

## A CRITICAL ANALYSIS OF DOWRY CASES IN CURBING THE WOMEN'S EMPOWERMENT

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### Abstract

In Indian society, the patriarchal system has been deep-seated since time immemorial. This patriarchal setup has laid the foundation stone for women's abuse in India. The acts of violence against women act as a catalyst and create hurdles in the way of women's empowerment in society. The consequences of every crime against women affect every individual in society irrespective of age, religion, race, caste, and class. Although, the Constitution of India guarantees the equal position of women to men but yet they are not absolutely free from discrimination and harassment in society. Dowry is one such repercussion of gender discrimination in India and it leads to all forms of violence. This paper examines the impact of dowry cases on women's empowerment in India. This paper aims to analyze the failure of various reforms in combating dowry cases and revisiting the dowry laws.

**Keywords:** Women Empowerment, Dowry Prohibition laws, Dowry Cases

### INTRODUCTION

In the twenty-first century, women are essential to the growth of the country. The contribution of women is closely related to the growth of any country. Since the beginning of time, the patriarchal system has been deeply ingrained in Indian society, and it is this patriarchal structure that has contributed to the maltreatment of women. The mistreatment of women works as a catalyst and puts obstacles in the path of their empowerment in society. To develop any nation, women need to be empowered by providing them equal status, educating them, and making them aware of their rights, dignity, and security.

Regardless of age, religion, colour, caste, or status, every member of society is impacted by the effects of every crime against women. Nevertheless, the Indian Constitution's preamble, fundamental rights, fundamental duties, and DPSP all guarantee gender equality. The Indian Constitution also calls on the state to implement a number of policies that support positive discrimination against males and in favour of women. However, they are still subject to harassment and discrimination in society, and the practice of dowry is still seen as a barrier to the empowerment of women.

In India, the custom of giving a daughter a dowry, or "dahej", is very old. Unfortunately, the dowry system is a societal ill that is widespread not just in India but also across the rest of the world. The custom of giving a dowry has not only survived but flourished in India, despite the fact that many long-standing customs have vanished like Sati Pratha, etc. There is a wide range

of opinions on how widespread the dowry tradition took place. Although the educated in the community have a theoretical objection, the practices are nonetheless practiced because of social and cultural reasons.

The custom of giving money to a bride at the time of marriage known as dowry and has reached alarming heights in contemporary culture. The phrase “dowry” is frequently used to describe the presents or gifts, ornaments, possessions, or estate that a father gives to a daughter’s husband at their wedding. Traditionally, a bride’s family would receive a dowry from them at the time of her marriage. This custom dates back thousands of years and was most common in Europe, Asia, and Africa.

Modern times have seen the practice go out of style due to the maltreatment that women experienced as a direct result of the misuse of this practice. According to S.J. Tambiah, a dowry is a gift given to a daughter at the time of marriage and legally she owns it and has complete control over it, in most situations the husband is given management rights. “Another definition of “dowry” is the property that a woman takes into her marriage. The dowry a woman receives from her parents, the property she brought into the marriage as an inheritance, or the property a widow has and brings with her when she remarries”.

### **Statistical Database of crime against women in India**

There are several factors that contribute to the rise in cases of dowry. A major reason for this is the traditional belief that in India, dowries are necessary for marriage. Due to this, dowry demands have increased, and harassment and violence related to dowry have increased. The patriarchal structure of society, as well as gender discrimination, also contribute to an increase in dowry-related crimes.

### **The number of cases registered in India during 2022 was 30, 957, depending on their nature**

(Statistical Overview of Received Complaints, 2022)

Source: National Commission for Women, Statistical Overview of Received Complaints

“In 2022, the National Commission for Women (NCW) received nearly 30,957 complaints of crimes against women, the highest number since 2014. As a result of 30,957 complaints, a maximum of 9737 were related to the right to live with dignity, taking emotional abuse of women into account. According to official data of the National Commission for Women (NCW), 6,985 cases were related to domestic violence, 4,613 cases were related to dowry harassment, 832 cases were related to dowry death, and other offences related to women” (National Commission for women, statistical overview of received complaints, n.d.). Approximately 23,722 complaints were received in 2020; however, 31,000 complaints were received in 2021, and 30,957 complaints were received in 2022. In 2021, there was a 30% increase in reports of crimes against women compared to 2020, while in 2022 there was only a slight decline (Nearly 31,000 complaints of crimes against women received in 2021, over half from UP: NCW, 2022).

## **A state-by-state breakdown of women's crimes**

Source: National Commission for Women, Statistical Overview of Received Complaints

At 16,873, Uttar Pradesh recorded the highest number of complaints against women, followed by Delhi with 3,004 complaints, Maharashtra with 1,382 complaints, Bihar with 1,368 complaints, Madhya Pradesh with 1,141 complaints, Rajasthan with 1,030 complaints, Tamil Nadu with 668 complaints, and West Bengal with 621 complaints. at 1,456 complaints.

