

Dowry System in Modern Era and its related penalties in India

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ABSTRACT

In India, The dowry system in India alludes to the strong products, money, and genuine or mobile property that the lady of the hour's family provides for the spouse, his folks, or his relatives as a state of the marriage. It is basically in the idea of an payment in real money or some sort of blessings given to the groom's family alongside the lady of the hour and incorporates money, adornments, electrical machines, furniture, bedding, porcelain, utensils and other family things that assistance the love birds set up their home. The dowry system is thought to put extraordinary budgetary weight on the lady of the hour's family. Now and again, the dowry system prompts wrongdoing against women, extending from psychological mistreatment and damage to even passings.

Keywords: *dowry system, women, law.*

I. INTRODUCTION

One of the worst evils of Indian Society is the dowry system. The word 'dowry' means the property and money that a bride brings to her husband's house at the time of her marriage. It is a custom that is common in every one of the areas of our general public in one frame or the other. Toward the starting it was willful, however later on the social weight was with the end goal that not very many could escape from it.

The settlement at introduce is a wellspring of both bliss and revile in the general public. It is additionally a delight to the spouse and his relatives who get money, expensive dress and utensils, furniture, bedding materials, and so forth. However, it is a revile to the lady of the hour's folks who need to hold up under tremendous cost to fulfill the preposterous requests of the husband's gathering. A request of settlement does not reduce even after marriage. The in-laws of the lady of the hour are especially prepared in Indian homes to cause provocation, abuse and torments both mental and physical. At the point when more weight is put on the lady of the hour's folks, their dear girl has no other choice however to submit suicide to keep away from more affront and torment on account of the individuals from her better half's family.

In A court judgment [9] clears up the legitimate meaning of endowment as:

"Dowry" in the feeling of the articulation mulled over by Dowry Prohibition Act is an interest for property of profitable security having an inseparable nexus with the marriage, i.e., it is a thought from the side of the lady's

folks or relatives to the prep or his folks or potentially watchman for the consent to marry the lady of the hour to-be.

The Dowry Prohibition Act, 1961 article 3 determines that the punishment for giving or taking endowment does not make a difference to presents which are given at the season of a marriage to the lady of the hour or groom, when no interest for them have been made.

Albeit Indian laws against settlements have been basically for a considerable length of time, they have been generally reprimanded as being inadequate. The act of settlement passings and homicides keeps on occurring unchecked in numerous parts of India and this has additionally added to the worries of requirement.

Segment 498A of the Indian Penal Code required the groom and his family to be consequently captured if a spouse grumbles of dowry badgering. The law was generally mishandled and in 2014, the Supreme Court decided that captures must be made with a justice's endorsement.

II. HISTORICAL BACKGROUND

The historical backdrop of settlement in South Asia isn't clear. A few researchers trust settlement was drilled in olden times, however some don't. Authentic observer reports, as talked about beneath, recommend dowry in old India was unimportant, and girls had legacy rights, which by custom were practiced at the season of their marriage. Narrative proof recommends that toward the start of twentieth century lady of the hour cost, as opposed to settlement was the regular custom, which frequently brought about extremely poor young men staying unmarried.

Stanley J. Tambiah claims the old Code of Manu authorized dowry and bridewealth in old India, yet endowment was the more lofty frame and connected with the Brahmanic (religious) standing. Bridewealth was limited to the lower stations, who were not permitted to give settlement. He refers to two examinations from the mid twentieth century with information to propose that this example of settlement in upper standings and bridewealth in bring down positions has held on through the primary portion of the twentieth century.[15] However, it is more probable that relational unions included both corresponding endowments between the two families, claims Tambiah, so seeing that the prep's family gives the bridewealth, it has a tendency to be given back as the socially approved dowry to the lady of the hour as a component of her marital bequest.

Michael Witzel, conversely, claims the old Indian writing recommends endowment hones were not huge amid the Vedic period.[17] Witzel likewise takes note of that women in old India had property legacy rights either by arrangement or when they had no siblings.

The discoveries of MacDonell and Keith are like Witzel, and vary from Tambiah; they refer to old Indian writing proposing bridewealth was paid even in brahma-and daiva-sorts of marriage related with the Brahmanic (holy) upper position. Endowment was not rare when the young lady experienced some real deformity. Property

rights for women expanded in old India, propose MacDonell and Keith, over the Epics time (200 BC to 700 AD).[18]

Kane claims old writing recommends bridewealth was paid just in the asura-kind of marriage that was viewed as unforgivable and taboo by Manu and other antiquated Indian copyists. Lochtefeld proposes that religious obligations recorded by Manu and others, for example, 'the lady of the hour be luxuriously embellished to commend marriage' were stately dress and gems alongside endowments that were her property, not property requested by or implied for the prepare; Lochtefeld additionally noticed that wedding enhancement isn't at present considered as dowry in a great many people's mind.[9]

Above investigation by different researchers depends on translating verses of old Sanskrit fiction and conflicting smritis from India, not observer accounts.

