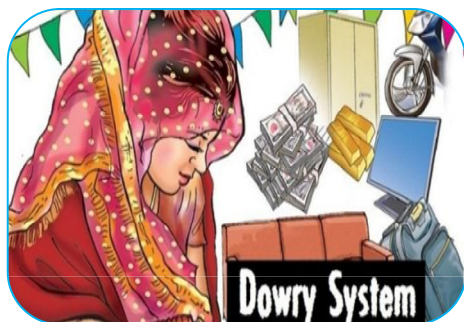




ISSN: 2249-894X
IMPACT FACTOR : 5.7631 (UIF)
UGC APPROVED JOURNAL NO. 48514
VOLUME - 8 | ISSUE - 8 | MAY - 2019



KEYWORDS : Dowry, Brideprice, Caste Endogamy, Hypergamy, Marriage, Kanyadaan form of Marriage, Gender Inequality.

INTRODUCTION

Dowry in general understanding is a type of marriage payment which in a layman terminology can be understood as gift given to the bride or to the couple either in cash or kind during the marriage by girl's parents for setting up of their new conjugal household. Marriage from this perspective is seen not only as the relationship between two individuals but between two social groups where religious rituals, public festivals and often exchange of goods and services play a very significant role since these rituals are seen as symbols of enhancing social solidarity. Throughout the country, dowry is seen varying

in its form, content and intensity from one region to another and also from one culture to another. The most vivid form of difference of dowry system can be seen both in the North and in the South. The cultural and structural factors prevalent in North India make dowry a unidirectional phenomenon whereas in South India reciprocity of gift exchange is the prevailing norm. Therefore the role of Social structure is significant in understanding the perceptions of Dowry in India. Dowry system in India is a matter of structural composition of the society. It is associated as the mode of marriage payments based on the prevailing kinship and marriage system. Therefore, the institution of dowry cannot be understood properly without the understanding of the particular social structure within which it prevails. Traditionally, the particular kinship system

have a great influence in shaping the dowry system. Therefore, the present chapter will look at basically the kinship structure to comprehend the system. Hence, the relationship between kinship, rules of marriage and dowry system are intrinsically intertwined which are also talked about by sociologists like Lewis (1958), Dumont (1957), Srinivas (1984) etc. Caste as the unique structural element of Indian Society has its direct social implication on dowry practice. The present paper would however, confine the system of dowry within Hindu Social Structure.

KINSHIP SYSTEM, MARRIAGE AND DOWRY

The difficulty in comprehending the kinship system in India is augmented by the glaring distinction prevalent between the North Indian Kinship system vis-à-vis South Indian Kinship

CONTEXTUALIZING THE SOCIAL STRUCTURE BEHIND THE PERCEPTIONS AND PRACTICE OF DOWRY IN INDIA

Nabanita Baruah

Academic Counsellor , IGNOU, New Delhi.

ABSTRACT:

Marriage constitutes a central arena for upward social mobility in Indian society. In a Hindu society marriage is governed by caste endogamy i.e. marriage within the same caste group. The present paper discusses the perceptions of dowry within the socially approved structure which is patriarchal in nature. Debate on the traditional system of marriage and modern form of marriage is detailed in the paper so as to understand the historical relevance on the perceptions of dowry in India. The paper also discusses the relation of dowry with the kinship system, caste and religion.

system. An overview of north Indian kinship system reveals that it is marked by patrilineal kinship system¹ ; patri-virilocality² ; extensive rule of exogamy etc. which all entail exclusion of women from the rights on immovable property by separating them from their natal families. The link between dowry, inheritance and women's property rights in North India is significant to understand in the context of ancient Indo-Aryan kinship pattern. It too follows patrilineal succession and inheritance, splits affines and consanguines, prescribes exogamy of close kin and inclines towards hypergamy in which the Hindu Brahminical ideal of *kanyadana* marriage plays an important role in North India with respect to the dowry system (Trautmann, 1981 : 293-302) . Here the idiom of *kanyadana* is referred as the patrilineal idiom (*ibid* : 291). This shows that the North Indian marriage is determined by 'prescribed' rules of marriage (also called negative rules which states whom not to marry) and there is a status differentiation between 'wife-takers' and 'wife-givers' where the former is considered as superior than the latter.

