

CHAPTER IIA) SOCIOLOGY OF MARRIAGE1) Sociology of marriage concept

Marriage is a very important event in the life of a woman. Matrimony in course of time is followed by maternity and its recurrence makes the woman periodically helpless and absolutely dependent on her husband for some time. Marriage, therefore, determines the fate of a woman to a much greater extent than it does the destiny of a man. A good marriage is a welcome protection for the woman, a bad one is worse than a painful chain. Marriage and the problems connected with it form an important topic in the history of woman.

We find the institution of marriage was well established in the vedic age, and it was also regarded as a social and religious duty and necessity. A vedic passage says that a person, who is unmarried, is unholy. Marriage opened a new period of holy life which was to be lead at the truth and duty.

A latter age, which had developed the system of the four Ashramas, pointed out that the whole society depends upon the householder for its maintenance. The Brahmachari, the Vanaprastha and the Samhyasi can hardly exist without active help from class of householders. The Grahasthashram is a necessity of the society which depends upon marriage.

By about 300 B.C. marriage came to be regarded as obligatory for girls. Several causes induced society to subscribe to

this view. Social thinkers began to feel that it would be better to prevent girls from abuses by making marriage obligatory for all girls. "The Mahabharata informs us that it was the sage Dirghatamas who laid it down that woman ought never to remain unmarried in future"¹. The epic of subhru who was the daughter of sage Kuni. The epic is undoubtedly right in emphasizing the great necessity of marriage for girls. There are more pitfalls in the path of an unmarried woman than those in the way of an unmarried man. From this point of view parents must have become more alert in arranging the marriages of their daughters. Since marriage was compulsory for girls, parents should marry them even to undesirable persons, if suitable bridegrooms were not available before the time of puberty. This rule made the lot of unsuitable couples in the society.

In India also marriage was made obligatory for women, not for men. The real reason for this is differential treatment by the society for men and women. Public opinion also is much less sympathetic to a woman who has gone astray even unwillingly, than to a man who leads a vicious life deliberately. Smriti writers should have recognised some exceptions to the general rule. This would have given scope to talented girls to master their favourite subjects and to spiritually minded women to dry seriously for the realisation of their dreams.

1. A.S. Altekar "The position of women in Hindu civilization",
P. 33.

2) Forms of marriage in Hindu society¹

"The eight forms of marriage recognised by Smrities, are wellknown. There are, however, several other varieties and customs of marriage prevailing in the lower sections of Hindu society, which find no recognition in the Dharmashastra literature".

a) Paisacha Form : The paisacha form of marriage which is the most condemned one. In this marriage the bride is either duped, very often by making her overdrunk, or physically overpowered by the bridegroom in order to make her yield to his passion. By this form Smritis preserve the relics of several prehistoric customs.

b) Rakshasa form : The Rakshasa marriage, or as it is the Kshatra marriage takes us back to prehistoric times when women were regarded as prizes of war. In this marriage the victor carried away the bride and married her.

c) Asura form : Asura vivaha, under which the husband used to get a bride by paying a reasonable price for her. The idea probably was that it would be disgraceful for a girl and her family if she was given in marriage for nothing. Marriage by purchase was the order of the day among ancient Assyrians, and this circumstance may have been responsible for the name

1. A.S.Altekar, "The position of women in Hindu Civilization, forms of marriage", P. 35.

Asure being given to that form of marriage where a bride-price was paid. The price paid by the bridegroom was originally a compensation to the bride's family for the loss of her service, but a portion of it soon began to be returned to the bride as a marriage gifts. This form of marriage means a recognition by society of the fact that woman has a value and has to be paid for. It therefore helped the improvement of the lot of the wife. The average husband became naturally unwilling to ill-treat his wife.

d) Gandharva marriage : This was a love marriage, pure and simple form. The vedic age the Gandharvas were well known for their amorous disposition and a marriage was consummated before the due performance of the sacred rituals, naturally this form came to be known after them.

e) Brahma marriage : In Brahma marriage, the bride, properly bedecked and ornamented, is offered to a bridegroom who is specially invited for the purpose of marriage. The father carefully selects the son-in-law, invites him to his house and offers him his daughter according to prepare religious rites, along with such presents he could give on account of natural affection. It should be pointed out that the gift of the bride was a more formality; it did not at all authorise the husband to treat his wife in any way he liked. He had to take an oath that he would be always very closely associated with his new partner in life in all its spheres.

f) Daiva marriage : When a daughter was offered in marriage to an officiating priest by the sacrificer, the marriage was designated as a Daiva one. It was given this name, because the marriage was settled while a sacrifice to Devas was being performed.

g) Prajapatya marriage : In this marriage the bride is offered according to due rites, but with an injunction of the couple that they should be always inseparable companions in the discharge of their religious duties.

h) Arsha marriage : In this marriage the father of the bride is permitted to accept a cow and a bull from his son-in-law for facilitating the performance of sacrifices; which require the cow's milk. This gift, which the son-in-law gave to his father-in-law is a relic of the bride-price, which was once very common.

