

## **Marriage among Hindus with Special reference to Dowry**

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**Abstract:** *The institution of Hindu marriage occupies a prominent place in the social institutions of the present world. Hindu marriage can be defined as a religious sacrament in which a man and woman are bound in permanent relationship for physical, social and spiritual purposes of dharma, procreation and sexual pleasure. Thus, Hindu marriage is not merely a social contract but a religious sacrament. An important custom involved among the marriages is dowry. Any property or valuable security given or agreed to be given either directly or indirectly by one party to the marriage to the other party to the marriage by the parents of either party to the marriage or by any other person, at or before any time after the marriage is dowry. The present article discusses the marriage among Hindus with special reference to dowry.*

**Key Words:** *The Hindu Marriage, Sacrament, Prashasta marriages, Aprashasta marriages, Gotra and Saptapadi, Kanyadan, Stridhan and Dowry.*

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### **I. Introduction**

#### **The Hindu Marriage**

Probably, no other people have endeavoured to idealize the institution of marriage as the Hindus have done. Even in the patriarchal society of the Rig Vedic Hindus, marriage was considered as a sacramental union. And it continued to be so in the entire Hindu period, and even in our contemporary world most Hindus regard their marriage as a sacrament. We find the following passage in the Manu Smriti:

“I hold your hand for Saubhagya (good luck) that you may grow old with your husband, you are given to me by the just, the creator, the wise and by the learned people”

Manu enjoins on the wife that she should become a paturnuvrate, i.e., she should follow the same principles as her husband. According to the Rig Veda:

“Be thou mother of heroic children, devoted to the Gods, be thou Queen in the father-in-law’s household. May all Gods unite the hearts of us two into one”

The wife is also ardhagini (half of man). According to the Satpatha Brahmana, “The wife is verily the half of the husband. Man is only half, not complete until he marries”. The Taittiriya Samhita is to the same effect, “half is she of the husband that is wife”. From this notion of unity of personality of husband and the wife, mutual fidelity of husband and wife is implied. Manu declared that mutual fidelity between husband and wife is the highest dharma. Manu further said that once a man and a woman are united in marriage, they must see that there are no differences between them, and that they remain faithful to each other (Diwan 2009:64).

It results in a more or less permanent relationship between a man and a woman (Sharma 2004:107). The aims of Hindu marriage are said to be dharma (duty), praja (progeny) and rati (pleasure). Sex is given third place in regard to the functions of marriage. Dharma is the first and the highest aim of marriage. Procreation is given the second place. Marriage also aims at begetting a son to save the father from going to hell. A son is required to offer pinda (offering) to his father on his death. On marriage the sacred fire is enkindled to offer Panchamahayagyas. A man with his wife is supposed to offer puja throughout his life. Thus marriage is primarily for the fulfilment of duties of his dharma (Kapadia 1964:168).

Kapadia (1964) points out that performance of homa, or offering in the sacred fire, panigrahana, or taking the hand of the bride, and saptapadi, or the bride and the bridegroom going seven steps together- are important rites for completion of a marriage. All these rites are performed with Vedic mantras in the presence of the sacred fire. Thus, Hindu marriage is a sacrament because it is said to be completed only on the performance of the sacred rites and the sacred formulae. Hindu marriage is a sacrament in another sense because marriage is considered essential for woman and she is required to perform rites with her husband throughout her life. Hindu marriage is sacred because it is irrevocable as the parties to the marriage cannot dissolve it at will. Since marriage is considered indissoluble, the husband and wife try to adjust their tastes and temper, ideals and interests, by making sacrifices for each other. Marriage is also a social duty towards the family and the community, and as such there is little individual interest. Husband and wife are not individual persons, but they are part of extended family and caste (community). However, the husband and wife have never been equal in regard to their obligations and privileges. The wife is required to follow the ideal of pativratiya devoted to her husband only (Sharma 2011:149).

### **Traditional forms of Hindu Marriage**

The expression “forms of marriage” normally refers to the four major forms of marriage such as – Monogamy, Polygamy, Polyandry and Group Marriage- as mentioned by anthropologist Malinowski. But in the context of Hindu marriage the expression “forms of marriage” denotes “the method of consecrating a marriage union”. The forms of marriage that are mentioned by Manu, the great Hindu shastrakara and referred to by other shastrakars are as follows -1.Brahma, 2.Daiva, 3.Arsha, 4.Prajapatya, 5.Asura, 6.Gandharva, 7.Rakshasa, and 8.Paischa.

