

## DOWRY PRACTICES IN BANGLADESH AND INDIA

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### ABSTRACT

Dowry is a primordial action which has been followed from many years. It exists in both cities and villages and among upper, middle and lower class of people Asia. Exercise of dowry creates discrimination between men and women, and among bride-groom and their families. Although earlier it was a deliberate practice but later it became kind of compulsory. Dowry leads to various socio-economic complications which has major impacts on women including domestic violence and murder. Although there are strict laws against dowry, this practice is ongoing. This paper discusses the reasons, influences and the legal framework of dowry in Bangladesh and India, to confront women's rights.

**Keywords:** Dowry, marriage, gender, family, society

### INTRODUCTION

Marriage is a social custom which is followed traditionally due to social reasoning. Mostly wedding occasions are compensated by the family of the bride and may lead to transmit a significant amount of wealth from bride's family to the groom's family or to the groom, which can be addressed as dowry. Thus, dowry is an ancient practice. Dowry refers to "the property, money, ornaments or any other form of wealth which a man or his family receives from his wife or her family at the time of marriage"<sup>i</sup>. It is found and practiced among people from different socio-economic status. Although some social groups and society are following this practice from long time back, others have embraced this practice recently due to some social

and cultural constraint. The most common influences behind the dowry system are the grooms' and their families' greed, and rising expectations of a better and luxurious life<sup>ii</sup>.

There is a rapid increase in dowry custom in South Asia particularly in India and Bangladesh. Dowry system has accelerated many social problem with serious consequences. Incidents of bride burning, harassment and physical torture of newly bride, are some of the examples of dowry<sup>iii</sup>. Though the practice of giving dowry was meant to assist a newlywed couple to start their life together, it has become a commercial issue now. Despite having dowry prohibition law, dowry is still practiced. This paper will talk about the causes, consequences and actions regarding dowry, in Bangladesh and India.

## LITERATURE REVIEW

The literature review highlights a pattern among most research stating that dowry is an ancient practices and it has many social consequences. Saira Salim, states that dowry related violence is one of the typical problem in India and it is increasing day by day. So, it is necessary to understand the extent of dowry related violence and take the initiatives to overcome this problem<sup>iv</sup>. Fahmeda Qudder argues that there are various socio-legal factors which positively contributes towards this evil practice. She further states that the law and the strategies have to be planned with due consideration to these social factors, otherwise dowry practice will continue in our society<sup>v</sup>. Muhammad Mahboob Ali, says that "around fifty percent of violence against women in Bangladesh is happening due to dowry"<sup>vi</sup>. He further describes that dowry system has socio-economic impact of the country and it is one of the worst social systems, which creates discrimination for females by virtue of their birth<sup>vii</sup>. Mohammad Abu Taher et al. who are the professor of department of law, examine that "the dowry system increases the vulnerability of women in Bangladesh"<sup>viii</sup>. They further explain that the demand of dowry and disagreement of dowry is a remarkable source of violence against women in Bangladesh<sup>ix</sup>. Md. Emran Parvez, et al. found that The Prevention of Women & Children Repression Act 2000, is not satisfactory enough to reduce the problem of dowry, because most of the people do not consider dowry as a crime<sup>x</sup>. Tonushree Jaggi, suggests that the domestic violence are linked to dowry custom in India<sup>xi</sup>. He further explains that the practice of dowry and the crime related to dowry can be reduced, if Indian society consider dowry as a social problem. After comparing

these scholarly articles, a pattern can be noticed that one of the major reason behind domestic violence against women is dowry and it has many social, legal and economic consequences. Although there are Law against Dowry Prohibition, this practice still exists due to social norms.

## BANGLADESH

Dowry is a typical tradition which is followed in Bangladesh. Dowry custom is not a recent issue, it has been practiced since ancient age. As in Hindu law women do not inherit any property, they are given everything during their marriage. Thus, dowry system is emerged in Hindu religion first. Later the Muslims and the people from other religion, also started to incorporate this in their tradition<sup>xii</sup>. Although it was a voluntary practice at the beginning, it has become a forced tradition now. Some might argue that dowry system is common only in illiterate marginal section. However, “unfortunately they ignore the fact that the well-off educated section of the society contributes to the problem in the same way”<sup>xiii</sup>. As rich people provide dowry willingly and they name it as marriage gift, they do not consider it as dowry<sup>xiv</sup>. Since in this process bride is considered as a medium of money and wealth, marriage is becoming a commercial transaction<sup>xv</sup>. Moreover, the demand for dowry does not stop in the time of marriage, it exists in post marital relationship as well.