## **WOMEN EMPOWERMENT AND CHALLENGES IN CURBING IT**

The phrase “empowerment” refers to a process that enables a person to take charge of situations that have an impact on and enhance their life. Women's empowerment, often known as the empowerment of women, may be defined as the process of enhancing the status of women by increasing their autonomy, economic productivity, and awareness of their rights. The International Women's Conference (IWC), held in Nairobi in 1985, popularised the idea of women's empowerment. According to the International Women's Conference, it represents a redistribution of social power in society and gives women authority over resources. The following points were included in the UNDFW’s concept of women's empowerment:

- To learn more about gender differences and their relationships.
- To cultivate a sense of control over one's life, self-worth, and self-confidence.

Women empowerment is a challenging ideology in the male-dominated society because it gives women equal rights, access, and control over resources. In a culture where males predominate, the idea of women’s empowerment presents a difficult challenge since it allows women to access resources with equal rights. The women empowerment process has different dimensions such as psychological, physical, economic, political, and cognitive. The main framework of women’s empowerment is:

1. Elimination of gender discrimination in society in the area of equal wages, property rights, family resources, guardianship, and custody of the child, etc.
2. To recognize their contribution made to society i.e., social, economic, and political.
3. To lower various types of violence against women.
4. To enable women's participation in decision-making and to improve women's self-worth and self-confidence (Mokta, 2014).

Over the past few decades, women's empowerment has generated a lot of debate and thought around the world. This agenda has also been at the top of the list for the majority of government plans and initiatives. In order to better understand the “causes, nature, seriousness, and consequences” of violence against women, the United Nations General Assembly issued a demand for more study over ten years ago, reflecting an understanding that such abuse is a serious violation of the health and human rights of women (United Nations General Assembly Declaration on the elimination of violence against women). Since then, research has been conducted all throughout India to establish the broad occurrence of domestic violence, which

includes a variety of physical, sexual, and/or psychological abuse committed by intimate male partners. India has ratified relevant international accords in order to incorporate them into domestic policy in order to lessen gender disparity. Special consideration was also given to international organizations that will collaborate with state governments or the corporate sector to aid women from various socio-economic backgrounds. Laws like gender equality and the prohibition on gender discrimination are given under Articles 14 to Article 16 of the Indian Constitution. The Protection of Women from Domestic Abuse Act of 2005 and the Dowry Prohibition Act of 1961 both made dowry and domestic abuse offences.

There are various other grassroots initiatives introduced by the government at the Central and State level in India. By introducing new policies, and schemes, and initiating new programs for the development of women in urban and rural areas. Various new flagship schemes have been introduced i.e. Beti Bachao Beti Padhao, Pradhan Mantri Ujjwala Yojana, and the Mahila-E-Haat project.

- Beti Bachao Beti Padhao (Save the Daughter, Educate the Daughter) to reduce the problem of gender skewed ratio in North India. Special attention is given to those states where the gender ratio issue is wider like U.P, Haryana, Punjab, and Uttarakhand.
- Pradhan Mantri Ujjwala Yojana (a project to provide gas connections to women in rural areas, especially to below-poverty-line households).
- Mahila-E-Haat (a project to provide an online marketing campaign). With the help of Internet technology, a new platform has been created for women entrepreneurs, NGOs, and small groups. (United Nations General Assembly Declaration on the elimination of violence against women, 1993) (Sengupta, 2019).

Despite these initiatives, “India still has a poor reputation in the world for gender equality despite having taken several steps to advance human development. India's position in the World Economic Forum's Global Gender Gap Report dropped from 108th in 2018 to 112th in 2020.” Besides a gap between policy and practice of laws, the Indian legal system is also unable to enforce those laws properly. In the “Nirbhaya” gang rape case in Delhi, the government took seven years to hang the perpetrators. In Dowry cases, Women's empowerment is hindered by domestic violence, female feticide, rape, molestation, and eve-teasing, as well as unequal wages and gender inequality.

Despite these measures, India has not significantly improved over time in global surveys on gender equality. The relationship between gender-based power and domestic violence is generally acknowledged, with violence being seen as both an expression of deeply ingrained gender power disparities and a means of enforcing such inequities. (L, et al., 2022).

## **DOWRY CUSTOM IN CURBING THE WOMEN'S EMPOWERMENT IN INDIA**

Dowry is a synonym for the gendered distribution of wealth and is directly related to gender discrimination and disempowerment. “Dowry custom is prevalent across the world, and it is known by different names in various geographical and cultural locations – in Hindi (Dahej),

Tamil (Varadhachanai), Urdu, and Arabic. (Jahez), Bengali (Joutuk), Mandarin (Jiazhuang), Turkish (Ceyiz), French (Dot), and Nepali (Daijo) (Harrell and Dickey 1985) – and in African countries, it is known as Idana” (Kumar, 2019)

In some cases, dowry may be received prior to marriage, during the marriage, or even after a woman's marriage from her father or another legal guardian BRIDES PRICE refers to a gift given by the groom's family to the bride's family. On the other hand, the customary dowry meher is provided by the husband to a wife as a gesture of respect and also plays a big part in security at the dissolution of marriage.

From a voluntary gift to a coercive demand, Dowry evolved from a social custom into a societal evil over time. The killings of brides first came to light when the dowry demands were not satisfied.