The Smritis including the Manu Smriti have brought together these eight forms of marriage into two main groups, namely, (i) **Prashasta** or Approved or Desirable marriages and (ii) **Aprashasta** or Disapproved or Undesirable marriages.

(A)**Prashasta** form of marriage includes the first four types, namely, Brahma, Daiva, Arsha and Prajapatya.

(B)**Aprashasta** form of marriage includes the last four forms, namely, Asura, Gandharva, Rakshasa and Paischa. The shastrakars have approved of Prashasta form of marriages while the Aprashasta marriages are forbidden or disapproved of (Rao 2004:104).

#### **A. “Prashasta” Form of Marriages**

- 1. Brahma Marriage:-** Brahma marriage is the purest form of marriage. In this form of marriage the father offers his daughter to a man of character and learning. The daughter who is decked with ornaments and richly dressed is given as a kind of gift (danam) to a man of good character and high learning. The Smritis regard this as the most honourable type of marriage since it is free from physical force, compulsion or imposition of conditions and lure of money. This form can be traced back to the Vedic times.
- 2. Daiva Marriage:-** In this form of marriage the father gives away his daughter as a dakshina (sacrificial fee) to a young priest who officiates the yajna which is arranged by him. This form of marriage is called daiva because the girl is gifted to a priest on the occasion of a sacrifice to a daiva or god. These girls are maidens who are offered as dakshina. They are called “vadhus”. Though this form of marriage was in practice during the early period, during the later days it was considered improper to offer a girl to a priest without taking into account his status. It was also thought that a girl could not be gifted away in this manner. Hence daiva form of marriage was considered inferior to Brahma marriage.
- 3. Arsha Marriage:-** In this form of marriage, the father gives his daughter in marriage to the bridegroom after receiving a cow and a bull or two pairs of these from the bridegroom in accordance with the requirement of dharma. But this form of marriage should not be confused with the form of the bride-price or with that of the dowry. The gift of cow and bull is to be made as a token of gratitude to the man who offers his daughter to the groom to enable him to fulfil his grihasthashrama obligations. In course of time, with the decline of rituals, this form of marriage became out of date.
- 4. Prajapatya Marriage: -** In this form of marriage, the father makes a gift of the daughter by addressing the couple with the mantram “may both of you perform together your dharma”. The girl is given as a gift with a clear understanding that the couple will perform their civic and religious duties together. This form of marriage is inferior to the first three because the bride is not a free gift but a condition is laid on both the bride and the bridegroom.

In the four forms of marriage mentioned above, the important point to be noted is that it is the father (or a person in his place) who makes a gift (dana) of the bride to the bridegroom.

#### **B. “Aprashasta” Form of Marriages**

- 5. Asura Marriage:-** Unlike the first four types of the marriage mentioned above, the Asura type of marriage is one in which the bridegroom has to give money to the father or kinsman of the bride. The main consideration of this form of marriage is money. The bride, in this form of marriage, is virtually purchased. The Smriti writers consider the Asura marriage either a traditional custom or a necessary evil.
- 6. Gandharva Marriage:-** The Gandharva type of marriage is the one in which a girl selects her husband by herself. Manu gives a comprehensive definition of it in the following manner-“where the bride and the bridegroom meet each other of their own accord and the meeting is consummated in copulation born of passion, that form is called gandharva”. It can also be considered a kind of marriage wherein the mutual love and consent of the bride and the bridegroom is the only condition required to bring about the union.

Neither the father nor the kinsmen need have a hand in bringing about the marriage. The gandharva marriage has assumed a new form called "love marriage".

7. **Rakshas Marriage:** - This type of marriage was prevalent in the age when women were considered to be the prize of war. In this type of marriage the bride-groom takes away the bride from her house forcibly after killing and injuring her relatives.
8. **Paishach Marriage:**- This type of marriage is one in which the man seduces by force a girl who is sleeping or intoxicated or disordered in intellect. Dharma shastra writers like Gauthama and Vishnu defines it as "co-habiting with a girl who is unconscious, sleepy or intoxicated". This form of marriage, however, has disappeared altogether in India.

Of these eight forms of marriages, Brahma marriage is considered to be the best form of marriage where a girl is given to a boy of merit in the same caste or in a caste of equal status. Both bride and bridegroom in this marriage are supposed to be mutually agreeable for the marriage. In the present day Hindu society also the Brahma marriage is considered the most preferable one in which the father gifts his daughter to a suitable bridegroom through the ritual of kanyadana(Rao 2004:106).