There are a number of social, cultural, economic and religious factors which are responsible for such continuous persistence of dowry. Firstly, this system is so deeply inherited in our society that, it has become one of the social custom<sup>xvi</sup>. People consider that dowry is a social custom which they need to follow and keep the long standing practice alive<sup>xvii</sup>. Secondly, the mindset of people as women are burden on society is also contributing to the prevalence of dowry<sup>xviii</sup>. Since the expectation after marriage is for the husband to take care of the wife and family financially, people believe that dowry is their right because they are taking on someone else’s liability on their shoulders. Finally, there is a misconception that dowry increase women’s status with her in-laws. The parents of the bride think that dowry will establish their daughter’s position with the in-laws and she will live happy with her new family<sup>xix</sup>.

Dowry has serious social, economic and psychological consequences. Demand for dowry depends on social, culture and educational background. One of the consequences of dowry is

domestic violence which includes beating, verbal abuse, humiliation, mental torture and even murder<sup>xx</sup>. According to UNDP report, around fifty percent of the violence against women are happening due to dowry<sup>xxi</sup>. A Legal Aid and Human Rights Organizations estimates that in 2015, around 7,080 incidents of dowry harassments has been reported<sup>xxii</sup>. Sometimes the bride is forced to leave her in-laws house, because of unpaid dowry<sup>xxiii</sup>. These sorts of violence against women are growing, which demonstrate that increasing oppression on women in Bangladesh<sup>xxiv</sup>. Additionally, dowry has a socio-economic impact on the bride and her family. As a huge portion of money is spend at the time of marriage, bride's family often ended up with a burden of loan. Dowry also leads to loss of land, which can make landless family to migrate from urban areas to rural areas<sup>xxv</sup>. Thus, it effects negatively on daily life of bride's and her family, and economy as a whole. Moreover, dowry system creates inequality and social injustice<sup>xxvi</sup>. For an example, in poor families after the birth of daughter, parents try to save money for daughter's wedding rather than spending that on her education<sup>xxvii</sup>. Furthermore, dowry has a devastating impact on society, as it creates divorce and family tension. Dowry system also generates "demonstration effect" in society which is seen in both affluent and poor family<sup>xxviii</sup>. When someone see their neighbour providing dowry, they will be also interested in providing dowry.

Though people do not recognize dowry as a social problem, Governments and NGO's are working to reduce this problem. For example, the Bangladeshi Government introduced Dowry Prohibition Act in 1980, which banned dowry<sup>xxix</sup>. According to this Act, giving and taking or demanding dowry is punishable. Section 3 of this Act provides punishment for giving or taking dowry, "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 which may extend to five Years and shall not be less than one year, or with fine, or with both"<sup>xxx</sup>. This law has been updated in 2000 and repealed by the Women and Child Repression, which deals with violence against women and children, particularly dowry and rape<sup>xxxi</sup>. This law sets fear to the perpetrator against this violence and it helps to reduce the crime of dowry and rape<sup>xxxii</sup>. Moreover, in 2011 Government has introduced "Jatio Nari Unnayan Niti 2011" which focuses on equality between men and women<sup>xxxiii</sup>. It also emphasizes on protecting women from all sorts of oppression and it tries to ensure women's safety in every stage. Apart from government some local and foreign NGO's are working against dowry and providing support to the victim. Rokeya Sadan is a local NGO which works against violence against women in Bangladesh<sup>xxxiv</sup>. It provides shelter to



those women who suffers from “domestic violence, physical assault for dowry, abandoned, divorced, forced prostitution, rape, cheating, trafficking acid burns and other violence’s”<sup>xxxv</sup>. Along with providing shelter to women, this NGO empower women through various training and education. Wake Up is another local NGO, which works for dowry and child marriage. This NGO helped to set up a group of activists to monitor and report dowry and child marriage cases to the authorities in Mymensingh<sup>xxxvi</sup>.<sup>xxxvii</sup>

## INDIA

On the other hand, the dowry system in India has a deep rooted cultural phenomena and it has a long history. To understand about the origin of dowry, we must analyze the position of women throughout the ages. The history of dowry in India can be traced back to the Vedic period and continues till modern period. The modern practice of dowry, is characterized by a shift from voluntary to forced gift giving<sup>xxxviii</sup>. These crimes appear to be a product of socially structured expectations about dowry giving the inferior status of women.

There are many social, cultural and economic causes, which lead to dowry. The existence of dowry are fundamentally grounded in the social and cultural ideologies of marriage of Indian society<sup>xxxix</sup>. One of the major factor of dowry is socio-cultural context, such as demand for dowry. Currently in India, bride’s family often enforced to provide dowry in the name of gift and the amount of dowry is negotiated by groom’s family, based on their social and economic status<sup>xl</sup>. Moreover, dowry has become a matter of showing off social status and it depends on socio-economic background of both bride’s and groom’s family<sup>xli</sup>. The economic position of bride’s family is measured by how much they have spent on their daughter’s wedding<sup>xlii</sup>. Another crucial factor of dowry is the Hindu religious ideology. According to Hindu law of inheritance, daughters do not inherit father’s property, so parents marry off daughters with a much of wealth and much of money in the form of dowry<sup>xliii</sup>.