South Indian marriage, on the other hand, is determined by 'preferential' rules of marriage (also called positive rules which states whom to marry) wherein along with patriliney and patrilocality, matriliney and matrilocality also exist. Dowry in Northern India is a mechanism by which gift-giving does end with those which are given to her at the time of marriage but a continuous process whereby on every auspicious occasion she receives presents from her natal family throughout her life. Thus, marriage in Northern India is only one-directional and any marriage in the opposite direction is strictly forbidden which have a direct bearing upon the system of dowry. In contrast to the North, Dravidian South Indian kinship system is marked by an essentially bilateral kinship system and a marriage system which emphasizes on reciprocity of gifts, equality and the exchange of women within small kin groups (Trautmann, 1981). Unlike North India where the gift-giving practice is unidirectional, in South gifts-flow from both sides constitutes one of the significant features of reciprocal marriage prestations.

In North India, dowry thus, often relates to the hypergamous marriage. It was traditionally prevalent mainly among higher castes like Brahmins and Khastriays. The scenario, today, is however, different as now a shift has been seen among the lower castes for dowry from the system of bride price. In this context the prevailing system of dowry in North and South India can be examined. While discussing the North Nangia basically points out Punjab and attributes it as a business community which had hitherto been the only community that believed in dowry. At the same time he also exposes a glaring case of '*Barat*'³ going back without the bride at Rajouri Garden in New Delhi somewhere in March-April 1981. Among other causes some important causes disclosed by him are : a) in spite of giving car and other such luxury items as dowry, failure on the part of the bride's family to give a cash gift of rupees one lakh, b) failure of giving land as property in spite of '*Ladkiwalas*'⁴ position as landlord (Nangia, 1984: 38-39). In contrast while talking about South he mentions among others a particular caste of Andhra Pradesh called "Kamma Community" where selling rates of grooms vary from Rs. 2 lacs to 10 lacs (of course this price have increased if we talk in today's terms) depending upon the status and the educational qualifications they have. It also differs according to the studies of the grooms such as if the groom is a first year student of Engineering or medical course, his market value would be nearly one lakh, if he goes up one step more, the value will also go up depending less on whether he passes the examination or not. (*ibid* : 40). Upadhyaya in her study in Andhra Pradesh shows the gift of land as part of dowry (i.e. *Katnam* in their language) among them along with cash and other items . This land is although later on might be exercised by the husbands, but it is always in their wives' names (Upadhyaya, 1990). In the context of land ownership it is seen on the study of the Kashmiri Pandits that Indian women do not have rights of inheritance on the same line to that of men, they have only rights of maintenance. He discovers that a daughter is treated for the purposes of inheritances "as if she were a son" provided she stays at her father's house after her marriage along with her husband who comes to

¹ It is a system in which Descent traced in the male line from father to son

² A structure where a married couple resides with the husband's father

³ This is the groom party who arrive at bride's household on the occasion of the marriage of the groom.

⁴ The bride and her family.

live with her. Unlike a son has right to even sell the parental property if he stays far away from home. But a women is not allowed to sell anything that she gets as part of *sridhana* which is otherwise the exclusive property of her, albeit she can pass it to her daughters or daughter-in-laws (Madan, 1975).

In North India as per the marriage rule when a daughter is married to another village, the latter is tabooed for the father and her elder brothers and those with elderly relations. Accordingly, they can neither go there nor drink water from any well in that village as doing so will amounts to taking something from one's daughter or even her belongings. But, on the other hand, the father keeps giving something or the other continuously to his daughter or even her husband till he lives. (Goody and Tambiah, 1973: 95-96). On the basis of 58 ethnographies Miller found that dowry is the dominant form of marriage payment in the North especially among the propertied classes whereas 'brideprice' mode is prevalent in the South Miller, 1981). Thus, when we talk about dowry we cannot free ourselves without looking at the marriage system in India. The relationship of marriage rules and dowry practice in this context is interrelated to each other. *Kanyadana* form of marriage also works as a potential ritual in determining dowry which is explained in the next section.

KANYADAN FORM OF MARRIAGE AND DOWRY AS A 'GIFT'

Smriti writers have recognized eight forms of marriages in Hindu Society. Here a detail discussion on this is entailed here. It was Manu who described the forms of marriage. These are : Brahma, Daiva, Arsa, Prajapatya, Asura, Gandharva, Rakshasa and Paisaca. The first four categories are included under the Kanyadana forms of marriage (also called as dharma forms of marriage) and the rest four are included under the Non-Kanyadana forms of marriage (also called adharmya forms of marriage). A brief outline of these "eight forms of marriage" (Apte, 1978 ; Trautmann, 1981 ; Buhler, 1982 ; Kane, 1946 etc.) is given below :

Brahma : It characterizes the gift of a daughter after decking her (with costly garments) and honouring (her by presents of jewels), to a man learned in the Veda whom (the father) himself invited. The son born out of this form of marriage was believed to purify ten ancestors and ten descendents.