#### **Rules of Marriage and Mate Selection:-**

The selection of a partner in marriage is one of the most important decisions of lifetime. Other decisions can be revoked but this one cannot. We can change our career, occupations, our names, our friends- but we cannot change our life mates easily; they are partners until death do us part, even when separation takes place, the intimacy of marital life has traces on one's personality which are not easily erased. Most broken marriages have their seeds of failure planted before the marriage is over.

K.M. Kapadia's study (1964) of marriage and family in India continues to be an important source for the understanding of these two most vital institutions of India's social structure. According to Kapadia, the question of selection in marriage may be considered from three points of view, namely, the field of selection, the party to selection, and the criteria of selection. Preferential code, prohibiting restrictions, endogamy and exogamy explain the field, the party and the criteria in selection of mates for marital alliance. Besides these rules which limit the field of selection in marriage, caste exercises a tremendous control over its members by imposing penalties and ostracization of the defaulting members. With a view to grant freedom to a person in selection of the marriage partner outside one's caste, the Special Marriage Act was passed in 1872. The Act was amended in 1923 to make it more effective. Despite these legal enactments, exclusively of caste groups remains a hard fact even today.

Our Indian society is rooted conspicuously in the traditional religious rural background. In the present, dynamically changing Indian society, religious orthodoxy, its conventions, customs, social attitudes, behaviours, and acceptable social norms have come in conflict with the growing ideals of new social life. The ancient ways of marriage and kinship are slowly giving place to the new forms and patterns. In the contemporary society, there is a definite revolution in reforms of marriage, their rites and rituals. The age old wedding ceremonies are conspicuously simplified. Introduction of democratic ideals, secular ideas, western ideology, technological advancement and westernization of the modern society has resulted in attitude change among all sections of the society. Industrialization has resulted in rural work force shifting to urban and semi-urban areas in search of work and, thereby, acculturation of the rural people. The rise of literacy rate, explosion of mass media and general progress of the society has all accumulated together to bring a resultant attitude change in the people of Indian sub-continent. Profession and occupation greatly influence the matrimonial alliances in every country.

'Gotra' is an important component in the Indian marriages. The gotra in Hindus is considered as the common line of descent. If the 'gotra' is common, the alliance is prohibited. This implies that people of 'sagotra' or same gotra are blood relations. They are supposed to be brothers and sisters, so the marriages among these are prohibited. The traditional Hindu society, thus, presents a peculiar genetical objection. People coming from the same origin do not prefer to marry each other. If, at all, there is any marriage links between them, the offspring will not be healthy or may not even survive. From scientific angles also the persons having the same genes are prohibited from marriage (Ratra, Kaur and Chhikara 2006:73).

#### **Important rituals performed during the marriage among Hindus**

**Horoscope Matching:** - The first important ritual is the matching of horoscope of the boy and the girl. Importance is also given to the status, fame and moral character of the family and their close relatives. The marriage within the gotra is prohibited. Today, most of the marriage alliances are based on academic qualifications and earning capacities of the males especially, with working middle class community looking forward to earning female counterpart also. Desirable qualities in spouse include honesty, loving and caring attitude, congenial personality, respectful, intelligent, mature/responsible, ambitious, loyal and trust worthy and physical attractiveness.

**Engagement Ceremony or Sagaai:**-Mangni or Sagaai refers to the engagement ceremony where the girl and boy exchange rings in the presence of the elders and friends. Sagaai is a grand affair just like the wedding ceremony. It is accompanied by fun, dance and music. Lavish feast is designed for sagaai. Sagaai ceremony marks the mutual agreement and consent for marriage by both the families. The date of marriage is fixed either on this day or later on with the help of pandit. Once the date is fixed by the both parties, the different functions start before few days of marriage.

**Sangeet Ceremony:** Music is considered to be the soul of Hindu marriages. Sangeet ceremony is held in the house of the bride and the groom separately. Sangeet ceremony consists of music, dance and fun. Elders of the house sing traditional songs and bless the bride. Sangeet ceremony also involves pampering the bride as she is nearing the last stage of her single life. Ladies Sangeet takes place every day till the day of the wedding.

**Mehndi Ceremony:** This is one of the most awaited wedding rituals. Mehndi ceremony is organized by the women of the house. Mehndi is often organized in evenings and guests are invited to participate in the Mehndi function that is marked with music and dance. An expert Mehndi artist then draws intricate Mehndi designs containing auspicious symbols on bride's hand and feet. Other women may also indulge in applying Mehndi designs on their hands. Mehndi artist also write the groom's name amidst the mehndi design. The groom has to find the name in post wedding rituals.

