New Legislation May Harness Dowry Excesses
Category : April 1985
Published by Anonymous on Apr. 01, 1985

New Legislation May Harness Dowry Excesses

Dissenting and impassioned debates on the dowry system continue. But few people are familiar with the rather ambiguous definition of dowry spelled out in India's Dowry Prohibition Act of 1961. It may surprise some to learn that the law allows for the giving of money and gifts that seem "customary" and proportionate to the bride's family's income. What it prohibits is money and gifts that are deemed "excessive" in specific relation to the financial status of the bride's family. The law further says that the gifts are for the bride. But, in practice, everyone know that the gifts nearly always go to the groom and his family. And legal "customary" gifts often veil stiffer transactions, which give dowry a bitter taste.

Public protest and media spotlighting has catalyzed closer scrutiny of dowry law, which most agree needs modification to be enforceable. One such change, a far-reaching one, came recently when the Supreme Court of India declared on March 19 that the gifts in money and kind given to the bride at the time of marriage belong exclusively to her. These valuables, named "Istridhan" by the legislators (to distinguish them from the outlawed dowry), do not become the joint property of the couple; nor do they go to the husband's family.

Another new India law prescribes that all such gifts be legally recorded in the same manner as the marriage itself. Further, in April the Indian Law Commission proposed to parliament that laws be amended to clearly define dowry as "money [or gifts] demanded from the wife or her parents or other relatives by the husband - or his parents or other relatives - where such a demand is not properly referrable to any legally recognized claim and is relatable only to the wife's having married into the husband's family." The Commission also recommended stronger legislation in suspected "dowry death" cases.

To most any Hindu family, inside or outside India, dowry is of deep concern. At the University of Durban, South Africa, female Hindu students decry the dowry system with youthful brazenness. "It makes a woman's marriage a business transaction!"

In Sri Lanka, a Jaffna girl fears she will never be married because her family is poor and her two elder sisters are to be wed before her (each requiring dowries of Rs. 20,000 or more). So escalated have dowries become in the last decade that the birth of a girl is often a real financial hardship and stigma.

The nature of premarital arrangements vary widely depending on caste and community. A Brahmin father from Madras relates his expected approach. "I will select a boy and determine if the horoscopes match. Then the two parties meet. The boy's father and I will talk about the 'lowkeekam,' the economic aspects of the marriage. He will ask me what my budget is. We don't use the word 'dowry.' I will be expected to tell him exactly how much gold and jewelry my daughter will bring into her husband's home." Regarding the future, he adds, "more and more we are headed toward the practice in the West both parents giving to the couple what they can afford."

Dowry is not exclusively Hindu. In Kerala, Christians also follow the custom and reportedly face the steepest rates in South India: Rs. 100,000- 500,000. "These are not rich people. These dowries make many beg, borrow and steal to raise the money," and Indian citizen remarked.

Taking an ardent stand against dowry (defined as demand/contracts for money and gifts from the bride's family) is President of India, Zail Singh. On February 6th he flew to a small town outside Cochin, India, to attend the mass-wedding of 340 couples of various faiths - Hindu, Christian and Muslim. All 170 bridegrooms had refused to accept any dowry whatsoever. Each couple received a 23-piece wedding gifts from the Congress-I Kerala government, including a wedding dress and necklace for the bride and a plot of land. In the President's enthusiastic reception speech he called the function "a step forward against his social evil" of dowry.

Many still disagree that dowry is a social evil. They quite fairly not that though excesses and tragic abuses are real and to be condemned, dowry often takes the blame when greed, avarice and human callousness are the true culprits. Dowry, in some form or another, persists in nearly all cultures as the wealth the bride (or in some cases the husband) brings to the marriage. India lawmakers' attempts to distinguish between voluntary gifts and gifts by demand, indicate their intent is more directed to protect the bride and her family than extinguish and ingrained social practice.

Probably the most typical and moderate opinion on dowry is heard in these words from a young, well-educated Indian woman, Miss Asha Parikh (born and raised in Zimbavwe, now residing California), "It shouldn't be that they have to give dowry. I they want to they should be able to. It's when the parents demand, that it becomes a problem. But when I get married there's going to be no dowry. You are giving yourself and that's enough."