Our old culture cannot be easily destroyed nor do we wish to uproot it entirely.

On the other side, we, at the same time, cannot afford also to follow eastern culture with blind faith. Therefore, in the present system of marriage, a desire has arisen that dowry should not be given to the girl, and the boy's side should also incur minimum expenditure. A few gifts, out of affection, may be given and the girl should get her due share of property.

The Hindu Code Bill passed in 1956 confers the right of property upon the girls for the first time and entitles them to a share in the father's property that was previously given to sons alone. The modern tendency, at least among the highly educated section, is to give property to the girl or its

equivalent amount of cash that can be profitably utilized by the couple. There is consciousness among the masses against the system of compulsory dowry, though it has not taken practical shape.

3) Impact of Dowry system on Society

Importance of study of dowry system in sociological point of view.

The custom of dowry, though almost accepted and practiced in India, has produced bad effects on our society. Most people now feel that if this social evil continues then they have to alter the institution of marriage.

Due to the effect of the dowry system people feel mentally disturbed and ultimately except financial ruin. The consequences are felt more by the middle and the lower middle classes. These people are not very well off. Whatever they earn is spent on giving education to the members of the family or in maintaining the family standard.

When, at the time of marriage, demands are made by the boy's side, most of the parents of the girls are unable to meet them and this leads to psychological, social and economic maladjustments in society. The parents of the girl 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

endeavour end in disappointment. They have to hide her share.

Some girls are of strong character and have no effect or attraction for opposite sex. Here again, some suffer from nervousness because of late marriage. Their parents can't give sufficient dowry for a suitable boy. They have to suppress, consciously or unconsciously, their sex instinct which is natural to every human being. They often become irritable, pessimistic and lose their charm and gaiety. This psychological frustration leads to unhappiness in the family. When the parents are unable to find a good match, they are sometimes forced to give their daughter to an old man, who is rich and would not demand dowry. Domestic life becomes miserable.

These ill-assorted matches due to dowry demands create very unhappy social results so much so that they may even lead to cases of suicide or a continued unhappy married life for the girl.

The dowry system in our society has thus become a kind of a bargain system which is unspiritual in nature and has no ethical value. When girls receive education like men and also involve themselves in debt which leads to enormous difficulties for the family.

In India, an average man has a large family and if, by misfortune, he has three or four daughters, his whole life is passed in solving only one problem. If, in this attempt he gets

into debt, the debt may pass from generation to generation. These evils are apparent not only in towns with many artificial attractions of life but also in villages with a very poor and backward economy.

With the spread of education among girls, some parents now take a different attitude to solve the dowry problem. They thought that girls should become economically independent and earn some money which may be utilized at the time of marriage. With all its advantages, this trend has led to many evils.

High educated girls are quite mature when they join service. The girls come into contact with boys. The false promises of some of the boys of a bright future mislead them. Loose sex-morality leads to certain dangers from which it is very easy for the boy to come out, but rather difficult for the girl to escape.

The boy's party is not justified in demanding dowry. It only lowers the status of women. It is strange that the girl is considered to be inferior and degraded. She looks after her home and also earns money, if so desired by the person who marries her. Therefore, the dowry system is an indicator of a great social injustice.

In spite of its regular cases of competition in dowry are shown. The boy accepts the girl who belongs to a rich family and whose parents can pay him much at the time of marriage. Some

matrimonial promises are broken for dowry. It gives a shock to the parents of the girl and hurts her tender feelings also. She feels herself to be a burden on her parents and sometimes in that mood driven to end her life.

4) Equal Legal status of women and modern legislation

Babasaheb Ambedkar worked hard at the Hindu Code Bill. He found the laws were confused and tried his best to modernise them through the Hindu Code Bill, which removed contradiction and introduced a system of uniformity. The draft Code produced by the Rau Committee dealt with marriage and divorce, minority and guardianship, intestacy and testamentary successions and other allied subjects.

It advocated that daughters should be allowed a share in property, which had hitherto been denied to them. Both wives and daughters be given a control over their inheritance. Marriages should be allowed between sub-castes and castes, that monogamy be enforced and equal rights be given to husband and wife. Widows have the same status as unmarried girls and be allowed to marry again; and that a woman can be free of husband who is unfit to be a responsible householder. In other words, the Hindu Code sought to give the Indian woman a break at last and treat her as a member of the human society.

Mahatma Gandhiji himself spoke boldly in favour of the Bill.¹ "Hindu culture has erred on the side of excessive subordination of the wife to the husband, and has insisted on the complete merging of the wife in the husband. It has resulted in the husband sometimes usurping and exercising out herity that reduces him to the level of brute".

1. Sengupta Padmini, "The story of women of India", P. 232.

"I passionately desire the utmost freedom for our women. I detest child marriage. I shudder to see a child-widow, and shiver with rage wherein husband just widowed with brutal indifference contracts a second marriage. I deplore the criminal indifference of parents who keep their daughter utterly ignorant and illiterate, and bring up only for the purpose of marriage them off to some young man of means."