### **Wedding Day**

**Navagraha puja:**- Navagraha puja is performed separately at the bride and the groom's houses in order to seek blessings from the nine planets. Navagraha puja is generally performed by the family priest.

**Uptan ceremony:**-Uptan is a paste made from sandalwood, turmeric and rose water and is specially prepared by the Bhabhi (brother's wife) of the bride and groom (in their respective homes). Uptan is applied by the family members to the faces, hands and feet of the bride and groom. For bathing uptan the water used is also filled up either by the Baiya (brother) and Bhabhi (brother's wife) or by the friends of the bride and groom. After ritual bath the groom's and bride's mama (maternal uncle) pick him/her from the 'chowki' (wooden piece made for sitting) and give him/her shagun (money or gift).After bath both the bride and grooms wear their wedding dresses.

**Shrabandhi and Ghodi:**- The grooms over all wedding dress is given by his sister known as "jama jora". After that the groom bears the "jama jora" dress, puja is performed and the pandit tie the 'pagadi' or turban, the 'sehra' which covers the groom's face. Parents, family members and other relatives put the 'haar' of rupees to groom's neck. The groom's brother's wife applies a touch of 'kajal' to the groom's eyes to ward off the evil eye. The women sing traditional songs appropriate to the ceremony. The groom is now ready to proceed to the bride's home on a mare. The mare or 'ghodi' is traditionally decorated for this wedding procession. The mare's hair is plaited with sacred thread or 'mouli' and the groom's sisters feed her with the 'dal of chana' and the groom's sisters get 'shagun' in the form of money.

**Baraat:**- Barrat is the wedding procession, where the groom arrives at the wedding venue. Friends, relatives and family members of the groom accompany Baraat. Music is played with brass band party and relatives and family members dance throughout the procession. The bride's family receives the groom in a ceremonial fashion on his arrival.

**Milni:**- The 'baraat' arrives at the venue and is greeted by the bride's family members. The male relatives of the bride greet their counterparts in the groom's family especially father, paternal uncle and maternal uncle. In the same way female relatives greet their female relatives especially mother, maternal aunt and paternal aunt.

**Jaimala:**- A beautiful stage is decorated for the Jaimala. The bride and the groom is led to the stage by their friends. The couple exchanges garlands signifying their acceptance of each other as husband and wife.

**Dinner:**- A grand dinner is hosted by the bride's family. All the guests enjoyed the dinner. Because the wedding rites are usually conducted after midnight and may last till the wee hours of the morning. Only a very few close family friends and relatives remain to witness the wedding rites.

**Lagan:**- Two Pandits (priest), one from each family, officiate during the lagan. A special puja is performed for the groom when he enters the mandap (the place decorated for marriage ceremony). The ceremony consists of several rituals performed by the couple and their parents and brothers.

**Kanyadaan:-** Two Pandits recite Vedic mantras and the father of bride holds her palms and gently places them on the groom's palms, literally 'giving her away'. This ritual is called 'Kanyadan', whereby, the bride's parents relinquish parental authority over their daughter.

**Saptapadi:-** The 'Pandit' lights the sacred fire and the couple takes seven steps around it. With each step the bride leaves her family and with the seventh step, she finally becomes a member of her husband's family.

**Sindoor daan:-** Performed at the end of the marriage rituals, this ceremony is the preserve of a husband. He applies the 'sindoor' or vermilion powder on the parting in the hair of his bride to establish her marital status.

**Bidaai:-** A most touching ceremony, 'the bidaai' is full of emotionally charged moments, when the bride leaves her parental home and bids farewell to her parents, family and close friends. She leaves her marital home in a decorated car accompanied by her husband.

**Griha Pravesh:-** When the bride arrives at her new home, her mother-in-law welcomes her with the traditional 'aarti', the 'aarti' is performed to remove the 'nazar' or evil eye. The bride is then made to kick over a grain measure filled with rice with right foot. This symbolizes her bringing prosperity into the house.

**Kangna Kholna:-** The bride and groom untie each other's bracelets in the presence of all the relatives. There is a lot of teasing and fun at this time. The bride is required to untie her husband's bracelet first.

**Mooh Dikhai Ki Rasm:-** Literally translated, 'mooh dikhai' means 'show your face', but this is a ritual, which helps to introduce the newly wed to members of her husband's family. The bride is made to sit alone and each member of the groom's family comes in turn to make her acquaintance and shower her with gifts and the bride also touch the feet of elders to take their blessings.

**Reception:-** The reception has become mandatory. A grand dinner or lunch is hosted by the groom's family, wherein, the bride and groom are introduced as a married couple and are congratulated by all.

