

Birth, Marriage, Honor & Poverty: Ramifications Of Traditional Hindu Culture & Custom On Modern Indian Women

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Abstract: This paper focuses on two extreme practices of violence against women that occur most commonly in northern India: son preference and dowry-related deaths. Both practices occur in the private, domestic realm and are based on customary indigenous practices allegedly built upon Hindu religious teaching. Son preference and dowry-related deaths occur at all caste, class, and economic levels and have been impossible to eradicate, despite prohibitive legislation.

Moreover, the choice of female feticide to support family planning on the basis of son preference and the alleged participation of the husband's female relatives in the dowry-related death of his bride represent crimes against females that cannot be carried out without female cooperation. This raises the question of the extent to which women exercise agency in committing female feticide and attacking young brides versus the argument that such alleged cooperation is a function of patriarchal oppression.

Introduction

The continuing ramifications of Hindu teachings on the lives of modern Indian women and girls are an important aspect of understanding crimes of violence against them, as is the fact that the application of scriptural and traditional knowledge is mitigated by economic class, religious caste levels, and geographic location. Nevertheless, overall and despite prohibitive legislation, discrimination, hostility, and violence against women remain pervasive throughout the sub-continent. Hindu teachings, as they are applied on the basis of customary practice, have changed over time and are further affected by changing economic systems, particularly the shift from traditional agriculture to capitalist structures. These changes have not improved the status of women.

There are many lenses through which to view the status of women and the discrimination and violence they regularly experience. This paper focuses on two extreme practices that occur most commonly in northern India through a discussion of two case studies: son preference as it affects female infanticide and female feticide; and marriage, as it affects dowry and dowry-related deaths, often called "dowry burnings." Both practices are considered part of the private, domestic sphere into which neither neighbors nor police want to intrude. And, both practices, in their extremity, are at variance with Hindu Scriptural teaching.

Historic and contemporary attitudes have overridden scriptural admonitions regarding the treatment of daughters, marriage practices, and the giving and receiving of dowry as part of wedding rituals. Interpretations of scripture have been and continue to be used in a manner that

perpetuates the subordination of women in support of patriarchal values.¹ Ramayana's writings, for example, were often comparatively liberal regarding the treatment of women, but were deliberately misinterpreted by theologians to support various vested interests. These interpretations enjoyed wide acceptance and became prescriptive.

During the Vedic Age, the wife held a high position. According to the Taittiriya Brahman, no man could perform sacrificial rites without a wife, and the wife was called *patni* because of her equal participation. The *Rig Vedic* hymns stress the harmony of the marital couple without referring to the woman as inferior. Men were admonished to protect women, hence the command that the woman must be under the male protection of her father, husband, or son, but such protection was not intended to curb her freedom to fulfill scriptural duties. Indeed, Manu taught that a man's protection of a woman must be voluntarily accepted by the woman. In this context, it is easily arguable that any man who tolerates violence against his wife or daughter has violated scriptural admonitions.²

The most dominant Hindu guidelines for virtuous female behavior are the *Manusmritii* with authorship credited to a single writer, Manu. This document followed the Vedic scriptures, and was composed between 200 BCE and 300 CE. Manu was somewhat ambiguous in his teachings about women. On the one hand, he wrote that "Brahma separated his body into two parts; from half he created man and from the other part woman. She is, therefore, born equal." In another section, Manu argued that "gods reside where women are respected and where they are insulted, all endeavor is useless."³

At the same time, Manu perceived women to be seductresses of men, explaining that "it is the nature of women to seduce men in this world; for that reason the wise are never unguarded in the company of females. Women lead astray in this world, not only a fool, but even a scholar, and make him a slave of desires and anger. One should not sit in a lonely place with one's mother, sister or daughter, for senses are powerful and master even a learned man."⁴ This advice later combined with Islamic teachings of *purdah* and the desire of upper class indigenous Indians

¹ Deepa Bajaj & Anil Kalia, ed., *Gender Inequalities: A Compendium on Gender Issues*, (Delhi: Child Survival India, 1998), p 55.

² *Ibid.*, pp 56-57.

³ Quoted from Hargovind Sastri, *The Manusmriti* (Hindi), 5th edition, ed. by Gopal Satri Nene, Chaubhamba Sanskrit Sansthan, Varanasi, 1997, chapter I, Shloka 32, p. 14 and Chapter II, shloka 56, p. 114. In Mira Seth, *Women and Development*, (New Delhi: Sage Publications), 2001.

⁴ Ram Mohan Das, *Women in Manu's Philosophy*, (New Delhi: ABS Publications), 1993, p.3.

to keep their women away from Muslim invaders to create an atmosphere in which women became confined to the private realm, serving their husbands and families.