These were the days of post-puberty marriages: Owing to the close association during the sacrifices, daughter also could get an opportunity to form an estimate of their future husband, and guide their parents in the choice.

In course of time several sacred and lyrical associations came to cluster round the Brahma marriage, and it became most popular and sacred. A marriage can become happy only when each party dedicates its entire existence for promoting the happiness and welfare of the other.

In the Vedic literature, we have the story of sati savitri who is seen refusing to marry soma, who had fallen in love with her, unless he accepted certain conditions of her own. This story presupposes a tendency to regard marriage as a contract, Marriage was regarded as a sacred religious union brought by divine power. It was felt that the mutual vows which the parties took in the presence of sacred fire, sufficiently emphasised all the points that could possibly have been included in a marriage contract. The marriage sacrament united the parties in an indissoluble union, and the husband and the wife each prayed that their love and friendship should be lasting genuine and indissoluble. Complete unity of interest left no room for a contract.

After study these eight forms of Hindu marriage system in Vaidic time we do not find compulsion of dowry in marriage. Except voluntary gifts given by brides parents out of mere affection.

3) The age of settlement of marriage

Girls were married at a fairly advanced age in the vedic period. "The precise age is not stated, but from the Avesta we learn that maidens were usually wedded at the age of 15 or 16 in ancient Persia"¹. The same was certainly the case in the vedic

1. A.S.Altekar, "The Position of Women in Hindu Civilization"
P. 49.

period. The very term for marriage, 'udvaha', carrying away (of the bride) presupposes a post-puberty marriage, for it shows that immediately after her marriage, the bride went to her husband's house to live as his wife. A perusal of the marriage hymn shows that the bride was fully mature and quite grown up at the time of the marriage.

The ramification of the caste system into hundreds of sub-castes and the prohibition of inter-marriages among them from about the 8th or the 9th century A.D. further introduced the evil of child marriages. The selection of suitable bridegroom was becoming progressively more difficult, as the field of choice was being further and further narrowed down by the rise of new water tight sub-caste. Parents did not like to take the risk of losing a good bridegroom at hand by postponing the marriage to a later date.

The economic struggle for existence have now increases the age of limit of marriage and Hindu society openly adopt post-puberty marriages. The Sharda Act, which has laid down 18 and 14 as the minimum legal age of marriage for boys and girls respectively.

Settlement of marriage : The part of the bride, which she took in the settlement of her marriage, is naturally varied in different periods. In early times when brides were 16 or 17, at the time of their marriage, they had a more or less effective voice in the selection of their partners in life. The vedic

literature does not refer to parents controlling the marriages of their sons and daughters, though they must doubtless have played an important part in arranging and financing them. The beautiful brides selecting their own husbands; as it proved by the custom of Svayamvara or self-choise.

The Svayamvara marriages of Savitri, Damayanti and Rukmini are well-known. In later times when the custom of early marriages came into vogue, the Svayamvara custom naturally died down.

When from C.200 A.D. child marriages became the order of the day, the state of affairs changed. Girls of 10 or 12 were incapable of exercising any choice worth the name, and so the whole responsibility gradually fell upon the father. The Hindu father has been always trying to discharge this responsibility with a solicitude, that has justly become proverbial. He passes sleepless nights when his daughter approaches the marriageable age. He does not mind even the insults that he has sometimes to pocket while searching for a proper son-in-law. In order to secure a very desirable match, he often spends much more than what is the legitimate share of his daughter in the ancestral property. If she is very young, he cannot have the benefit of her mature views; but his wife's guidance in the matter usually ensures a selection that meets with his daughter's approval, when grown up.

"The dowry system did not stand as an impediment in daughter's marriage in ancient India. In prehistoric times woman were regarded as chattle and so it was the bride's father, and not the bridegroom's, who was regarded as justified in demanding a payment at the time of marriage. The bridegroom carried away the bride and deprived her family of her services. He could not have dreamt of demanding a further dowry or donation"¹. The wife in these early times used to get no proprietary rights in her husband's family. Nor had her father-in-law, to provide any expensive education to her husband. Now a days there is trend to demand husband's educational expenses in the form of a dowry.

