

# **Impact of Dowry on Domestic violence of Women and the Eradicating Mechanism in India**

**Dr. Stalin Muthuswamy**

**Dean of Business and Social Sciences**

**Chreso University, Lusaka in Zambia**

**stalinrocks86@gmail.com**

## **Abstract:**

The Dowry system in India refers to the durable goods, cash, and real or movable property that the bride's family gives to the groom, his parents and his relatives as a condition of the marriage. Dowry is referred to dahez in Hindi and as jahez in Urdu. To eradicate the dowry in Indian Government enacted a law against dowry called Dowry Prohibition Act, 1961. Domestic violence in India includes any form of violence suffered by a person from a biological relative but typically is the violence suffered by a woman by male members of her family or relatives. To safeguard the women from domestic violence, the Government enacted the legislation called Domestic violence act 2005. The main objective of the study is to analyse the relationship between the dowry and domestic violence. The researcher adopted the descriptive research design. It is a qualitative study in nature. Secondary method of data collection was adopted. The data were collected from various books, journal, articles, conference proceedings and online sources which were published. The study concluded that dowry is the major women problem at the time of marriage even though the legislation passed to eradicate dowry. The practice of dowry is inevitable in India while marriage. In some cases groom's family expects dowry and in another hand bride's family giving for their daughter's luxury. Hence at the time of bride's family fails to fulfill the expectation of groom's family the domestic violence arises. The researcher resulted that dowry and the domestic violence are interrelated in India.

**Keywords:** Dowry, Domestic violence, Women, Legislation and Death

## **Introduction:**

Women form the largest group of victims of domestic violence and Dowry since time immemorial and violence against women still continue even in the 21st century. Women from every social background irrespective of their age, religion, caste, or class fall victim to domestic violence. However domestic violence is not just limited to women; men, children and elderly people can also be victims of it. Domestic violence occurs at all levels of society and in all population groups. Both are the social evils

of the society. Dowry is a social evil in society that has caused unimaginable tortures and crimes towards women and polluted the Indian marital system. Dowry is payment made in cash or kind to a bride's in-laws at the time of her marriage.

### **Dowry related violence**

Dowry is an ancient custom, which continues as days passed by. Dowries continue to be expected and demanded as a condition to accept a marriage proposal, in most parts of the world. Dowry is given in most cases as part of an agreement before marriage has money, ornaments or parental properties that are given from the bride's family to the groom or in-laws. It may be given before, during or any time after marriage and it is considered to be as a demand and in some cases the delay within it may leads to certain problems in the family, and these leads to domestic violence. Domestic system has its root in the attitude of Indian society, towards women. The main thing behind it is that the Indian women do not really have any will of their own and every one treated them, even today, with pity and nobody thinks of giving them equal status with men. The most common forms of dowry – related violence are battering, marital rape, acid throwing, wife burning and other forms of violence. The perpetrators may also use methods of starvation, deprivation of clothing, evictions, and false imprisonment as a method of extortion. They often use violence disguised as suicides or accidents. Mainly the violence and depths associated with dowry demands constitute domestic violence. Certain acts included in dowry – related offences which are similar to acts of domestic violence. The dowry prohibition Act, 1961 was one of the important Act related to the dowry related offences. It marked the beginning of a new legal framework of dowry harassment laws effectively prohibiting the demanding, giving and taking of dowry. Although providing dowry is illegal, it is still common in many parts of the country. By 2005, after the arrival of protection of women from domestic violence, it added an additional layer of protection from dowry harassment.

Dowry related violence has been regarded as a universal phenomenon, cutting across all sorts of boundaries and is on continuous increase in India, it may be taken as a matter of grave concern that dowry death is one of the typical problems of our society.

## **Legislation Measures to eradicate dowry and domestic violence of women:**

### **Dowry Prohibition Act 1961:**

Dowry Prohibition Act, Indian law, enacted on May 1, 1961, intended to prevent the giving or receiving of a dowry. Under the Dowry Prohibition Act, dowry includes property, goods, or money given by either party to the marriage, by the parents of either party, or by anyone else in connection with the marriage. This Act may be called the Dowry Prohibition Act, 1961. It extends to the whole of India except the State of Jammu and Kashmir. It shall come into force on such date as the Central Government may, by notification in the official Gazette, appoint.

Penalty for giving or taking dowry.-

If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with the fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more:

Penalty for demanding dowry.-

If any person demands directly or indirectly, from the parents or other relatives or guardian of a bride or bridegroom as the case may be, any dowry, he shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to two years and with fine which may extend to ten thousand rupees.

Provided that the Court may, for adequate and special reasons to be mentioned in the judgment, impose a sentence of imprisonment for a term of less than six months.