Manu did not teach that such strictures made women inferior to men, but contended that the separation of women into the private sphere while men entered the public sphere was merely a matter of harmonious placement where each could flourish. Unfortunately, Manu's assessment of women placed them in a position where they were easily compromised by patriarchal structure. Manu described women as more emotional and less rational than men, lacking depth in their reasoning and without a strong sense of justice. At creation, women had been given a love for ornamentation, the emotional responses of malice and dishonesty, and proclivities of idleness. In this context, men and women were not equal, but this was less important than their unity in a harmonious whole. Over time, that harmonious whole was defined as a structure of power based in patriarchy.

Son Preference

Many cultures, past and present, prefer sons and believe that, as a Telugu proverb says, "bringing up a daughter is like watering a plant in another's courtyard," with about the same rate of return. In northern India, however, son preference became both a survival strategy and a means of family prosperity. The British discovered and condemned the indigenous practice of female infanticide in 1851, and ascribed its cause to high wedding and dowry expenses, while unwittingly employing policies that increased the practice, either directly via death at the point of birth or indirectly through malnutrition and neglect. While both methods reduced the number of female children, the former practice was deemed more advantageous, because it freed the mother from any attachment to the child and, by precluding breastfeeding, made the mother's womb available to conceive. Particularly if the first child was female, the necessity of producing two or more sons before accepting a daughter made time and frequency of conception an important matter. And, contrary to British presumptions about patriarchal structures, decisions on the fate of female infants were made by grandmothers, aunts, and sisters, with the complicity of the mothers. Midwives enforced the collective verdict. Women, then, were not the pawns of ruthless husbands, but, according to Veena Oldenberg, made strategic decisions for the survival and furtherance of family interests.⁵

⁵ See Veena T Oldenberg, *Dowry Murder: The Imperial Origins of a Cultural Crime*, (New York: Oxford University Press), 2002.

British officials responded to the situation by carefully collecting data on sex ratios in various districts, and promulgated a new law, Act VIII of 1870, the Act for the Prevention of Murder of Female Infants. Initial enforcement was in the northwest provinces to the Punjab and the Oudh. In 1906, authorities declared the problem solved, and repealed the act. But, in fact, the act was difficult to enforce and easy to evade. Female children did not have to be killed at birth; they could just as easily be killed by neglect, untended illness, and lack of nourishment.

Traditionally, the warrior cultures of northern India had stressed masculine values, but their land holdings had been communal. British imperial policy altered indigenous practices through the introduction of the *ryotwari* system which made land a marketable commodity that could be taxed at set times, without regard for conditions affecting agricultural production. As part of this process, communal jurisdiction over land was replaced by single male owners who could be taken to court for non-payment of taxes.⁶ Women lost their rights over property, and were hindered by customary seclusion from attending public functions such as law courts. Suddenly, land owners could borrow more money than ever before, using the land as collateral. High interest loans paid taxes during years of low crop yields, while creating heritable debts that often ended in landlessness and tenancy.

Son preference became the defining family strategy to cope with potential disaster. First, at the point of marriage, sons brought dowry into the family while daughters took family wealth away with them. Sons could also further family interests by working in the new economic culture tied to British imperialism. A son could enlist as a *sepo*y, earning a monthly salary that could be sent to the family for debt repayment, taxes, or the purchase of more land. An educated son could participate in business opportunities or the civil service; more sons meant more potentially lucrative occupations for the benefit of the family unit.⁷ Most importantly, sons provided security for their mother by replacing her lost rights in communal land holdings with her production of and relationship with sons. Son preference was good for the family and good for the mother; it was not, however, a practice beneficial to women, as a whole.

This interpretation of the underlying causes of female infanticide suggests that the practice was one that could not have survived without female agency. There is, of course, a different, once more common perspective, that female infanticide was and is a function of

⁶ At this time, British property was in the hands of single proprietors and women had no property rights.

⁷ Sepoys earned 11 rupees per month, plus subsidized board, lodging, and uniforms. Other occupations included farming, construction, and migration to newly established canal colonies.

patriarchy, either directly via male control or indirectly via cultural expectations. This conundrum is an interpretive challenge within our case studies. Are women complicitous perpetrators or innocent victims? Is the present contemporary at-risk status of the female child a function of uneducated mothers, poor medical treatment, and low income, or the result of cultural custom? Western feminists and indigenous reformers offer analyses that beg the question, most often citing education and poverty eradication programs as the best route to improve the sex ratio. The analysis does not ring true, however, in conjunction with current discussions on female feticide and its alleged affect on sex ratios.

Official census data published in 1992 report sex ratios between 1901 and 1991. An interesting aspect of the ratios is that female sex ratios are lower in 1991 than in 1901, despite the eradication of infectious diseases and overall increased life expectancy for women.

TABLE 1: CENSUS POPULATION IN INDIA 1901-1991

<i>Period</i>	<i>Total Population</i>	<i>Period</i>	<i>Sex Ratios (females per 1000 males)</i>
1901	252.09	1901	972
1931	318.66	1931	950
1961	548.16	1961	941
1991	1,000	1991	927

Source: Census of India, *Registrar General and Commissioner, Census Operations*, Government of India, New Delhi 1991: Brief analysis of Primary Census Abstract, Series I & II, Paper 2 of 1992

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National figures do not, however, reveal those states with the lowest male to female ratio. When looking at specific states, it becomes clear that the southern states of Kerala, Tamil Nadu, Andhra Pradesh, and Karnataka have a higher sex ratio than the national average. Meanwhile, the overall sex ratio in northern states has declined. Statistics for these states are in the next table.

