

## IV SEMESTER GE

### MEASURES TOWARDS THE ABOLITION OF DOWRY

#### LEGISLATIVE MEASURES: DOWRY PROHIBITION 1961

Dowry system and its practices are highly criticized. Social reformers and right thinking persons recommended strong legal measures to remove its practice.

At the all India level Dowry Prohibition act was introduced in the parliament on 27<sup>th</sup> april 1959 and was ultimately passed on 20<sup>th</sup> May 1961. This Act extends to the whole of India except the state of Jammu and Kashmir. Main provisions of this act are mentioned below:

1) The Act defines in clear cut terms the meaning of dowry: Dowry means any property or valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to the marriage. By parents of either party to a marriage or by any person, to either party to a marriage or to any other person; at or before or any time after the marriage in connection with marriage of said parties but does not include "dower" or "mahr" in the case of persons to whom Muslim Personal Law (shariat) applies.

2) Penalty for giving or taking Dowry: If any person, after the commencement of this act, gives or take or abets giving or taking of Dowry, he shall be punishable with imprisonment which may extend to six months or with fine which may extend to five thousand rupees, or with both.

3) Penalty for demanding Dowry: If any person, after the commencement of this act, demand, directly or indirectly, from the parents or guardian of a bride or bridegroom, as the case may be, any dowry, he shall be punishable with the imprisonment which may extend to six months, or with fine which may extend to Rs.5000/- or with both.

4) Dowry to be for the benefit of the wife or the heirs: Where any dowry is received by any person other than the woman in connection with whose marriage it is give, that person shall transfer it to the woman-

a) if the dowry was received before marriage, within one year after the date of marriage; or

b) if the dowry was received at the time of or after the marriage, within one year after the date of its receipts; or

c) if the dowry was received when the woman was a minor, within one year after she has attained the age of 18 years; and pending such transfer; shall hold it in trust for the benefit of the woman.

Note: if any person fails to transfer any property as required by sub-section (1) within the time limit specified therefore or as required by sub-section (3), he shall be punishable with imprisonment for a term which shall not be less than five thousand rupees, but which may extend

to ten thousand rupees or with both.

5) Dowry to the tune of Rs. 2000/- only permitted: The Act permits gifts in the form of ornaments, clothes and other articles not exceeding Rs. 2000/= in value. The act thus legalizes dowry only to the tune of Rs. 2000/-

6) Cognizance of offences: As per the provision of this act, no court shall take cognizance of any such offence except on a complaint or police report made within one year from the date of the offence. The offence under this act shall be non-bailable and non-compoundable.

## NON- LEGISLATIVE MEASURES TOWARDS THE ABOLITION OF DOWRY

Mere legislation cannot do magic. They are to be accepted and adopted by the people on their own. Sometimes special efforts are required to persuade them to accept and comply with the legislations. Hence non- legislative measures are also required to face the social menaces like dowry system.

1) Propaganda and Publicity against Dowry: Modern media of propaganda including the electronic media such as T.V., movies, dramas, newspapers, internet etc must be effectively made use of to convince people that practice of dowry is not only illegal but also unethical. It is essential to make use of the media in diverse ways and not in a uniform manner taking into consideration the level of education of the people, their rural and urban background.

2) Creating public opinions and Rousing social conscience: In marriage negotiation, material considerations such as wealth, ornaments, money, jobs and professional opportunities etc., have always formed an important incentive. Proper measures are to be taken to do away with this. The attack on Dowry has to be a multipronged. Social legislation alone cannot help in this regard.

a) A social understanding must be created in the public by bringing to their notice the evils of dowry.

b) Social consciousness needs to be aroused, particularly amongst women. They must be educated that their encouragement of dowry will perpetuate the inequality of the sexes.

c) Since the practice of dowry is at its heights among the higher educated people, formal education alone cannot mitigate this problem. Greater stress to be laid on moral education and value education. Education that is given to the youth must help to broaden their minds and widen their outlook.

3) Encouraging Inter-Caste marriages: It is quite known that the endogamous nature of Caste and sub caste restricts the range of selection of life-partners. Hence it is suggested that inter-caste marriages must be encouraged among the youths so that they would get the wide range of

selection in finding a suitable mate for marriage. This self-choice opportunity given to youth will help them to get out of the vicious circle of dowry.

4) Role of Voluntary Associations: It is suggested that voluntary associations should take initiative in this regard and make propaganda against evil of dowry. It is also advocated that such associations should take up the cases of victims of dowry harassment and get them justice. With due publicity and awareness, it will create a social wave against the practice of dowry. In fact, organizations like "saheli" in Delhi, "women's centre" in Mumbai, "sakhi Kendra" in Kanpur, "Stree Adhar Kendra" in Pune and others are already in the field doing some work in this direction.

5) An Appeal to the Idealism of the youth: Youth are the only ray of hope to combat effectively against dowry. Youth must be given education and inspired to take initiative towards its actual abolition. There have few honest and charismatic leaders like Jayaprakash Narayan, Mahatma Gandhi, Vivekanand and others who could appeal to the Idealism of the youth and make them committed to the Non- acceptance or total rejection of dowry.

#### FAILIURE OF THE LEGISLATIVE MEASURES

As anticipated the legislative measures failed to produce the desired results. "The committee on the status of women" in India (1947) reported that, The dowry Prohibition act, 1961 has failed to curb the evils of Dowry. In spite of the rapid growth of this evil practice, there are particularly no cases reported under this act. No law can be enforced without the whole hearted co-operation of the people. Social reformers were successful in getting the practice of dowry abolished. But they were not successful in persuading the people to accept the legislation in principle and abide by it with the spirit of commitment. No one can eradicate this evils unless the people carry the philosophy the law much further. Proper efforts are not made to convince people regarding the evils of dowry. As a result, legislation prevails, but its violation takes place uninterruptedly. Number of cases taken under this act have been awfully insignificant. In fact P.N. Sapru, a former judge of Allahabad high court and then member of parliament 1960 had described the bill as "ridiculous" and even went to suggesting its withdrawal. He meant that it would be meaningless to pass legislations which cannot be enforced. Effective enforcement of legislations such as this obviously demand the willing cooperation of people.

## CONCLUSION

It is clear from the above analysis that the dowry system in our country has become a kind of business deal, a big bargain in matrimony. It is unspiritual and devoid of ethical values. It is a stigma associated with the Indian marital system. It has become equally rampant in the other religious communities of India such as Christians and Muslims. It has made a few young women to remain as spinsters. It is high time that it is stopped.

The successful abolition of the practice of dowry would be a landmark towards social reform. But it is not an easy task. Some of the highly educated and professionally well placed individuals including the foreign returned young men are clinging on to it. Determined efforts should be made on all-India basis to combat this problem. Social and moral consciousness of the people, education and economic independence of women, inter-caste marriages, effective enforcement of legislation against dowry system, establishment of voluntary associations to discourage dowry, civil marriage, arrangement of "samuhika vivah" or community weddings, launching of the youth movements against the dowry system- are some of the means of countering this practice. The sooner it disappears the better it will be for the progress of this society.