### **Dowry**

Since British rule till date dowry system persists in different ways everywhere in the country. It is no more confined to one or two states of north India but has gained roots in the soil of Southern as well as Eastern states too. It has made its way to all sections, classes, castes, societies and communities. Strong legislation, laws and women's movements, every attempt to resist it has been thwarted by the wide social sanction accorded to this practice. Roots of dowry date back to the time immemorial. Originally it intended just to give a support and security to new couples that start their married life. It also signified an alternative to inheritance for woman. In course of time it got distorted as people began demanding dowry and started harassing brides, in case they did not bring sufficient dowry. Many times parents pass their whole life under debt to pay dowry in the marriages of their daughters which also results in murders and suicides of the daughters.

Traditionally, dowry has been broadly defined to include the totality of assets transferred to the groom's family from the bride's family at the time of marriage. It has played two roles, that of a vehicle for property transfer to the woman, and that of a 'marriage payment' (Basu 1996). Authors such as Sanmbrani and Sambrani (1983), Narayan (1993) and Oldenburg (1993) have argued that in a patrilineal society, with women prohibited from directly inheriting parental property the primary role of dowry was to provide a vehicle whereby part of a woman's parental property could be transferred to her affinal home, thereby increasing her own standard of living. Therefore, they claim, the woman's parents in essence gave dowry voluntarily. Nonetheless, there must have been considerable scope for extortion, where a groom's family could appropriate a more than fair, or voluntarily given, share of wealth from the bride's family as part of the marriage payment. This scope was provided by the strong societal and religious dictates that demanded a girl's marriage to a man of appropriate caste and class before she attained puberty. The imbalance of bargaining power in the marriage market was created and dowry probably became the maximum price a family was willing to pay in order to safeguard both social standing and economic livelihood by procuring suitable husbands for their daughters. Among many others, Rabindranath Tagore commented on this in a passage in 'LokSahitya'(in Bengali), published in Vol. 13 [1961] of RabindraRachanavali:

We are compelled by society's dictates to marry off our daughters by a given age, and within a limited circle. Such an exaggerated compulsion by itself artificially hikes up the values of a groom; his virtues, attributes or economic prowess become of little consequence (Sen 1999:76-77).

One of 'the ancient and respected customs' often referred to as a putatively positive original form of contemporary dowry is the idea of stridhanam, gifts at marriage, which were regarded as brides own property.

Stridhan, as per Hindu customary practice, is that portion of wealth, which is the exclusive property of women and passes from mother to daughter. It includes gifts of money, property, jewellery or a share in a family business given to a woman as a daughter, sister, and wife or daughter-in-law. It also covers wealth generated through her own enterprise or any other wealth accruing to her due to her own effort or by inheritance. It includes, but is not limited to, gifts or wealth given to a daughter at the time of her marriage. It also includes gifts given to her by her in-laws. A key-defining characteristic of stridhan is that no one in the family can touch it, except if the woman concerned voluntarily gifts a portion to someone. In the natural course, stridhan passes from mother to daughter and if in a contingency a male member uses a part of a woman's stridhan, he is expected to return it with interest.

The traditional stridhan largely associated with the higher castes given at the time of a daughter's marriage was determined by predictable norms within each community and was more in the nature of pre-mortem inheritance for the daughter that usually included items such as gold, cows or even a piece of land, along with a few clothes and utensils (Basu2005:Xvi). Stridhan gives women stronger and inalienable rights to a portion of wealth in both parental and marital families. By contrast, dowry is a device for disinheriting daughters from parental property.

Dowry is not unique to Hindus in India but has been prevailed all over the world. A dowry-the money or property a bride brings to her husband at marriage- was common throughout much of the ancient world, and also flourished in medieval Europe. In many places around the world, weddings were formal occasions, accompanied by much gift giving and ritual. The practice of dowries apparently originated when a bride's parents gave her presents. As time went on, the dowry developed various functions. A dowry of household goods often helped the newlyweds set up their own home. A dowry of property or jewellery would help the wife support herself if her husband died. Generally, the husband returned the dowry to his in-laws if he and his wife divorced or if his wife died childless.