⁸ Taken from Seth, p. 87.

TABLE 2: SEX RATIO IN SELECTED STATES FROM 1901 TO 1981

Females per 1,000 males

<i>State</i>	<i>1901</i>	<i>1941</i>	<i>1981</i>
All India	972	945	935
Bihar	1,054	996	946
Gujarat	954	945	942
Haryana	867	869	870
Madhya Pradesh	990	970	941
Punjab	832	836	879
Rajasthan	905	906	919
Uttar Pradesh	937	907	885
West Bengal	945	852	911

Source: Census of India, *Registrar General and Commissioner*, Government of India, New Delhi, various years.

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Clearly, these states have a tradition of son preference that appears to be in keeping with Oldenberg's theory regarding the effect of British imperial policy on family planning. Thus, the decline in overt female infanticide is matched by an increase in the neglect of the girl child and the introduction of female feticide. State specific studies indicate that poverty is not a strong indicator in sex selective termination. Higher per capita incomes in Haryana and Punjab have not resulted in increased female sex ratios.¹⁰ A 1995 study on declining sex ratios in Gujarat found that most villages were well off. Similar prosperity was found in Punjab and Haryana.¹¹

⁹ *Ibid.*, p. 88.

¹⁰ *Ibid.*, p 92.

¹¹ Sources cited in Seth pp. 96 and 99. Usha S Nayar and K Anil Kumar, *Declining Sex Ratio in Gujarat*. (Bombay: Unit for Child and Youth Research, Tata Institute of Social Sciences), 1995, Unpublished. Usha Nayar, *Doomed Before Birth, Study of declining Sex Ratio in the Age Group 0-6 Years in Selected Districts of Punjab and Haryana*. New Delhi: Department of Women's Studies, National Council of Educational Research and Training), 1995, Unpublished.

Factors that did contribute to lower female sex ratios were female illiteracy and apprehension over high marriage and dowry costs.

There is a perception that sex selective abortion is more humane than infanticide or female child neglect, as well as being less traumatic for all concerned. Technology, in the form of pre-natal testing, is now available to the masses. At one time, testing could be done via either amniocentesis or ultrasound. Testing sites and abortion clinics were widely advertised and accessible, with the admonition that it is more cost effective to pay approximately 1000 rupees for procedures prenatally than considerably higher costs at the point of marriage arrangements later. In 1990, a widely reported study of 8000 amniocentesis procedures in Mumbai (Bombay) found a result of 7999 female abortions.¹²

A study commissioned by the Indian Department of Women and Child Development in 1994 found various commonalities to justify female abortion. These included family structures that already had two or three daughters, and the determination that the cost of providing dowries for additional daughters was too high. Data collected indicated cases in which the mothers were pressured to undergo testing, because they had already given birth to daughters. In some cases, however, the women were willing to abort female fetuses so they would not give birth to daughters who would experience the same misery as their mothers.¹³ Passage of the Prevention and Regulation of Amniocentesis Act of 1993 did not affect the usage of ultrasound.

Education and economic upward mobility have also contributed to female feticide against second and higher birth order females, as educated members of the middle and higher classes aspire to a smaller, ideal family of two boys and one girl.¹⁴ Less morally repugnant than infanticide, female feticide is more likely to occur in urban and semi-urban areas. Of 1000 fetuses destroyed in Delhi in 1991, nearly 995 were female; the potential parents mostly educated and well-to-do.¹⁵ According to the National Institute of Public Cooperation and Child Development based in New Delhi, the majority of women going for prenatal testing are middle

¹² *The Lesser Child: The Girl Child in India*, (New Delhi: Ministry of Human Resource Development, Government of India and UNICEF), 1990. p. 5

¹³ See Seth.

¹⁴ Niranjana Pant, *Status of Girl Child and Women in India*, (New Delhi: Aph Publishing Corporation), 1995

¹⁵ Mita Bhadra, "Gender Stereotyping, Discrimination and the Girl Child," in Mita Bhadra, *Girl Child in Indian Society*, (New Delhi: Rawat Publications), 60-91, p. 71.

class housewives with two or three living daughters. Indeed, in 2005, UNICEF reported that it was prosperity, rather than poverty, that supported son preference and female feticide.¹⁶

In this context, one must question whether legalized abortion is a procedure of free choice. Sharma & Gopalakrishnan openly question whether one “can talk of ‘individual choice’ in a socio-cultural milieu where the birth of daughters is [disparaged], where women internalise the oppression of their gender group and where women can be directly or indirectly coerced into accepting an abortion (50 percent according to the Bombay study.)”¹⁷