III. DOWRY IN THE MODERN ERA

A social awareness campaign in India about dowries:

Dowry has been a prevalent practice in India's modern era and in this context, it can be in the form of a payment of cash or gifts from the bride's family to the bridegroom's family upon marriage. There are minor departure from settlement pervasiveness in view of topography and class. States in the north will probably take an interest in the dowry system among all classes, and settlement will probably be as material and portable merchandise. In the south, the lady of the hour value system is more pervasive, and is all the more regularly as land, or other legacy merchandise. This system is fixing to the social structure of marriage, which keeps marriage inside or near family relations.

Dowry additionally changes by monetary strata in India. High society families will probably take part in the endowment system than the lower class. This could be to a limited extent because of women' financial rejection from the work showcase in privileged societies.

At the point when endowment developed in the Vedic period, it was basically trailed by the upper ranks to profit the lady of the hour, who was not able acquire property under Hindu law. To counter this, the lady of the hour's family given the prep dowry which would be enlisted in the lady of the hour's name. This endowment was viewed as stridhan (Sanskrit: lady's property).[7] Also, a vital refinement is the way that while the upper stations rehearsed settlement, the lower ranks honed lady cost to remunerate her family for the loss of salary.

In the cutting edge time, the idea of settlement has advanced and Indian families never again hone the customary Vedic idea of dowry.[9] This is on account of with the progression of time, lady of the hour cost step by step vanished and endowment turned into the pervasive type of transfer.[14] In the advanced period, the act of dowry requires the lady of the hour's family to exchange merchandise to the prepare's family in thought for the marriage.

IV. RELATED PENALTIES OF DOWRY

Punishment for giving or taking endowment

(1) If any individual, after the initiation of this Act, gives or takes or abets the giving or taking of dowry, he should be culpable 6 [with detainment for a term which might not be under 7 [five years, and with fine which should not be under fifteen thousand rupees or the measure of the estimation of such settlement, whichever is more]: Provided that the Court may, for satisfactory and exceptional motivations to be recorded in the judgment, force a sentence of detainment for a term of under 8.

(2) Nothing in sub-area (1) might apply to, or in connection to,—

(a) presents which are given at the season of a marriage to the lady of the hour (with no request having been made for that sake): Provided that such introduces are entered in a rundown kept up as per the principles made under this Act;

(b) presents which are given at the season of a marriage to the husband (with no request having been made for that sake): Provided that such introduces are entered in a rundown kept up as per the standards made under this Act:

Given further that where such displays are made by or for the lady of the hour or any individual identified with the lady of the hour, such shows are of a standard sort and the esteem thereof isn't intemperate having respect to the budgetary status of the individual by whom, or on whose sake, such shows are given:

Punishment for requesting endowment

On the off chance that any individual requests, specifically or in a roundabout way, from the guardians or different relatives or watchman of a lady of the hour or groom, by and large, any dowry, he might be culpable with detainment for a term which should not be under a half year, but rather which may reach out to two years and with fine which may stretch out to ten thousand rupees:

Given that the Court may, for sufficient and unique motivations to be said in the judgment, force a sentence of detainment for a term of under a half year.

The Dowry Prohibition Act, 1961 (Act No. 28 of 1961):

An Act to forbid the giving or taking of settlement:

BE it sanctioned by Parliament in the Twelfth Year of the Republic of India as takes after:

Short title, degree and initiation

(1) This Act might be known as the Dowry Prohibition Act, 1961.

(2) It reaches out to the entire of India with the exception of the State of Jammu and Kashmir.

(3) It might come into drive on such date as the Central Government may, by notice in the Official Gazette, name.

V. CONCLUSION

In conclusion, because of this system, numerous youthful women submit suicide. This system has made the lives of poor guardians of young women hopeless. On the off chance that they can't mastermind a rich dowry, they think that its troublesome or somewhat difficult to wed their little girls to reasonable young men. A great many poor young women are constrained to pass unmarried life because of this underhandedness. The introduction of the little girl in the house turns into a reason for extraordinary stress for the guardians. Their lives end up noticeably hopeless. Once in a while they need to take advances and stay paying off debtors for the duration of their lives. A few guardians win cash by corrupt means for the marriage of their girls. A few guardians are constrained to give their girls in marriage to old men or widowers. Women who don't carry rich endowment with them are abuseed. They are offended and beaten and some of the time even killed.

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