### **Domestic Violence:**

The United Nations defines violence against women as "any act of gender-based violence that results in, or is likely to result in, physical, sexual, or mental harm or suffering to women, including threats of such acts, coercion or arbitrary deprivation of liberty, whether occurring in public or in private life." Domestic violence is violence or some form of abuse including mental, physical and sexual abuse in a domestic setting, such as in marriage or cohabitation also commonly known as intimate partner violence.

## **Forms of violence**

- Physical violence. Any act which causes physical harm as a result of unlawful physical force.
- Sexual violence. Any sexual act performed on an individual without their consent.
- Psychological violence. Any act which causes psychological harm to an individual.
- Economic violence

## **Domestic violence act 2005:**

On September 13, 2005, the Protection of Women Against Domestic Violence Act (DVA) was passed by the United Progressive Alliance administration. It is a civil legislation that intends to provide a female victim of domestic abuse with a four-pronged support system, including a defendant's financial resources, residency orders, custody orders, and protection orders. Before the Protection of Women Against Domestic Violence Act, women could only turn to Sections 304B (dowry death) and 498A of the Indian Criminal Code. The definition of domestic relationship under the DVA is more inclusive; married women, mothers, daughters, and sisters are all included in the phrase.

This Act was among the first in its field to address domestic abuse issues while taking into account all applicable laws, and it tried to lessen the numerous additional issues that other legislation typically encounters (such as inconsistent provisions). The mentalities of Indian men in the Indian setting and social environment are very clearly reflected in this law.

## **Objectives of the Domestic Violence Act, 2005**

- To identify and determine that every act of domestic violence is unlawful and punishable by law.
- To provide protection to women victims, those who experienced domestic violence in the cases such acts occur.
- To provide a justice in a timely manner without delay, cost-effective, and convenient manner to the aggrieved person.

## **Punishment under Domestic Violence act 2005:**

A breach of protection order, or of an interim protection order, by the respondent shall be an offence under this Act and shall be punishable with imprisonment of either description for a term which may extend to one year, or with fine which may extend to twenty thousand rupees, or with both

### **Materials and Methods:**

The methodology of the whole work is based on secondary data. For preparing this research paper, basically used books, Journals, some case references and websites, newspaper and publish reports and internet. It is descriptive in nature. It is a qualitative study. The researcher secondary data were used to view the impact of dowry practice on domestic violence and also analyzed the legislations for women to safeguard from such practices and violence.

### **Literature Reviews:**

**(Shukla, 2021)** examined India's Dowry Prohibition Act was passed in 1961. Dowry refers to the bride's family's gift of money or other assets to the groom or his family at the time of the couple's wedding. The compromise of shares is void and prohibited by the Dowry Prevention Act of 1961. If a cruel conduct against the bride occurs within seven years of marriage, Section 498A of the IPC punishes the husband and members of his family. Yet, the clause defines the offence as being neither bailable nor compoundable. These rules are overwhelmingly in favour of women and call for very little previous support in the event that they have any complaints. As a result, some groups of women are allowed to abuse these laws to further their own ulterior motives.

**(Nadda, Mallik, Rohilla, & Chahal, 2018)** aimed to assess the prevalence and characteristics of domestic violence and injuries owing to domestic violence among currently married women. This was a community-based, cross-sectional study conducted in the rural and urban areas of Haryana. In total, 880 currently married females of the reproductive age group were interviewed using the Women's Questionnaire (used in National Family Health Survey-3) which is according to the Modified Conflict Tactics Scale. Totally, 37% of the females had ever experienced domestic violence and 28.9% currently experienced domestic violence. All types of violence (except sexual violence) were significantly more common in the rural area than the urban area. Injuries owing to domestic violence were reported by more than half (55.4%) of the women. Among spousal violence, emotional violence was the most common type of violence followed by physical violence. Only 0.1% and 4.5% of females had ever initiated physical and emotional violence respectively, against their husbands, and in rest of

the cases, it was the husband who initiated violence. Awareness regarding domestic violence needs to be made, and law enforcement regarding it needs to be made stringent.