In 1995 Gail Weiss argued that sex selective abortion is not the mother’s individual decision, but tied to custom and practice. She pointed out that the choice to abort a female fetus can also be seen as a means to empower the mother by either saving another girl from the oppression she has had to endure and/or enhancing her own position within the family by producing more sons than daughters. Only sons can bring prosperity, status, and security.¹⁸

The attempt to prohibit female feticide is presently focused on trying to prevent the disclosure of fetal sex, forcing technicians and physicians to develop subtle communication skills. The government has resorted to sting operations to enforce a 1994 law to prevent fetal sex disclosure. In March 2007, a doctor and his assistant in the state of Haryana were convicted of violating the law.¹⁹ Sadly, this successful conviction is a relatively isolated incident, while ongoing campaigns continue attempts to deter the practice of prenatal testing for sex determination. Under pressure, doctors have greatly reduced advertising, and have become more cautious. Practitioners often require women to be accompanied by agents who are known to

¹⁶ Vichitra Sharma and Karuna Bishnoi “Prosperity, not poverty behind female foeticide.” (New Delhi:UNICEF), September 2005. http://www.unicef.org/india/child_protection_948.htm Date accessed: February 26, 2007. Danesh Sharma, UN Population Fund. Oct 29, 2003. Abortion became legal with passage of the Medical Termination of Pregnancy Act, effective 1972; the act established Medical Termination of Pregnancy (MTP) Centers throughout the country. Arguments in favor of legalizing abortion included improvement of women’s health, the reduction of maternal mortality, and promotion of family welfare. In 1997, there were 8,891 MTP Centers.

¹⁷ Adarsh Sharma & Santa Gopalakrishnan, “The Girl Child in India: A Quest for Equality” In Bhadra, *Girl Child in India*, p. 29. Also, R K Sachar, J. V., V Prakash, A Chopra, R Adlaka, R Sofat, “Letter: The unwelcome sex female infanticide in India.” *World Health Forum*, 11 (1990).

¹⁸ See Sherry Aldrich Seneath, “Son Preference and Sex Selection Among Hindus in India,” MA Thesis, Florida State University, 2004, pp 32-33.

¹⁹ Local government officials sent three pregnant women to the office of Dr. Anil Sabani. Sabani and his assistant, Kartar Singh, were secretly videotaped telling one woman that her scan had shown a female fetus that would be “taken care of.” Amelia Gentleman, “Doctor in India Jailed for Telling Sex of Fetus,” *New York Times*, March 29, 2007

them and use code words or “V” for victory signs to indicate a male fetus. Meanwhile, the government advertises that daughters “are our pride.”²⁰

Recently, the fetal and newborn remains of between one and three hundred potential children have been exhumed in a pit outside an abortion clinic in rural Punjab. They are alleged to be female. In February 2007, *BBC News* reported that 390 pieces of fetal bone were found near a Christian missionary hospital in Madhya Pradesh.²¹

Statistics regarding female feticide and gendercide are highly controversial. On the basis of data collection, for example, Sabu George questioned a January 21, 2006 report by Prabhat Jha and published in *The Lancet* that alleged 20 million female feticides had been committed in India. George alleged that up until the 1990s, the data source had a history of undercounting live-born females.²²

Yet, statistically, India, particularly in the northern states, has a very low sex ratio of girls aged 0-4 compared to boys. And, it can be presumed that this disparity is in large part due to sex selective abortions. Ramifications in the marriage market are already being felt in practices of kidnapping and/or the sale of brides and an increasing incidence of bachelors. Many men are resorting to buying brides from communities outside their region. Economist Gary Becker suggested in 2007 that this global sex imbalance will, over time, increase the value of girls due to their scarcity, thereby improving the status of women. However, this theory is not borne out by present realities.²³

Marriage & Dowry

Without a doubt, marriage politics were and are an important causative factor for low female sex ratios. Religious teaching requires that all daughters be married; an unmarried

²⁰David Rohde, “India Steps up effort to Halt Abortions of Female Fetuses,” *New York Times*, October 26, 2003.

²¹ Vichitra Sharma and Karuna Bishnoi, “Prosperity, not poverty behind female foeticide,” UNICEF, 2005, http://sss.unicef.org/india/child_protection_948.htm?q+printme. Access date: February 26, 2007 and “India Police Probe Baby Bone Find, February 18, 2007, *BBC News*, http://news.bbc.co.uk/1/hi/south_asia/6487366.stm. Access date: February 20, 2007.