The Dowry Prohibition Act was passed by the Indian government in 1961 to combat the threat of dowry-related crimes. The Indian Penal Code now has Section 498-A, which addresses crimes including dowries, domestic abuse, and mental cruelty. It is a cognizable act that cannot be compounded or bailed out. However, there are several circumstances in which the dowry rule is not broken: It is preferable if the bride's parents offer presents freely and if the list of gifts and their costs is left on the paper with both parties' signatures.

Thus, families often believe that dowries are voluntary, and society shares this belief as well. The exchange of family dowries is not considered illegal. Rather than being treated as a public matter, it is treated as a family affair. Several studies have concluded that India's anti-dowry laws have been ineffective and failed to provide fair justice to victims; the phenomenon of dowry-taking and violence against women has not significantly decreased despite such laws being passed. (Choudhuri, 2011)

A new approach is needed to empower women in order to minimize their economic dependency on men. A law cannot be enforced simply by enacting it. (Rocca, 2008).

The majority of India's cultures, religions, castes, and regions still practice the custom of dowry. Differences in culture and community, however, do not prevent this practice due to the clear financial benefit. Several Indian states, including Bihar, Uttar Pradesh, Madhya Pradesh, Rajasthan, and Odisha, have significant rates of dowry-related death that have been reported.

The prevalence of bride-burning occurrences in north India is noteworthy. In other words, dowry weddings are typical in the country's northern area. However, one factor that may be taken into account for the greater use of dowry in the northwest area is that it is used by both upper and lower classes, as opposed to south regions where only high-class individuals use it (caplan, 1984).

The most dowry crimes occurred in Uttar Pradesh, India, when approximately 7,000 dowry-related murder cases were reported in 2020 (kanwal, 2021).

The demand for dowry money is rising in Punjab, which has a low gender ratio and a high rate of female infanticide. Punjab has a significant rate of immigration from other nations, which simultaneously raises family income, elevates family prestige, and, as a result, raises groom

dowry costs. However, states like Tamil Nadu, West Bengal, and Odisha have shown a lower prevalence of dowry cases, while other states like Haryana and Gujarat have also shown an increase in dowry.

## **DOWRY SYSTEM'S IMPACT ON WOMEN'S EMPOWERMENT**

In India, Empowerment can simply be understood as having a role in household decision-making and controlling household resources, therefore, having a son and having a large dowry would be considered conducive to women's empowerment. Dowries, on the other hand, are practices that both express and reinforce son preference and ultimately turn daughters into financial liability. It is not surprising that the practices of dowry and son preference are constituents of the social classification of women as subordinates in a state that is associated with some of the harshest discrimination against women in the world (kabeer).

This discussion can lead to a number of conclusions about the effects of dowry on society and its direct impact on women's empowerment.

**Gender Discrimination:** Dowry is one of the larger financial duties that are expected to be met by the bride's family, and as a result, women are exposed to discrimination from the minute they are born.

**Violence against women:** It has been noted that even after the bride's family has paid the dowry, the relatives of the groom continue to demand more money, which may ultimately result in violence being perpetrated against women. An average of once per hour, a woman dies as a result of dowry-related violence, according to statistics that the National Crime Records Bureau (NCRB) obtained for IPC cases in 2019.

**The disparity in the sex ratio:** India's birth sex ratio and child sex ratio have remained at significantly lower levels than ideal values, in large part because many regions of the nation favour male progeny. Both of these ratios have been stuck at significantly lower levels than desired.

**Lower self-esteem:** Women are subjected to discrimination from an early age, and they have poorer self-esteem and social standing than men of the same age. They are made to feel unwanted as a result of this conditioning because they are made to feel like they are a burden on their families.

### **Failure of Dowry Prohibition Laws in India**

Law warns about prosecuting both those who pay and receive a dowry, and this fear prohibits the majority of the reporting from the girl's side. Allows presents that are "of a customary nature". The definitions of a "voluntary gift" and a "forceful gift" are absent.



## CONCLUSION

Dowry is a sophisticated social phenomenon and the practice is intimately related to the issue of gender equality and women's empowerment. On the other side, the exaltation of dowry stimulates son preference, which worsens the sex ratio, increases female feticide, and ultimately leads to gender inequity. Domestic abuse and dowry prohibition laws were extensively misapplied to target spouses and their families instead of helping to minimise crime against women. Genuine dowry victims thus have barriers to receiving legal assistance, justice, and protection. A root cause of gender inequity is the disempowerment of women. Through gender equality and comprehensive women's empowerment, we can combat the problem of dowry practice.

There is an urgent need for solutions to the age-old conundrum of dowry's function in contemporary culture. Many brides just couldn't pay the extravagant amounts that their families demanded. This might lead to mental misery in the females, social isolation, a divorce from their husbands, or even suicidal thoughts. A girl's worth is really valuable. That exceeds the Dowry in value. However, nobody in today's society recognizes that worth. Even though there are several rules and regulations governing dowry, these regulations would only be successful if the family as a whole understood the concerns. The fear of dowry is mostly destroying women's lives.

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