The confusion that 'dowry' is a concept of Hindu Law has arisen from the concept of 'Varadakshina' (a token of gift given to the bride-groom by the bride's father) that was associated with a Hindu marriage considered as 'Kanyadan'(gift of bride given to the bride-groom's father by the bride's father). The Dharmashastras, the ancient Hindu Law texts laid down the detailed qualifications and qualities that the bridegroom must possess and to whom the presents in cash or kind known as 'Varadakshina' were to be given. Both Kanyadan and Varadakshina were considered as meritorious acts. Varadakshina was given voluntarily to the groom and there was no compulsion. Obviously it was his property. The modern concept of dowry had no resemblance to the original concept of dowry contained in Hindu Law as it originated in ancient times. In fact it is the manifestation of the political, economic, and cultural insignificance of woman both at her natal family and the family where she enters after her marriage. Dowry has to be given so as to compensate this non-productive being, even when the woman is educated and has her own job. The dowry has now permeated even in those communities where it was not prevalent earlier; it is so to achieve social mobility and status (Jethmlani1995:38-39).

The ancient law-giver "Manu" proclaimed about women that, "where they are honoured, there the God rejoice, and that where they are not honoured, there all rights are fruitless." The Dharmashastra nowhere mentions the giving and taking of dowry and it is doubtful if there is sanction for burning and torture of widows. The Mahabharatsays, "He who sells his son or gives his daughter for a price, goes to hell." The idea of Dharampatni cannot obviously imply bondage or subservience for the wife. It means the pursuit together of a whole life (Sharma 1998:587).

Dowry is not of very ancient origin. It assumed abnormal proportion only in later times. Among the ancient Hindu, the custom of dowry did exist in simpler form though under different names. This custom of giving presents at the time of marriage prevails in India unheeded. Parents of the girl give presents to their daughter. The rationale behind this presenting of gifts is the affection of the parents towards their children but in due course of time the said custom has grown rigid and became associated with the social status and family prestige leading to a great social evil (Ibid:587-588).

The significance of gift-giving as exemplified and eulogized in the ancient scriptures is pertinent to comprehend evolving linkage of dowry with dharma marriages. As a symbol of affection and also having definite moral and religious merit, gift-giving came to be observed at first among the established classes. It came to signify 'better social and ritual status.' The Epics and the Puranas are full of references to large-scale gift-giving, the dowry accompanying Sita on her marriage to Rama being a typical example of such luxurious expenditure among the propertied classes (Sheel 1999:41).

Yet, it was the Kanyadan form of marriage to which the cultural and religious genesis of dowry and its emergence as an institution can be traced. The most ideal of this form of marriage, i.e. the Brahmavivah, is marked by the voluntary giving away of daughter to an honourable man after having decked her with ornaments. This reflects that the dowry in a palpable form was an essential part of the Kanyadan form of marriages. The obligation to bestow dowry was on the father or the guardian of the bride (Ibid:44).

In the late 19<sup>th</sup> and early 20<sup>th</sup> century, dowry was not the enemy but rather an ally of women, acting as an economic safety net in a setting where women always married outside their natal villages (village exogamy is still almost mandatory in North India) and where they did not normally inherit land. Women for women invented this institution and the resources that were given to the daughter were substantially under their direct control. Items for a daughter's dowry were accumulated gradually for each daughter by the entire village and not just by her family. The villagers shared the items in an intricate web of reciprocal obligations; very few items were purchased, since most of them were produced at home, bartered, or received as part of reciprocal gift exchange among village families. The dowry was viewed by the woman's natal family not only as a matter of pride but also a means of securing for her the best possible match, while providing her with recourse in an emergency (Ram 2003:284).

The voluntary aspects of dowry, its meaning as a mark of love for the daughter, gradually evaporated. Dowry became dreaded payment on demand that accompany and follow the marriage of a daughter. The social effects of this indebtedness were enormous. It made the raising of daughters into a kind of economic burden that never existed before the revenue settlements. Wedding expenses of both males and females were curtailed and so could be funeral expenses, but dowry became a lever that a woman's affine grasped with tenacity.

According to M.N. Srinivas, the dowry as prevalent, especially among higher castes today is a totally new phenomenon and ought not to be mixed up with traditional ideas such as Kanyadan and Stridhan (Srinivas 1984:1). The gift of the bride, kanyadan, is accompanied by a subsidiary cash, gift or dakshina and stridhan refers to the gifts given to a woman by different relatives from either side. 'But modern dowry is not dakshina or stridhan' insists Srinivas, and this attempt to connect the two is to 'legitimize a modern monstrosity by linking it up with the ancient and respected custom, a common enough and hoary Indian device (Basu 2005: Xvi). Leela Dube is also of the view that, 'stridhan, a woman's movable property in the form of various kinds of gifts has been common all over India, but the woman control over it has varied. Sadly in recent years dowry seems to have replaced the traditional stridhan' (Dube 1997:41). In a study of Christians in Madras City, Caplan distinguishes between dowry and dowry-stridhanam of siir. She maintains that in general, in South India, the practice of making cash offerings to the bride groom's family is a comparatively new phenomenon (Chauhan 1999:127).