²² Sabu M. George, “Sex ratio in India,” *The Lancet*, Volume 1725, 2006 <http://www.thelancet.com/journals/lancet/article/PIIS0140673606687588/fulltextprinter> DOI:

²³ Anonymous, “Indian Girls More Likely to Die,” *BBC News*, July 18, 2003, http://news.bbc.co.uk/1/hi/south_asia/3000000.stm Access date: February 20, 2007. One man, Chandram, purchased a bride from Bangladesh, because “I couldn’t find a local girl, so I had to go outside to get married. But it wasn’t cheap.” Jill McGivering, “India’s Lost Girls,” *BBC News*, February 4, 2003, http://news.bbc.co.uk/1/hi/south_asia/2723513.stm Access date: February 20, 2007. Regarding Gary Becker, see the Becker-Posner Blog, “Economist Disputes Notion that Sex Selection is Bad,” *Wall Street Journal*, February 14, 2007.

daughter is a humiliation to her family. But the successful selection of a bridegroom is an arduous task. Custom, in conjunction with hypergamy, reduces the number of eligible candidates for daughters who, even today, are sometimes married shortly after puberty, in order to preserve their purity. As a result, eligible grooms and their families select a bride from the family that can pay the highest dowry. Historically, the inability to keep an unmarried daughter, the difficulty of finding an appropriate spouse, and the expense of the wedding and dowry payments proved a factor as strong as son preference for female infanticide as a means of saving family honor and solvency. The same is true today.²⁴

In ancient India, according to Manu and other religious teachers, there were eight forms of marriage. Of these, four are most relevant to our discussion: *BRAHMA*, in which the bride is adorned with ornaments and given to the groom as a gift; *PRAJAPATYA*, in which the bride is again given away, so that the couple can jointly pursue *dharma*; *ARSA*, in which the father of the groom presents the father of the bride with two cows and a bull, not as a bride price, but as the fulfillment of sacred duty (Again, the bride is given freely as a gift to the groom), and finally, *AIVA*, another form of gift giving, when the bride is given to the officiating priest, and thence to the groom.²⁵

In each of these instances, the bride herself was a gift, though she arrived with ornaments and her *stridhan*. Significantly, there was no admonition that a dowry must be given to the groom's family as compensation for taking the bride. These forms of marriage were all forms of *dharma*; they were arranged by the bride's father who bore the entire expense of marriage festivities. After marriage, the bride's absolute right over *stridhan* was not questioned, but its possession was somewhat formal, since husband could spend his wife's *stridhan* in case of emergency.

²⁴ In the nineteenth century, low female sex ratios led to practices that the British defined as immoral. These included the kidnapping, sale, and purchase of girls, prostitution, and polyandry. In 1870, it was reported that in Rajasthan, most kidnapped girls were sold as brides to the agricultural classes with a price ranging from 10-100 rupees. A female child could be purchased for a small amount from poor parents, taken to a poor Rajput family where she was acculturated, and then later sold to another Rajput family as a wife. If, before she was of marriageable age, the "groom" got a better offer, he might sell his bride to another Rajput. The kidnapping and sale of girls was a violation of Section 303 of the Indian Penal Code, while the sale of girls for marriage, even with parental consent violated Section 419. See Lalita Panigrahi, *British Social Policy and Female Infanticide in India* (New Delhi: Munshiram Manoharlal), 1972, pp. 135-136.

²⁵ The remaining forms of marriage were *GANDHARVA*, a secret and voluntary union of the girl and boy; *ASURA*, which included the acceptance of bride wealth (*sulka*), but was still the free bestowal of the bride to the groom's family; *RAKSASA*, marriage by abduction, and *PAISACA*, when a man seduces a girl who is sleeping, intoxicated, or disordered in intellect. See Prabhati Mukherjee, *Hindu Women: Normative Models*, (Calcutta: Orient Longman), 1994.

Despite scriptural guidelines, the scarcity of appropriate grooms created a perceived necessity for the custom of dowry to facilitate the procurement of an appropriate male spouse. Marriage arrangements in northern India take place within a closed system, and the bride's parents initiate the process. From the beginning, the bride's family is in the inferior position and gifts flow upward to the groom's family. The bridal family improves its social status through upward mobility, while the groom's family gains material wealth. The underlying premise is that the bride becomes a helpless possession of her new family, and the continuous flow of gifts will secure her position and good treatment

During the negotiations, the potential groom is assessed on the basis of his income and future prospects, while the prospective bride is judged on physical appearance, virtue, and the value of her dowry. A daughter who is not beautiful can be made acceptable via an increase in dowry, but a bride who is not judged to be virtuous may never be able to contract a marriage. This has ramifications in the continuing practice of marriages taking place below the age of consent, presently eighteen years of age, and also in the bride's level of education. Education beyond the tenth standard is not an attractive element for bride selection due to the assumption that an educated woman has had more public exposure and is not likely to be trained in or dedicated to domestic duties.