Dowry system, therefore, was generally unknown in early societies, and the same was the case with ancient Hindus. In rich and royal families some gifts used to be given to sons-in-law at the time of marriage. "Thus the Atharvaveda once incidentally refers to royal brides, bringing with them the dowry of a hundred cows. Draupadi, Subhadra and Uttara also brought with them rich presents of horses, elephants and jewels at the time when they left their parents' homes after their marriages"². In Raghuvansa (VII, 32) we find the king of Vidarbha sending handsome presents with his sister Indumati at the time of her departure

1. A.S.Altekar, "The Position of Women in Hindu Civilization", P.69.

2. A.S.Altekar, "The Position of Women in Hindu Civilization", P.70.

with her husband after her marriage. These presents, however, can hardly be called as dowries, for they were voluntarily made after the marriage, out of pure affection."¹. There are no references either in Smrities or in dramas to the dowry i.e. to a pre-nuptial contract of payment made by the bride's father with the bridegroom or his guardian. If the custom had prevailed to anything like its present extent, it would have been very vehemently condemned by Smriti writers like the counter custom of the bride-price. We meet with no such condemnation. Smrities, no doubt, recommend that the bride should be given in marriage along with suitable ornaments, but their number and price is left entirely to the discretion and ability of the bride's father. A prenuptial contract in this respect is not contemplated.

The dowry system is connected with the conception of marriage as a dona or gift. A religious gift in kind is usually accompanied by a gift in cash or gold. So the gift of the bride also was accompanied by a formal and small gift in cash or ornaments. The amount of this gift was a nominal one for a long time, and did not create any impediment in the settlement of marriage. It is only in medieval times and in Rayputana that we find that the dowry system assuming alarming proportions. This, however, happened only in the case of royal and aristocratic families. The extraordinary pride, which the

1. A.S. Altekar, "The Position of Women in Hindu Civilization", P. 70.

Rajputs took in their ancestry, was mainly responsible for this development. A Rajput youth of the bluest blood would be desired as a son-in-law by a large number of people, and so his price in the marriage market would go high. The dowry system had become a positive evil of great magnitude in Rajputana from about the 18th or 14th century A.D.

In ordinary families, however, the amount of the 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. It is only during the last 50 or 60 years that the amount of the dowry has begun to assume scandalous proportions. A good education, a lucrative appointment or a good footing in a learned profession improved enormously the social and economic position of a youth, and made him immensely attractive as a son-in-law. He naturally acquired a high price in the marriage market. There were no such factors in the pre-British period, when society was mostly agricultural and government appointments were not so lucrative as they are at present. Scandalous dowry system did not exist.

4) General attitude towards women

The general position and status of women were changing from age to age and so naturally the attitude of society towards them could not remain the same in different periods. In the same century and in the same Province, sometimes, we come across

diametrically opposite views about the worth, nature and importance of women. One school is seen declaring that the woman is highest gift of God, to man, while the other is seen asserting that the best way to reach God is to avoid woman.

Perhaps one of the best ways to ascertain the attitude of society in this matter would be to find out its angle of vision towards women overtaken by the misfortune of falling in the hands of enemies. Such a situation is the real touch stone to test the genuineness of societies sympathy towards the weaker sex; it enables us to find out how far man is prepared to rise above the prejudices of his sex and judge the woman by an equitable standard. The present attitude of Hindu society in this matter is very stiff and unsympathetic; if a woman has the misfortune of falling into captivity even for a short time, she finds it impossible to get readmission into her family and society. In this respect we are following the example of Shri Ramachandra, who refused to adopt back Sitadevi after the overthrow of Rama. He accepted sita only when a superhuman agency vouched her continuous chastity.

It was a good ideal, but too high to be followed in actual life. Smritis and Puranas declare that women, who had the misfortune of being made prisoners, or of being assaulted criminally should be treated with sympathy, and accepted back by their families after they had performed certain purificatory rituals.

From about the 13th century society began to change its attitude towards these unfortunate women and refused to admit them back.

Hindu society has sought to show its concern for the woman in a variety of ways. If she was in difficulties in her journey, it was the duty of every cultured person to help her in overcoming them. If she had no proper guardians, the state was to look after her interest and property. To accept a bride-price was a very great sin. The marriage expenses of a daughter were a charge on her father's property, and brothers were expected to meet them, even if there were no ancestral assets. In ancient time for the same offence law courts were usually to impose a lighter punishment upon women than upon men (Arthashastra, IV, 12). Merit also was to be always honoured, whether it was found in men or in women.

Within the house every one was to show the highest solicitude for the woman. She was to be honoured like the Goddess of Prosperity. The patriarch was warned that his family would prosper only if the ladies under his charge were cheerful; it would surely come to grief if the women folk were in sorrow.

Women have their own innocent fancies and hobbies; they ought to be respected. Women are the support of the universe. Woman and prosperity are not two different things. Woman brings prosperity when she is properly treated and respected.

There are, however, a large number of passages in Sanskrit literature when women were being properly educated in cultured families and married after they had become fairly well equipped for the family life.