"Women must have votes and an equal status with men". Such was the Mahatma's creed.

The Hindu Marriage Act of 1955 however was actually enacted. It is possibly the most important part of the Acts passed in favour of women's rights between 1954 and 1961. For the first time a uniform law was enforced for all Hindus. The term "Hindu" was also defined, and the term meant in the Bill all those "who were Hindus by religion in any of its forms or developments, including a virashaiva, a Lingayat or follower of Brahma, Prarthana or Arya Samaj"¹. It also included a Buddhist, Sikh or Jain and extended to any person who was not a Jew, Muslim, Christian or Parsi, The Hindu marriage Act disallows any person from marrying who already has a spouse living at the time of marriage.

A boy cannot marry less than the age of 18 or a girl less than 15. In fact the marriage age of girls has considerably

1. Padmini Sengupta, "Indian Women through the Ages",



increased and except in ignorant rural areas, child-marriages are almost extinct.

Thus polygamy and polyandry were completely abolished. The Marriage Act of India had passed through divergent stages. Marriage is a very sacred factor and invocations before the sacred fire or 'Homa' and saptapadi or the seven steps taken together by the bride and bridegroom are essential.

Many Acts built up to Hindu Marriage Act of 1955. The Hindu Widow Remarriage Act was passed in 1856, the Hindu Marriage Disabilities Removed Act in 1946 when marriages within the same gotra were made valid. The child Marriage Restraint Act commonly known as the Sarda Act made it punishable to marry a boy under 18 and a girl under 15. Divorce was permitted for even those marriages which took place under the Vedic rites.

It was allowed in cases of adultery, a change of religion, an incurable condition of unsound mind and a virulent form of leprosy or venereal disease, renouncing the world and becoming an ascetic or desertion for seven years. Women can also divorce their husbands if they have been guilty of rape, sodomy or bestiality. Desertion and cruelty are also valid grounds for legal separation, and lead to divorce if continued long enough.

Thus a Hindu wife was no longer a slave to her husband and was free like all other citizens of India.

The Special Marriage Act 1954 allowed people of different faiths to marry, which has brought about a tremendous force of national integration. Any boy above 21 and a girl above 18 can now marry under this form of civil Registration, provided each party is single and no living spouse. Divorce is also allowed under this Act. It is secular and fits into the framework of India being a secular democratic state.

The Hindu Succession Act, 1956 has relaxed the property laws for women; Hindu women from the time of medieval law givers, were debarred from possessing property in their own right. A woman could only own her 'Stridhana' or bridal ornaments, etc. which were settled on her at the time of her marriage.

The Dayabagh system allowed sons to share an equal share in the father's property in Bengal, but a daughter had no right of inheritance. The Mitakshara on Joint Family System also allowed no share to the women. Thus economically handicapped, women naturally remained subordinate to men right through the British period, though the Hindu Women's Right to Property Act was passed in 1937, allowing a wife to join with her husband's share in co-parency property during her life time.

The country had many forms of succession such as the marumakatayam, the aliyasantana, Nambudri and others when a matriarenal system was followed. Here the daughter shared equally with the son, except among the Nambudris, where the married daughter cannot claim any property from her father.

The Hindu Succession Act allows the widow, and the mother to inherit the property of the deceased. Each takes an equal share, except in the case of co-parcenary property, when the son takes his own share plus a share of his father's property. With this Act women can hold their property, and have the right to sell, mortgage, or give away their property if they so wish. It is also beneficial to women in many other ways.

The Hindu Adoption and Maintenance Act, 1956 now allows a husband with his wife's consent to adopt a son to perform his funeral ceremony called Pinda-dan. A daughter also can be adopted by a man with the consent of his wife. The new law also allows a wife to claim maintenance even if she is living separately from her husband, provided he is proved to be the guilty party. This brings about a completely fresh outlook on the rights and privileges of women.

In the Dowry Prohibition Act of 1961, every bride, previously had to be given away "decked in ornaments and with cash". This was Stridhana or women's property. Though this custom was relaxed and tolerant in ancient times, it became more and more a must in medieval and British Indian times.

Parents became selfish and claimed huge dowries for their sons. The brides people also did not wish to appear poor or lacking in generosity, and gave freely, often reducing themselves to utter poverty after the marriage of their daughters. Mahatma Gandhi tried his best to stop unlimited amounts of money being

spent at marriages, or the giving of dowries.

In 1961, the Dowry Prohibition Act was passed to stop the practice of large dowries being claimed by the bridegroom's people and given by the brides. Now any parent agreeing to give property or valuable security for the purposes of marriage becomes an offence. The unfortunate part of this law is that it is not implemented as it could be, with the result that dowries are still claimed and given. Neither are the marriages the simpler or less expensive except among the extremely liberal families.

The above laws have brought the legal status of women in complete equality with men, but uneducated in rural and slum areas are quite ignorant of the laws.