These basic elements undergird present marriage arrangements. When a girl marries a higher status boy within the same caste, dowry is compensation for the willingness of the groom's family to allow her to move socially upward; it also reinforces the inferiority of the bride's family relative to the groom's. In such cases, dowry demands can be made at any time, regardless of previous negotiations. Many times they are made weeks or even moments before the wedding, or, to avoid stipulations in the Dowry Restraint Act of 1961 which prohibits the giving or acceptance of dowries, demands may be made after the marriage has taken place to prevent repudiation or humiliation of the bride. There are many occasions for ritual gift giving, both before and after the marriage takes place, and these provide a venue, even after twenty years of marriage, for the payment of what commonly referred to as dowry.²⁶ Because marriage is

²⁶ After the wedding, ritual gift giving from the bride's family to the groom's family takes place when the bride goes home for the first time after the marriage and when she returns to the marital home. Gifts are given for each child when it is born, named, first shown to the maternal grandparents, first eats solid food, and so forth. Family celebrations on both sides are also occasions for gift giving. Ranjana Kumari, *Brides are not for Burning: Dowry Victims in India*, (New Delhi: Radiant Publishers), 1989, p.43.

held in high regard, and wives are held responsible for the success of the marriage, any discord or potential dissolution is a humiliation for her family. Hence, there is strong cultural and familial pressure to hold the marriage together at all costs.

Because of the abuses and extortionate demands that have become associated with dowry customs, and the increasing incidences of alleged accidental deaths linked with dowry demands, various items of legislation have been directed against the practice of dowry. In 1983, as a means of combating domestic violence, the Indian Penal Code added a new section (498-A) defining any physical or mental cruelty to a woman effected by the husband or his relatives, as a non-bailable offense. The law was particularly concerned with unnatural deaths occurring within seven years of the marriage when there was evidence of cruelty towards the victim shortly before the death, and an association could be made between the death and a direct or indirect demand for dowry. Under such circumstances, the court should presume that the defendant/s had caused the dowry death. The law further required that a *post mortem* be performed in cases of apparent suicide or suspicious death within seven years of the marriage. While the law brought a new emphasis to the issue of dowry death, the major loophole is the timeframe of seven years. On the one hand, it increased the length of time the wife could be considered a “bride,” on the other, the same situation after eight years or more years of marriage does not gather investigative attention.

The Anti-Dowry Amendment Bill became effective in 1985, the same year the Supreme Court ruled that items given in dowry to the bride and other gifts made to her at the time of her marriage remain exclusively hers and do not become joint property with the husband or his family who may only exercise control over the wife’s property if she gives her voluntary consent. If the bride later demands the return of her property, her in-laws must comply or face prosecution. Of course, the bride often is not in a position to protest arrangements within the marital family.²⁷

It has been argued that the problem is less the concept of dowry and more its escalation and the violence that can accompany the failure of the bride’s family to meet the groom’s price. Similarly to Oldenberg’s contention that son preference was a survival strategy responding to the incipient capitalist society introduced during the British imperial period, Tara Kaushick postulates that dowry has become a money-making endeavor as a response to economic insecurity. In the twentieth and twenty-first centuries, the acquisition of technology and material

²⁷ See Kumari.

goods is seen as the route to status and security. Dowry is the means of climbing the social ladder; those who do not make dowry demands as a means of material acquisition are ridiculed. Parents of bridal candidates are part of the cycle and accept the abuse of their daughter – even if it causes the young woman’s death -- if they have failed to provide sufficient funds or material goods. In an effort to retain some status, the parents of a dowry-related death victim have been known to offer a second daughter to the same family, because the stigma attached to the death could make it impossible to find another bride groom willing to marry into such an unlucky family. It is also postulated that current dowry demands are the result of an unequal society and rampant consumerism.²⁸

Domestic harassment over dowry payments and other matters can begin at any point after the bride moves into her new home. Usually, the most outspoken perpetrator is the mother-in-law who sees the bride as a threat to her exclusive relationship with her son. But there can be other motivations. A 1993 article in the *New York Times* quotes a victim of dowry abuse: “My husband wanted a house in his name he wanted a 30,000 rupee scooter He said if I did not give him this, he would take me to the top of a building and push me down. . . He kept saying, I am an engineer and we must have lots of things. . .”²⁹

Most often, harassment begins with taunting, abuse, and threats which might include a forcible return to the bride’s natal home. Initial harassment can escalate to beatings, encouragements to commit suicide, and murder, frequently involving the use of fire either before or after the event. Neighbors and police are inclined to look at these events as private family business, and have been reluctant to investigate. Likewise, if charges are made and a case enters the courts, convictions are rare in comparison to the rate of crime. Looking at the same states with a high rate of son preference in reference to dowry-deaths, the following data has been collected from the National Crimes Bureau.

²⁸ Tara S. Kaushik, "The Essential Nexus Between Transformative Laws and Culture: The Ineffectiveness of Dowry Prohibition Laws of India." *Transformative Laws and Culture*, Vol. 1, 2003, pp. 74-117. Rajni K. Jutla and David Heimbach, "Love Burns: An Essay About Bride Burning in India," *Journal of Burn Care and Rehabilitation*, Vol. 25, (2), 2004.

²⁹ Anonymous, "Bride Burning in India Escalates," *New York Times*, December 30, 1993.