Disability that was imposed was primarily intended for the benefit of women. As a woman herself has observed in the Mahabharata, to be without a proper protector is a great calamity for the fair sex in this world, which is full of wickedness.

Manu therefore ordains that the father ought to protect a woman while she is a maiden, the husband when she has married, and the sons when the husband is no more : a woman ought not to remain independent.

After that Manu points out that the father would be to blame if he does not marry his daughter in proper time, the husband, if he does not look after his wife properly, and the son, if he does not protect his mother during her old age. It is thus clear that Manu's aim was not so much to deny all freedom to women as to ensure for them an adequate and continuous protection throughout the life.

Reforms in property Law : Daughters, who cannot or will not marry, are becoming fairly numerous in society, their right of inheritance, which was recognised by the vedic age, should be restored now. In the case of married daughter Hindu culture has been pointing out that the wife is the joint owner of the property along with her husband.

Women have already obtained political rights and privileges more or less coextensive with those of men. It should be open for a wife to claim a full one half share of the family property, if the court concludes that she has been unjustly treated by her husband and compelled to live separately. A legislation to this effect will be in perfect harmony with the traditions of our culture. It will also serve as a powerful deterrent even to self-willed husbands from ill treating their wives or contracting a second marriage or following a vicious course of life.

Dharmasastra writers in these matters was realised that circumstances had changed and therefore customs and institutions must follow suit. We must in our own turn recognise that times have changed, the age of authority has gone and is succeeded by an era of rationalism and equality. We must therefore readjust the position of women to the new situation introducing the changes. If this is done, the capacity, efficiency and happiness of Hindu women (and therefore of Hindu men also) will increase and as a consequence, our community will be able to take its rightful place in the comity of nations and make important contributions to the progress and happiness of mankind.

B) SOCIOLOGY OF DOWRY SYSTEM

1) Meaning and Concept of Dowry

The custom of giving presents at the time of marriage is universal phenomenon. The bride and the bridegroom need a new home after marriage which either the girl's parents or the boy's parents can help to establish by providing household articles.

A custom prevails in India according to which the parents of the girl give presents to the bride. This custom has been in vogue since very ancient times. Even the Dharmashastras speak of gifts at the time of marriage. These gifts might have had their origin in the affection of the parents towards their children, but in the course of centuries the custom has grown rigid and become associated with social status and family prestige. This association has introduced an element of competition carrying with it a "demonstration tendency". The rigid custom has therefore developed into a great social evil.

Dowry, as a social evil, is rampant mostly in the Hindu community. The arrangements at the marriage ceremonies give an impression, even to a casual observer, that its ramifications are wide. Due to the impact of high prices on the standard of living, it has become difficult for people to spare enough money to adhere to this custom in its present form. The State Government¹ from time to time, have passed legislation to

1. The Bihar Dowry Restraint Act, 1930.
The Andhra Pradesh Dowry Prohibition Act, 1958;
The Jammu and Kashmir Dowry Restraint Act, 1960; and
The Kerala Legislation Banning Dowry.

prohibit this custom. The Union Government took a step to stop this evil and passed the Dowry Prohibition Act in 1961. The Act has come into force.¹

The nature of the constituents of dowry which may give an idea of its different shades of meaning.

The word 'dowry' in the ordinary sense means the property that a girl brings with her at the time of marriage. This is the generally accepted view. The Dowry Prohibition Act, 1961, however, describes "dowry" as any property or valuable security given or agreed to be given either directly or indirectly -

a) by one party to a marriage to the other party to the marriage; or

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

at or before or after the marriage as consideration for the 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

12 1-7-1961, vide Notification No.S.O.1410, dated 20-6-1961, Gazette India, Extraordinary, Pt. II, Sec. 3(ii), p. 1005.

marriage in the form of cash, ornaments, clothes or other articles to be dowry¹. This factor makes the definition of dowry narrow.

2) Forms of Dowry

Nature of property

The property which a newly wedded girl brings with her may be movable or immovable. Movable property embraces many things, but generally consists of cash, clothes, furniture, ornaments, boxes, cycle or car, watch, utensils, crockery, decorations, table lamps, bedings, radio, sewing machine, carpets, bed-sheets, table-covers, pillow-cases and many other articles including even threads and needles. It is difficult to prepare an elaborate list.

In the immovable property are included land, house or bungalow, shop or factory etc.

There is a practice to give clothes to the bride, the bridegroom, her mother-in-law, brother-in-law and aunts and uncles of her husband. Sometimes cash is given to the in-laws instead of clothes, usually equivalent to the value of the clothes. The number of garments, however, depends on the socio-economic status of the family.