Among some people, though immovable property does not devolve on women, they own immovable property or stridhan given to them at marriage. Yuko Nishimura (1998) has shown that among the Nagarattars of Tamil Nadu, the ownership of the stridhan is well protected so that every piece of bridal goods is regarded as part of women's savings. Gifts given by relatives are all considered to belong to her, which are to be handed down her daughter. The other examples given by her show a tremendous difference in the ways the dowry system is practised. Whereas Gujarati Jains and Modh Baniyas claim that cash payment to the groom's family used to be non-existent, and the stridhan used to be given mostly in kind, i.e. jewellery as woman's property seems to be almost non-existent and the bride is expected to bring a large amount of property to be handed over to her mother-in-law. Drawing on data collected during field work in Punjab and Himachal Pradesh in 1977-78, Ursula Sharma, regards dowry as consisting of 'moveable property made over to the husband's family, or to the newly married pair at or soon after marriage', and in relation of dowry to women's position she says that, 'brides women have little control over the way in which dowry is given and received' (Sharma 1984:62-63).

Nishimura gives yet another example of a different form of stridhan practice. The komutti Chettiyars, a mercantile caste in South India, acknowledge the stridhan to an extent, not entirely as woman's property, but in a different form. In-marrying women's properties are jointly held under the custody of the eldest female. But she is supposed to hand over each female member's property in the course of time. Nishimura is of the view that in order to discuss modern 'dowry' it is necessary to differentiate the three situations. One, in which the ownership belongs to the bride entirely (the Nagarattar case), second in which the bride temporarily entrusts it to the eldest female member in the family (Komutti Chettiyar case) and third, where the ownership is immediately transferred to the mother-in-law (Marwari case) (Nishimura 1998:47). However, in practice there are many more variations in the ways in which dowry is transferred customarily and in combination with the new practice. In the patrilineal communities of south even where dowry is given and taken, it does not result in asymmetrical and hierarchical relationship as the kinship system favours preferential cross-cousin and exchange marriages. In many patrilineal poor communities of the north, dowry in this form was not prevalent and even among some 'higher' castes women's 'stridhan' was recognised and handed over to her to be passed on either to the daughter or the daughter-in-law (Chauhan 1999:129).

It is these reasons which make dowry a social institution and a persisting system; even though its evil effects are largely condemned. A social and legal understanding of phenomenon is necessary to curb the menace of dowry-related crimes. However, a socially legitimate institution cannot be crushed by legal measures alone. But whereas the legal measures can assist to restrict the evil effects of dowry, socially it can take a new dimension, for instance inheritance of property like stridhan but unlike it-not necessarily related to marriage. Thus the debate whether dowry can be equated to property continues.

### **Dowry: Prestige and Prejudice**

Dowry is seen as prestige in some aspects and in some other it is viewed as a prejudice. It may cement favourable community ties helpful for the economic expansion of both families. Tambiah (1989) views that the dowry aims at increasing the resources and status of the groom's joint family, from which the couple and hence the woman may ultimately derive a share. This focus on the groom's family: 'at the wedding, both families' expenses seem to be directed towards increasing assets (through gifts) and status (through hospitality) of groom's family, which is supposed to be the 'joint family' into which the wife merges, and whose continued prosperity makes it less likely that the daughter will turn to the natal family for help or property share later. Simultaneously, the bride's family also enhances its own position/status by displaying due propriety in ceremonies and prestations' (Basu2005:Xiv).

If a newly married girl has brought along sufficient dowry, she is treated well without difference in her husband's house. On the other hand, if she has brought a minimum dowry, she is treated differently. These principles seem to be in line with Tambiah's (1989) contention that in North Indian weddings, prestations from the brides families add to the resources of the joint family that the bride is joining, from which the conjugal units get a share only if the joint family is split (Basu1999:96).

Goody and Tambiah (1973), characterized dowry as the woman's equitable share of property that was given to her at marriage, over which she had some measure of control, and which often served as a starting economic base for the couple. Numerous scholars question the relevance of this definition in the North Indian context. Tambiah points to evidence such as the difference in dowries between sisters and variations according to the status of the groom. Tambiah's revised concept is that the Indian model of dowry may best be visualised as "double transmission" (not equal) of property through sons and daughters, with the woman's dowry/property share contributing to the joint family unit and coming to the conjugal unit only if joint family resources are divided. Furthermore, such dowry may be viewed as the means by which the groom's family acquires upward socioeconomic mobility (Ibid:255).