Dowry has serious consequences, such as social and economic consequences on victim. Violence against women due to dowry is a common issue. This violence include verbal abuse, domestic violence and even deaths, which affect victim psychically and psychosocially<sup>xliv</sup>. In last few years, India have witnessed an alarming increase in the number of cases where married women are harassed, tortured and abused<sup>xlv</sup>. Even deaths have come to be associated with dowry, which is named at dowry deaths<sup>xlvi</sup>. Dowry has many socio-economic impacts as well.

For example, need a huge amount of money to get married a daughter because of the massive amount of demands for dowry by the groom's family<sup>xlvi</sup>. Moreover, dowry also creates gender inequality and it place men superior to women. As parents need to pay a huge amount of dowry in order to get their daughter married, they often restrict girls from getting education school to save money<sup>xlvi</sup>.

Indian Government and other local and foreign NGO is working hard, to diminish this social problem. Indian Government first launched the dowry prohibition law in 1961, under which demand for and giving of dowry is punishable with imprisonment, which may extend to five years<sup>xlvi</sup>. As previous law of dowry prohibition is not successful in handling dowry related crimes and the number of dowry death is constantly increasing, government of India introduced a new law in 1986 to lower the rate of dowry murder. Along with the prohibition of dowry, this law particularly focuses on the offence of dowry death by introducing section 304 in the IPC<sup>l</sup>. Moreover, "such deaths were made punishable with imprisonment for a term which shall not be less than seven years but which may extend to imprisonment for life"<sup>li</sup>. To create special categories of offence to deal with dowry harassment, government of India further introduced Domestic Violence Act 2005<sup>lii</sup>. This Domestic Violence Act 2005, includes harassment including physical, verbal and emotional, for dowry or any other unlawful demands<sup>liii</sup>. Government is also launching and promoting social awareness against dowry. Apart from Government, there are domestic and foreign NGO's, who are working in India for the progress of women<sup>liv</sup>. Vimochana Forum is such organization who works for women rights. They provide emotional and legal support, and even shelter in extreme cases. Additionally, they conduct gender training programs for researchers, educational institutions, government functionaries, and police and also provides them with resources<sup>lv</sup>.

## DISCUSSION

Although there are geographical differences between Bangladesh and India, the causes of dowry is kind of similar in these two countries. Dowry is an ancient tradition and it is followed in both countries. There are a number of social, cultural, economic and religious factors which are responsible for the practice of dowry. In both countries dowry system emerges from Hindu religion first and later people from other religion started to follow it as a tradition<sup>lvi</sup>. This

practice is rooted so deeply that it has become a social custom, in both countries. Another factor which is contributing towards dowry is that people do not consider dowry as a social problem or a crime. They often try to justify it saying it's a gift for newly married couple. Moreover, some parents even think that large amount of dowry, can bring respect for their daughter with her in-laws<sup>lvii</sup>.

The social, economic and psychological consequences of dowry in Bangladesh and India are similar. In most of the cases, groom's side pressurize, bride side for dowry. There is demand of dowry when groom side do not consider the amount of dowry sufficient. Dowry is a typical tradition in both countries which often causes domestic violence. A very common reason of domestic violence is inability of bride's family to give dowry. Some frequent violence are beating, verbal abusing, mental torture and humiliation and even sometimes murder<sup>lviii</sup>. The rate of violence due to dowry is quite high in both countries and dowry is one of the prevalent reason for women abuse.

Government of Bangladesh and India, are working to reduce this social problem in their countries. Government of India acknowledged dowry as a crime very early and it introduced Dowry prohibition Law in 1961<sup>lix</sup>. Whereas government Bangladesh introduced Dowry Prohibition Act in 1980, which banned dowry<sup>lx</sup>. As India has high rate of dowry related crimes and dowry death comparing to Bangladesh, government of India introduced a new law in 1986 and Domestic Violence Law 2005, to lower the rate of dowry murder<sup>lxi</sup>. Government of Bangladesh also amended Women and Child Repression in 2000 and Jatio Nari Unnyan Niti in 2011 to protecting women from all sorts of oppression<sup>lxii</sup>. Apart from government there are local and foreign NGO's in Bangladesh and India, who are working against violence against women.

## CONCLUSION

The practice of dowry has spread into our society like a disease. Although it was a voluntary process at beginning, but now it has been transformed as a well establish social custom. It is a social problem which is connected with various social, religious and cultural factors. Hindu religion plays a role in the emergence of dowry. There are many social and economic consequence of dowry. Domestic violence is a major consequences of dowry. Although there is Dowry Prohibition Act and other sorts of Domestic Violence Act has been introduced to

reduce this social problem and to stop violence against women due to dowry. This custom is inherited in our society and tradition so deeply, that it is quite difficult to eradicate this. Moreover, most of the people do not even consider this as a social problem.

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