1. The Dowry Prohibition Act, 28 of 1961, Section 2, Explanation 1.

As regards the ornaments given in dowry, these may be of gold or of silver or of both. Their number depends either on the financial status of the family concerned or on the explicit and direct demands made by the boy's parents. If the bride's family is rich, it generally gives ornaments inset with costly stones like diamond, sapphire, ruby, etc. The middle-class family which cannot afford this, generally gives ornaments of gold inset with ordinary stones or purely of gold. Poor families whose income is generally less than a hundred rupees per month give a few silver ornaments. The ornaments are generally given to the bride, but a few pieces may also be given to her mother-in-law, consisting of a ring, a necklace and a set of ear-rings, in addition to a fine ring for the bridegroom. Among the still poorer classes, this custom is difficult to be maintained due to their low economic position, though they sometimes borrow money to fulfil their desire to give more and more to their daughters. In this anxiety, they incur heavy debts which take years to be repaid.

Those whose average income is generally above four hundred rupees per month give a large number of pieces of furniture like sofa chairs, centre and side tables, a dining table set, almirahs, cots, bedings, a dressing table etc. and exhibit them to show that they are giving a very big dowry.¹

1. Prof. Anil Thatte and Prof. Ramkrishna More, "Hundabandi", p. 21-22.

Utensils and crockery also constitute an important item of dowry. The number of utensils, generally of brass, may differ from five to one hundred and one or sometimes even more. Among the poor people, this item is regarded as essential. They strongly ~~feel~~^{feel} that the girl must have the kitchenware to cook food. Among the moneyed classes, along with copper and brassware, silver-ware is also given, for instance, a lemon set, a tea set, spoons, plates, an ash-trays, salt cellar, service trays, incense stand, powder bowls, etc. Besides these, crockary is given which may consist of a dinner-set, a tea set, a coffee set, glassware, cutlery etc. This custom of giving silverware and crockery is becoming increasingly popular these days among the people.

Other costlier articles of movable property like radio set, a radiogram, a gramophone, a sewing machine, a refrigerator, electric gadgets for the kitchen, a motor-cycle, a scooter or a car may also be presented.

In the immovable property, as mentioned earlier, are included a house, land, a factory and a shop. People belonging to the business community like to give a house or a shop or a factory if they can afford. Land is generally given to the bride by those parents/guardians whose predominant occupation is agriculture and where the land-holdings are large.

This is the nature of property that a girl would usually bring with her at the time of marriage according to the financial status of the family concerned. But even this description of

dowry is actually incomplete. A comprehensive study would reveal that dowry covers many things in different circumstances. Dowry does not merely mean the property that a bride gets at the time of marriage. It includes many things given before and long after the marriage.

In the Hindu community as it happens in many other communities like the English, the American or the French - there is the 'engagement' ceremony before marriage. Of late, another ceremony called 'Thaka' is becoming prominent, especially in the Punjab and Haryana. This takes place before the engagement and may be compared to the stage of 'Pinning' in the American system of marriage, though with all dissimilarities between the two except the idea incorporated in both.

The engagement ceremony is followed by a great, costly festivity. This ceremony takes place before marriage ceremony same to marriage ceremony, in the girl's house or in the boy's house. The girl's parents have to spend too much money on this occasion.¹

On the date of marriage the girl's parents have to spend too much money for a second time. After the marriage, when the girl goes to meet her parents according to the customary practice, she brings clothes and money for herself, her husband and sometimes for her in-laws also. During the first year after marriage,

1. A. Thatte and Ramkrishna More, "Hundabandi", p. 22.

the girl's parents send her gifts or money at the time of every festival and religious occasions.

In fact, from the engagement ceremony to the end of first year after marriage, the parents of the girl continue giving various articles or money to their daughter and her in-laws.

All the expenditure that is incurred during this period is actually another form of dowry. The girl's parents are afraid of the repercussions of refusal to acquiesce in the demands of the boy and his parents and social condemnation that good dowry was not given to the girl; that she brought only clothes and ornaments etc. for herself; and that her parents had insulted the members of the boy's party.

The worst affected are the people belonging to the middle class. It is true that the methods of obtaining property from the girl's party^{is} vary in different communities, but the nature of the range of dowry cannot be denied. Before celebrating the marriage rites, one or two ceremonies are held and this practice prevails among almost all the communities though in a different form.

It is true also that in some parts of India the girl's parents take money from the boy's parents and spend it on their daughter's marriage, but this practice exists only among some poor people and even among them, it is vanishing. Social pressure in this direction is heavy.

Parents' Prerogative

A more popular saying is that the bride has brought dowry for her 'new home'. But it is not accepted as the truth. In Hindu community, the nuclear family has not yet replaced the extended family nor its spirit that still dominates the family, irrespective of the fact that the father and the sons have sometimes different establishments due to reasons of service, lack of accommodation or any other factor. The system of joint family, though not prevalent much in the urban areas, still grips the rural areas, and India being largely a country of villages, the traits of family culture present in the village community cannot be ignored.