### **Reasons for Dowry**

In Indian society, so much importance is placed in getting a girl married that parents of unmarried girl are willing to meet any demand in order to get their daughter married. For a woman, marriage is a passport to even such a basic thing as being acknowledged as worthy individual.

In a study by Madhu Kishwar, a feminist and Editor of the journal 'Manushi', she put forth that the rapid upward mobility made possible due to opening of new opportunities for urban educated middle and upper class men, whose earning potential has increased exponentially, has meant that such grooms are avidly sought after. For most women upward mobility comes through the man they marry rather than their own employment. Most families try getting higher status grooms in the belief that their daughters will find it easier to adjust in such families than if they were to marry below their status, apart from the benefits accruing in the long run to the girl's family by forging an alliance with a well-connected kinship network; the demand for such upwardly mobile men is far in excess of supply (Kishwar2005).

The dowry continues to be a symbol of the devaluation of the woman in Indian society. It is also evident from the celebratory tone of son-preference rituals. There are dangers of the propagation of such rituals today, when aggressive Hindutva seeks to include the practice of Hindu rituals in the educational curriculum. Many of these rituals and so-called traditions have a strong bias and they also 'emphasize son preference'. The birth of a son is celebrated because it cancels all the debts of the father and takes him straight to heaven. Similar concern and care for the mother's entry into heaven are, of course, not visible in any of these rituals. Such is the force of these beliefs that, even in contemporary times, it is believed that the death of an ox is a misfortune while that of a girl brings good luck! (Agnihotri2003:310-311).

Furthermore, in North India, land was not given in dowry. In the context of patrilineal inheritance and the exclusion of daughters from ancestral property, this ensured the separation of the outgoing woman from the material symbol of the preeminent social group, the family, as well as from the most valuable economic resources. The linkage between dowry and hypergamy also points to an inherit tendency, intensified in later periods, of continuous inflation in the amount of dowry, and of the possibility that the demands of the bridegroom's family rather than custom determined the amount and kind of gifts to be given. Thus while dowry was an indication of the status of the family uniting in marriage, it was also symptomatic of the control and dependence of 'high' caste women (Parliwala2005:281).

As Srinivas notes, contemporary dowry practices are quite different from earlier patterns. Five dimensions of this change may be noted. First, dowry has spread to all castes, communities, religion and regions. It is practised in all classes to varying degrees as was also seen while analysing the socio-economic background of the respondents.

Second the 'voluntary' character of the 'gifts' is disappearing. The 'gifts' are dictated by the demands of the groom's family as well as the status symbols of the group within which the natal and marital family wished to project themselves, rather than 'tradition'. Indulgence of the bride and her choice has little to do with the dowry 'gifts', except among upper class and upper middle class household.

Third, the money value of dowry has increased and there has been a qualitative change in the goods given, following on from the above. Often the dowry is worth significantly more than a daughter's equal share in her father's property, leading to resentment on the part of the other members of the family and the disinclination for further support. The inflationary cycle continues as families are pressurized to recuperate economically from a daughter's dowry through the marriage of a son.

Fourth, dowry has come to encompass the entire marital relationship and customary gift exchange between affines. Truly there is 'extended dowry'! Demands begin at the engagement and may continue at frequent intervals and on special occasions during the marriage and beyond gifts given directly to the married daughter are but a portion of what is transferred. The women's parents comply with the continuing demands made on the grounds of alleged inadequacy in the dowry at the wedding – in the hope of 'saving their daughter's home'. Due to ever increasing impact of modernization and globalisation the expenditures on marriages have increased but mainly the actual assets given to the daughter is comparatively lower.

Finally, the extent to which women ever had control of the major portion of their dowries is questionable, their lack of control in contemporary times has been intensified. This has been a result both of the changing nature of gifts, its raising value and, more significantly, the overall change in women's position (Ibid: 281-282).

To conclude, we can say that Hindu marriage is not an ordinary event; it is an institution of life-long compromise and adjustment and the dowry becomes an important aspect of the Hindu marriages. The commonly expressed justifications for dowry run as follows: Since daughters in most cases are disinherited by their parents after marriage, their main security lies in strengthening their economic rights in their husband's family. However, if they go 'empty-handed' to their husband's home, how can they expect that they will be treated as equal partners? The dowry is, therefore, in part an 'investment' made by parents to secure a share for their daughter in her husband's family property. However, the nature and form of dowry is changing today. The dowry culture is increasing day by day as the rich are giving more dowry to their daughters and spending lavishly in their marriages.

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