TABLE 3:GEOGRAPHICAL DISTRIBUTION OF DOWRY DEATHS

Name of State	1987	1990	1994
Bihar	120	303	298
Gujarat	23	58	105
Haryana	133	336	191
Madhya Pradesh	220	556	354
Rajasthan	113	286	298
Uttar Pradesh	553	1398	1977
West Bengal	97	245	349
All India Total	1912	4835	5199

Source: National Crimes Bureau, Home Ministry, Government of India

**TABLE 4: GEOGRAPHICAL DISTRIBUTION OF DOWRY-DEATHS
PER MILLION HINDU POPULATIONS**

Name of State	1987	1990	1994	6 Year Average
Bihar	2	4	6	6.17
Gujarat	1	2	3	2.50
Haryana	10	23	12	15.17
Madhya Pradesh	4	9	5	7.17
Rajasthan	3	8	7	6.83
Uttar Pradesh	5	12	16	4.0
West Bengal	2	5	6	5.50
All India Total	3	7	7	7.17

Source: National Crime Bureau, Home Ministry, Government of India

Overall, those states with the lowest female ratio are also the states with the highest dowry-related death statistics. It therefore seems logical to presume that the issue is more than son preference or the heinous crime of dowry death. It is, quite simply, an issue of gendercide – a culturally sanctioned belief in the inferiority and expendability of females. And, these are practices in which women participate as a means to their own survival. A daughter-in-law who gives birth to one or more sons is more likely to survive to become a mother-in-law. A mother-in-law attacks her son's bride to keep her position as the focus of her son's loyalty thereby maintaining her familial position and physical security. Again the question is raised – are women victims or agents? As a female fetus, infant, child, or bride, females may be defined as victims, but as mature adults, especially mothers and/or mothers-in-law, women must bear some responsibility as agents perpetuating this violence against females.

In the case of son preference, laws have had little effect in improving the female sex ratio. Likewise, legislation has had virtually no effect on the incidence of dowry-related deaths. In 1995, ten years after implementation of the Anti-Dowry Amendment Act, the Indian National Crime Records Bureau reported that 5,092 women were killed due to the failure of their natal families to meet demands for money and/or goods, down from 5,167 cases in 1991. However, reports of domestic violence against women, particularly torture at the hands of their husbands or his relatives, were at 31,127 cases in 1995, up from 15,949 in 1991. As shown in a 1997 study in the states of Tamil Nadu and Uttar Pradesh, forty percent of all wives reported being beaten by their husbands for various reasons, including disobedience to their husbands' orders, failure to serve a hot meal, quarreling with their mothers-in-law, and improper behavior with outside men.³⁰

Brides and their families, regardless of economic, social, or educational status, view the bestowal of a dowry as evidence of the value a daughter has to her family and circumvent the prohibitions on dowry. Many also view dowry as the means through which daughters are given an inheritance portion from their natal family or as insurance of good treatment in the new marital home. Although it was once thought and is still suggested that improvements in women's education and employment opportunities would eradicate dowries, this has not

³⁰ S. J. Jeejeebhoy and R.J. Cook, "State accountability for wife beating: the Indian challenge." *The Lancet*, Vol 349, March 1997, 110-112. Data taken from a sample of 1,842 women.

occurred.³¹ In the highly publicized case of Sangeeta Goel, the bride had a degree in physics and was a highly paid scientist. Her father failed to meet dowry demands, and she was found dead in the marital home in April 1994, barely 5 months after the marriage.³²

As long as competition for suitable bride grooms remains keen, dowry-related deaths are apt to continue with little abatement. A recent report in *The Hindu* revealed that parents of prospective bridal candidates go to great lengths to appeal to eligible bachelors who have succeeded in the Civil Service exams. Such grooms are at the top of the bidding pyramid, commanding dowries up to US\$100,000 and parents contact the Personnel Ministry for names and addresses. The prestigious Lal Bahadur Shastri Academy of Administration at Mussorie has become a “marriage marketplace.”³³

And yet, there are glimmers of change. Nisha Sharma gained international notoriety when she used her mobile telephone to summon police after her fiancée’s family tried to extort an additional US\$25,000 from her father minutes before the wedding. Most bridal families give into the pressure to avoid the humiliation of a canceled wedding. Sharma’s father did not have the finances requested. He had already given a dowry of two televisions, two home theater sets, two refrigerators, and one car, all required specific brand names. The cash was for the groom’s mother. When Sharma refused the demand, the groom’s mother slapped the bride’s father; his aunt then spit on Sharma, who collapsed. At that point, Nisha called the cops, who first calmed the crowd, thereby allowing the groom and his family to escape.

Later, Sharma went to the police station to lodge a formal complaint. Only under pressure from a television crew then at the station on another matter, did police arrest the groom, Munish Dalal, and charge him under the 1961 Anti-Dowry Act. Sharma, who had found the groom by advertising in the newspaper, stated, “People say now it will be very difficult to marry my daughter again But I thought, if trouble is starting today, tomorrow it may be worse. It could be killing.” Dalal was convicted. Six months later, from his jail cell, Dalal tried to block

³¹ Srimati Basu, *She Comes to Take Her Rights*, (Albany NY: State University of New York Press), 1999, p 15. Seth p. 57.