New economic forces, social philosophy and liberalism in ideologies have not yet succeeded in challenging the sacrosanct character of the joint family. They have eroded the foundations of the joint family system and made its edifice weak, but the stereotyped characteristics still exist and will continue till the rural areas are urbanised. With this socio-economic structure, family ties are bound to remain strong.

The son has to maintain the discipline of the family and set a 'good example' by obeying the dictates of his elders. We are not concerned here with the advantages of this system. But the fact is that when a son is married, he is not free to regard the property that his wife brings to be exclusively his own. Grandparents, aunts and uncles, brothers and sisters and parents

assume to themselves the right to see all the articles that his wife brings and in the majority of cases even the keys of the boxes containing ornaments, clothes and other articles are handed over to the mother-in-law of the bride.

The mother-in-law enjoys full authority to use the dowry and immediately after the marriage it is she or the sister-in-law who gives clothes to the new bride to wear. She willy-nilly agrees to their wishes. In case of disobedience she is considered to be aggressive and unreasonable. Sometimes the mother-in-law locks up some of the bride's things to give them to her daughter of marriageable age. If the daughter-in-law tries to interfere in the discretionary choice of her mother-in-law, it leads to discard and disruption in the family and creates an unbridgeable gulf between the mother-in-law and the daughter-in-law. x

It is apparent, therefore, that the new member of the family has little volition to exercise, and in this state of affairs cannot regard her own things to be hers.

Some individuals may say that in highly educated and urbanised families the newly married girl enjoys ample discretion in the use of her property, but it should not be forgotten that such cases are still exceptions in the Hindu society. Conclusions have to be drawn from the general, social practices that prevail and these disclose that the tradition is still largely followed.

Other Members' share

It is clear that the relatives of the bridegroom do enjoy the property brought by the bride, the major share being enjoyed by the mother-in-law and the syster-in-law. In a joint family, the money offered is generally given to the father-in-law. If it is not handed over to him, it is considered to be an insult to him and it may lead to some strife in the family. Exceptions are always there and the number of such exceptions is also increasing in the modern social set up.

However, with fast changes in society and the impact of politico-economic forces, the feeling that the dowry should belong to the couple is gaining ground. The separation of sons due to occupational or other reasons has caused inevitable repercussions. The bride and the bridegroom feel that they should enjoy exclusive rights over their dowry, more so because they have a separate establishment of their own and have to meet all their needs themselves. The earning capacity of the young bridegroom not being very high in the early years of his career, the attitude becomes and sometimes takes an aggressive shape. But this phenomenon may be discernible generally in the urban areas.

The children in the Hindu community are regarded as the property of their parents and the parents have full control over their activities. If the parents can dictate to their sons their ways of life, they can naturally appropriate to themselves the

dowry of their wives in the manner they like. Due to the system of joint family and the persistent concept that the children are the property of their parents the in-laws of the bride justify the enjoyment of the dowry.

3) Causes of dowry system

The beliefs and notions are strong and deep-rooted for dowry in Hindu society. In spite of the present day economic and cultural changes, their beliefs have undergone only superficial modifications. It appears that they remain almost where they were before the transitional stage through which our society is passing now. For them, dowry is a 'must' in marriage. The following are the factors which make their adherence to the custom quite rigid.

- a) Spiritual grounds
- b) Affection of parents for the child
- c) Tradition
- d) Sense of pride and glory
- e) Idea of self-respect
- f) Legitimate claim of the daughter.

a) Spiritual grounds

The one of the cause of dowry is on religious grounds. References to highly religious-minded Hindu kings like Vikramaditya and Jank are made in whose regimes the practice of dowry was popular and who themselves held their good faith

in this custom. They direct attention to the 'Mantras' in Rigveda and Atharvaveda where scattered versions are found on dowry. It is, therefore, virtuous, they say, to give dowry to the daughter.

She is like a goddess and if adequate dowry is not given to her, parents would suffer under the spiritual burden and the anger of God would be showered on them. Therefore, even at the cost of suffering and sacrifice, this goddess must be honoured at the time of her wedding with rich presents.

It has been observed that the scheduled castes and the backward classes adhere to such ideas more than any other caste. In spite of counter-arguments that their religious concepts were unscientific and irrational, it was difficult to convince these people. It created an adverse feeling in them that modern civilisation and education have spoiled the young-folk who are becoming anti-religious.

b) Parent-child Relationship

Affection is another fundamental postulate that creates a strong feeling among the parents to give dowry to their daughters. As a matter of fact in social relationships, there is nothing more permanent than the relation between child and parents.

The spontaneity, the naturalness, the purity and the selflessness that are unique qualities of child-parent relationship. This is a cause in itself which induces parents to give

maximum dowry to their daughters.