**(Das & Lakshmanan, 2020)** explained that the law empowers women in a variety of ways by giving them the right and the authority to fight against the patriarchal nature of society in order to protect them from discrimination. The major goals of this essay are to examine the terms of the Protection of Women from Domestic Violence Act, 2005 (PWDVA, 2005), and to clarify the functions and duties of various authorities under this Act. In order to determine the causes of the PWDVA's failure, this paper analyses secondary data. These reasons include the budgetary allotments to states being highly uneven, the delays in the delivery of orders, and the lack of clear instructions to stakeholders regarding their roles and responsibilities for effective implementation. There is an urgent need to strengthen the PWDV Act for the victims to get fruitful justice on time

**(Saravanan, 2022)** explained that the violence against women, including verbal abuse, domestic violence, and even fatalities, is caused by the practise of the dower system. Continual physical and psychological torture of brides is also practised by in-laws. To abolish the dowry system, the government has passed numerous laws, many of which have become more stringent over time. According to the Dowry Prohibition Act of 1961, anyone found guilty of using the dowry system faces a maximum five-year sentence in prison and a fine of 15,000 rupees for accepting, providing, or participating in its activities. The age range of 18 to 50 is covered by a total of 520 sample respondents. The dependent variables in a graphical representation are age, gender, educational background, and occupation, whereas the independent variables are the reasons of the dowry system in India as well as its impacts and difficulties. According to the survey's findings, the best way to stop the dowry system in India is to establish stringent laws, educate women, and help them become self-sufficient. It can infer that both giving and receiving dowries are panelized as being criminal acts.

**(Srivastava, Kumar, & Govindv, 2021)** examined the association of dowry demand and other associated risk factors with physical, sexual, or emotional violence against married adolescent girls in two major states of India by using large representative data. Understanding the lives of adolescents and young adults (UDAYA) project survey data was used for this study. The effective sample size for the study was 4893 married adolescent girls. Descriptive statistics along with bivariate analysis was

performed to examine the preliminary results. For analyzing the association binary logistic regression method was used. The prevalence of violence was significantly higher among girls who reported that dowry was demanded by their husbands. Results show that the likelihood of any violence was 3.66 times more likely among adolescent girls who reported that dowry was demanded by their husbands than their counterparts.

### **Discussion:**

Even in 21<sup>st</sup> century the practice of dowry is more prevalent in India. It became one of the inevitable aspects in Marriage ceremony. According to their social status dowry will be provided to their daughters and groom's family seeking dowry based upon their son's income and assets. Most of the women are suffering due to the practice of dowry. According to data shared by Union Minister of State for Home Ajay Kumar Mishra in Rajya Sabha, 35,493 dowry deaths were reported in the country between 2017 and 2021. Bride's family not able to fulfill the expectation of dowry from the groom's family is the major reason for domestic violence. It includes verbal, physical and Mental abuse of women by their husband's family members. The Government tried to safeguard the women in India by the way to enact the legislation and actively implemented. The law exists to prohibit dowry and domestic violence, but these laws are either ignored or sometimes not enforced by some higher officials. Laws related with the prohibition of dowry were passed in 1961 but were not effective and it was further amended in 1984 and 1986 as a punishable act and also enacted the domestic violence act 2005, which will also help the women from violence. And Government also introduced a toll free number of 181 for the welfare of women. Special programmes were implemented for women. But few women misuse the laws, they used as a tool to work against their husband's family.

### **Results and Conclusion:**

Dowry is a social custom and it is very difficult to change customs all of a sudden because many people give and take dowry only because their parents and ancestors had been practicing the same from their time onwards. Through this analysis it reveals that women are suffering a lot by domestic violence and in many ways like battering, denying of food, scolding, ill-treatment etc by their own husband and by their in-laws due to non-payment of dowry as mentioned at the time of time. It is also one of the social evils in India. Not only government can stop these evils every citizens put hands in join together to solve this. All parents should give education to their daughters instead of giving

dowry. Hence the study concluded that practicing dowry and domestic violence are interrelated. So, The Government should order an immediate punishment without delay for those who performed domestic violence and seeking dowry. Every citizen should get fear to involve in the practice of dowry and violence against women through enacting the severe immediate punishment of the Government.

**Bibliographies:**

1. Das, A., & Lakshmanan, C. (2020). *The Implementation of Domestic Violence Act in India: A State Level Analysis*. Bangalore, Karnataka: Institute for Social and Economic Change.
2. Nadda, A., Mallik, J. S., Rohilla, R., & Chahal, S. (2018). Study of Domestic Violence among Currently Married Females of Haryana, India. *Indian Journal of Psychological Medicine*, 40(6), 534-539.
3. Saravanan, V. (2022). An Analysis On Dowry System As Violence In India. *Indian Journal of law and Legal Research*.
4. Shukla, V. (2021). An analysis of the 'dowry prohibition act 1961' concept and evolution. *EPRA International Journal of Multidisciplinary Journals*, 7(9).
5. Srivastava, S., Kumar, P., & Govindv, M. (2021). Dowry Demand and other Risk Factors for Intimate Partner Violence Against Adolescent Girls: A Cross sectional study in India. *Research Gate*.