³² Werner Menski, *South Asians and the Dowry Problem*. (London: Trentham Books – Limited), 1998.

³³ Anonymous, “Academy Turns Matrimonial Market,” *The Hindu*, Feb 2, 2004. Dowry figure from Adam Mynott, “Fighting India’s Dowry Crime,” *BBC News* 2003, <http://newsvote.bbcnews.co.uk/mpapps/pagetools/print/news.bbc.co.uk/2/hi/programmes> Date accessed February 26, 2007. Doctors and engineers command the highest dowry fees, up to \$250,000. Rajni K. Jutla and David Heimbach, “Love Burns: An Essay about Bride Burning in India,” *Journal of Burn Care & Rehabilitation*, Vol 25, Issue 2, (March/April) 2004.

Nisha Sharma's second walk down the aisle by claiming she was already married to him. The simple ceremony went forward³⁴

In addition to prosecuting violations of the Anti-Dowry Laws, the courts have begun convicting those accused of dowry-related violence. Tihar Jail, the main prison in New Delhi, has a mother-in-law block set aside specifically for women who have been convicted of harassing or killing their respective daughters-in-law. Some of the elderly female prisoners are serving twenty year terms. However, it remains difficult to prosecute those charged with dowry burning because the accused are able to concoct a believable story of events leading to the death, most often that the victim was preparing food when the ubiquitous kerosene stove caught fire. Statistics taken in 2002 at Victoria Hospital in Bangalore, however, testify that in eleven of thirty-eight deaths that allegedly occurred as the result of a kitchen fire, there was no stove in the kitchen.³⁵

Conclusion

These two case studies of the historical reasons for and contemporary practice of son preference and dowry-related deaths show a profound deviation from scriptural admonition. Over time, interpretative customary practice took a separate path from both the letter and the intent of scriptural teaching. Manu's teaching that male and female form a harmonious whole without superior or inferior positions and that a father's gift of his daughter to her husband's family was sufficient without dowry has been replaced by callous economic ethos. In this regard, it is not scriptural admonition, so much as its economic interpretation which is at fault in perpetrating current practice.

In discussing son preference and dowry-related deaths, we find a strong economic component that became customary. Oldenberg's thesis on son preference bases the cause of the present sex ratio on a foundation of British property law and taxation. Kaushik postulates that dowry amounts began spiraling to their present heights as a result of a burgeoning consumer economy coupled with social insecurities of status. In both cases, females suffer in order to satiate economic needs within patriarchy. But, the interesting fact is that neither son preference nor dowry-related deaths can occur without women's complicity and support, a support that

³⁴ James Brooke, "Dowry Too High: Lose Bride and Go to Jail," *New York Times*, May 17, 2007.

³⁵ Jutla and Heimbach.

cannot be satisfactorily explained on the basis of overriding cultural expectations. There are still individual choices to be made.

Women, even those with a university education and economic security, are active agents in their own destruction. The familial position of individual women rests on their relationships with their sons, providing them with the motivation to bear sons, raise them, and keep their loyalty by whatever means are at hand. If this means fewer daughters, then feticide occurs. If it means threatening a daughter-in-law and participating in her death, then a dowry-related death occurs. Laws, though increasingly enforced, are difficult to apply in these private crimes.³⁶ When does an abortion fall into the realm of medical necessity to preserve the mental and physical health of the mother? If a girl child suffers neglect, malnutrition, and lacks basic medical care, is this a latent form of infanticide? When social standing is more important than a daughter's happiness or a daughter values her dowry as a sign of her family's affection, does this not mitigate against law enforcement? Both scriptural and legislative rulings prohibit the wastage of female life while custom and economic aspirations allow females to become collateral damage.

And so, we conclude with a conundrum in which we are all complicit. The same country which is one of the fastest growing economies in the world; the country that brought the world a "Bollywood" of dancing girls and romance continues to tolerate the practice of gendercide as an unfortunate custom that overwhelms law enforcement authorities and flouts the efforts of reformers to educate people to value and cherish daughters. Likewise, Euro-Americans remain largely and willfully ignorant of this existentially profound violence against women, an example of misogyny that goes beyond our comprehension. But it is only as the issues are truly comprehended, publically discussed, and become the focus of direct efforts to find innovative ways to provide economic and social security for all Indians that the foundation can be laid for true change in cultural practices as they affect women. Only then can Indian women choose life for all their daughters.

³⁶ Recent legislation to affecting son preference, dowry, and dowry-related deaths include the Dowry Restraint Act of 1971, the Medical Termination of Pregnancy Act (effective 1972), Section 498-A of the Indian Penal Code (1983), Anti-Dowry Amendment Act (effective 1984), Prevention & Regulation of Amniocentesis Act (1993), A Law to Prevent Fetal Sex Disclosure (1994).

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