The feeling of affection are so very innate and ingrained that when parents know that after her marriage their daughter will be separated from them, they like to give all kinds of gifts, presents and articles to help her to build up a new happy home. It is this feeling which provokes them to borrow, pay heavy interest on loan and still give dowry to her. The joy that they get by giving dowry is greater than the suffering that it eventually causes to the entire family. Therefore they do not consider it to be a wrong step. Moreover, if parents do not sacrifice for her, who else will do so ? They think it impossible to marry their daughter without a dowry.

It may be said, therefore, that affection misdirects them and in the waves of sentiments and emotions, practical judgement is brushed aside. Inconvenience and humiliations do not become elements of shameful regret; rather a way is found out with courageous planning to meet the hardship. Thus affection becomes the ultimate causative factor that cannot change their opinion about dowry.

c) Tradition

Tradition also has encouraged them to follow this custom. These people maintain that their ancestors had unwavering faith in this custom and it will be a disgrace to the dignity of their ancestors if their principles or beliefs are transgressed. The

non-observance of this custom, therefore, would be equivalent to disobedience of their dicta.

It is important to recognize that the scheduled castes are backward people having a very humble position in the intellectual and the economic arena. They are conservative in outlook and consequently very slow in accepting innovations that occur from time to time in the present dynamic society.

The keen spirit of appreciation for novelty visualised in a progressive mind can be marked among them more by its absence than by its presence. There are a few among them who are prepared to keep pace with changing social views.

Thus, a great majority of them are instinctively conservative and want to leave things as they are. They are more concerned with the preservation of their older beliefs and look upon social changes as being a risk to their culture-pattern. Therefore, they retain their opinions which have been once formulated by their elders and look towards them with feelings of reverence. A feeling for the need for framing novel social ideologies has not yet emerged in them.

They, on the contrary, take pride in following the social tenets of their ancestors. They have a strong faith that whatever has been pursued by their elders possesses elements of goodness and therefore it is to be preserved and defended at all costs. Change in those principles would only cause annihilation of their

culture and therefore there is nothing bad in the dowry system also.

It may be pointed out that without the expansion of intellectual horizons and economic advancement, the capacity to measure the necessity of progress will not change among them.

Thus there will be change in their views about dowry.

d) Feeling of Glory

Recognition and appreciation when attached to a particular action encourage the doer to repeat it or manifest it with greater splendour. This is a basic fact of human psychology.

Among the scheduled castes and the backward classes, rather in the entire Hindu community, if the parents exhibit their ability to arrange their daughter's marriage with great pomp and show.

They are highly praised. Their friends and relatives admire them for this 'good deed' and even the passers-by who incidentally happen to witness its glamour commend them for it. Showers of praise coming from every corner, from known and unknown, create a hilarity which excites others to imitate them. Glamour excites them and there is no end to it.

It causes great jubilation to the spectator; its murmuring waves attract him and for the time being, it seems

that its gaiety and beauty have influenced all. Those who praise and those who are praised appear, for a time being, to be bound by the happiness and joy. The social prestige of the girl's parents is much enhanced and this creates feelings of temptation among others to celebrate marriages of their daughters on similar lines.

Thus every one finds himself impressed with this glamour. The parents of the girl do not realise the dangers of this glory in the early stages till the marriage ceremony is over. It is only later on that the roaring waves of this stream frighten them when they have dived deep into it, and most often they doom. On enquiry made by researcher, why they have to borrow money for marriage, their reply was that debt is a customary routine for them.

The idea of disrespect does not come in their mind. The question, therefore, is who spends more. And the person who does, achieves glory and feels proud.

e) Feelings of self-respect

Glamour is a personal feeling. Social condemnation brings dishonour to a family, if it does not give dowry in marriage. In other words, it is a problem of self-respect, the maintenance of the family's social status.

These people assert that if they do not give enough dowry to the daughter, the members of their community will

immediately start back-biting and will even openly pronounce them guilty of violating social customs. They will be considered to have done something which is against the prestige of the family. Moreover, they themselves feel the consciousness of guilt and would not let their dignity be destroyed by not giving the just share of dowry to their daughter.

Dowry is the price of their family respect. The more it is given, the more will there be the appraisal of the family. Therefore it is a problem of protecting themselves from censure.

The present ideologies have to be followed. The concept of harm or disharm is a later idea and is to be brushed aside. This self respect is, therefore, purchased from the money-lender who agrees to give them a loan. It causes great disturbance when we learn how the money-lender gets his money back and how difficult it is for the person who borrows.

Those who are in government service or working in any autonomous body are caught more easily by him on their salary-day which is fixed. He goes to the office from where they get their salary and waits till any of his borrowers gets the salary in his hands. That very moment, the money-lender demands his money back and the borrowers try to slip off before he can catch hold of them. But the victims are usually caught. The rest of them have to bear more insult due to the harsh treatment of the money-lender. The idea of self-respect has, therefore, appeared useless. On one side, there is insult and on other side there is

the question of family respect and still the scale of respect is dearer to them.

f) Daughter's claim

Finally, it may be said that the feeling of justice in the girl's claim, since she too is a working member of the family, has to some extent helped in the sustenance of the custom.

Among the scheduled castes and the backward classes, very few know even the three R's and therefore, they have to depend on manual labour for their livelihood. Men and women have to join hands together to satisfy even the bare necessities of their life.

This means that women perform a dual set of duties. They have to manage their homes and have to perform duties outside also. A woman may generally earn less than a man, but she does contribute to the financial stability of the house.

Sometimes, she may earn more than a male member of the family. If her contribution is equally useful with what rights can her parents deny her the due share of dowry ?

On this ground, therefore, the scheduled castes and the backward classes justify the system of dowry. They feel that if some articles are not given at the marriage time, it will be equivalent to depriving the daughter of her legitimate share.

Sons and daughters are equal for parents and therefore, there is no need for preference to one at the cost of the other.

Thus, on the plea of religion, parent-child relationship, glory and pride, self-respect, tradition and finally the concept of justice, the scheduled castes and the backward classes express an adamant attitude in retaining the system of dowry. They, on the contrary, compare themselves with the rich people who give marriage presents in abundance. Most of them hold that government should devise means to raise the level of their income so that they become capable of spending more at the marriage time. The feeling of giving dowry is so much ingrained in them that they would like to give furniture, gold ornaments, a radio set etc. to their daughters if they could afford it.

The practice of dowry could be traced to hoary traditions. Notions about the inequality between the sexes from which an balance is made by payment of dowry.

Secondly, since a wife is home-bound and is unlikely to engage in economically gainful work, through this mechanism some compensation is provided to the bridegroom.

Thirdly in Dharmashastra's books it lay down that in Kanyadan the girl should be gifted away in marriage with rich clothes and ornaments.

Fourthly the bride's parents gift things of house-hold necessity in the hope that she can live her married life in comfort.

Lastly, in the absence of woman's right to succession, dowry was regarded as Premortem inheritance. For these reasons people hardly avoid the ill-practice of dowry.

While dowry is essentially a Hindu custom, it has by no means remained confined to Hindus. Over generations the dominant Hindu culture has visibly influenced the values and practices of other religious groups which have adopted many Hindu customs; including dowry. Buddhists, Christians, Muslims, Sikhs and others reportedly practice dowry in different forms, though may be less vigorously than Hindus.

Dowry is basically a problem of the salaried middle class. In tribal and rural area there is even the custom of bride price. But the groups belonging to the upper economic strata do not object to this custom.

Import of Dowry

The girl who has brought sufficient dowry is treated well and with honour in-laws, when she has brought a meagre dowry she is ill-treated in mostly at the hands of her mother-in-law and sister-in-law. Her husband also join others in blaming his wife and her parents. The result is there is a separation, divorce or remarriage. Though humiliated and miserable, she has to continue to live in the household. She may be a highly frustrated person - left with no choise but to end her life.

The in-laws may encourage and even provoke her suicidal urges, worse still, they may themselves decide to kill her. In any case, under such circumstances, there may not be much of a basic difference between an accidental death, suicide and homicide.

In any case, declaring a death, an accident, suicide or homicide is often a matter of the authorities. Such death is regarded as a dowry death, if the victim is a woman married in recent years. Otherwise these deaths are considered in normal course.

Recently the supreme court directed some states to compile and furnish information, but all this is going to take time. However, some information is available on the problem. A reference to accidental deaths or suicides in the country has already been made and it has been pointed out that quite a few of them particularly those involving married women, may be linked with family tensions including those on account of dowry. Besides, many cases are rather easily identified as dowry deaths. The position of the city of Delhi may be cited as an example.

"In 1980 about 300 married women committed suicide".¹
Most of the suicides were caused by maltreatment, quarrels over dowry and general tension in the family. During the same period

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

about 400 cases of women burning, suspected to be related to dowry, were registered by the Police. Official records show that in the majority of the cases, the deceased were from middle class educated families.

The foregoing account brings out certain aspects of the cultural norms as well as of the inequality between the sexes and hence violence against women appear.

What we need to do is to visualise and launch social action. We have to modify and alter socio cultural norms and values in order to get rid of this archaic thought ill practices. This calls for the mobilisation of public opinion on a massive scale. In this, governmental agencies including radio and television should play a key role. Equally important is the role of voluntary organisations like the "All India Women's Conference", "The Nari Raksha Samiti", The Legal Aid Cell for Women and so forth.