Daiva : This form of marriage is characterized by the gift of a daughter who has been decked with ornaments, to a priest who duly officiates at a sacrifice, during the course of its performance.

Arsa : It is a form of marriage when (the father) gives away his daughter according to the rule, after receiving from the bridegroom, for (the fulfillment of) the sacred law, a cow and a bull or two pairs.

Prajapatya : When the marriage form is marked by the gift of a daughter (by her father) after he has addressed (the couple) with the text, "May both of you perform together your duties", and has shown honour to the bridegroom is identified as Prajapatya form of marriage .

Asura : In this form, the bridegroom receives a maiden, after having given as much wealth as he can afford to the kinsmen and to the bride herself, according to his own will.

Gandharva : The form of marriage in which the groom marries the bride after a mutual agreement made by the bride and the bridegroom themselves is called Gandharva rite.

Raksasa : In this form, a maiden is forcibly abducted from her home, while she cries out and weeps, after (her kinsmen) have been slain or wounded and (their houses) broken open.

Paisaca : When (a man) by stealth seduces a girl who is sleeping, intoxicated, or disordered in intellect is called Paisaca rite.

All the Smrtikaras confer the first rank to the Brahma form of marriage (Apte, 1978 : 149). Hence it is described as the most ideal form and it is prescribed that the father gives dowry to his daughter by properly bedecking her. It is noteworthy here that in all the four types of Kanyadana marriages (Brahma, Daiva, Arsa and Prajapatya), it was compulsory on the part of the father to give dowry to the daughter and in all these four types the girl had no say in choosing her partner. (*ibid* : 149). Kanva Smriti lauded the meritoriousness of *kanyadana* which says that merit obtained through giving away daughter to a competent husband is hundred times more than that obtained by performing son's marriage. Markandeya Smriti too eulogizes the merits of *kanyadana* as best of all danas and it says

that *kanyadana* shines with glory of all the Vedas and sciences. It is indeed the cause of all auspicious things due to which one gets offspring. It also says that the girl's father would get the same merit which he would get by giving away money equal in weight to his own person. Similarly, Laugaksi Smriti and Sambarata Smriti too have praised *kanyadana* as the highest meritorious act (*ibid* : 133)

The main idea of the approved modes of marriages was the giving of the bride as a gift. In other words, it was a domination which the father exercised over a female child from the day of her birth was now transferred through the ritual of marriage to the person who was selected as her husband (Kapadia, 1955 : 136). Trautmann (1981) has also sketched the ground for the analysis of *kanyadana* among the other recognized forms of marriage. He has examined the *dana* doctrine in the light of Marcel Mauss's triple obligation to give, to receive and to make a return gift. Mauss shows that in unstratified societies the gift exchange plays a major integrative role and the ethic of giving, receiving and repaying gifts are not only social graces but it also articulates weighty obligations. While Trautmann was trying to articulate the peculiar Indianness of the *dana* doctrine especially from the perspectives of Brahmanical thought, he points out that the whole tendency of brahmanical thought is away from the kinds of reciprocity that Mauss talked about. Hence the *kanyadana* form of marriage is especially related to Brahmins as all the twice-born are urged to marry by gift and it is not shocking also that the Brahmin is restricted to the *kanyadana* forms alone (*ibid* : 291). The *kanyadana* marriage is seen as a gift marriage and Trautmann deals with in detail the consequences followed by the *Kanyadana* system such as the bride is given absolutely and so divorce and permanent return to her father's house is forbidden; by gift marriage she conceptually assimilated to her husband and constitutes his other half; Upon marriage, the bride acquires the *gotra* of her husband and upon death, the *pinda* is offered by his kinsmen; the idiom *kanyadana* is the patrilineal idiom by which the bride is completely dissimilated from her family of birth and completely assimilated to that of her husband; after giving a girl away in marriage, a woman may not inherit landed property and she also has no claim on her father for maintenance.

Since a girl cannot claim any of her father's property after marriage as per the *kanyadana* system, hence the bride is 'adorned' with a dowry of clothing, utensils, and particularly jewelry, which constitute her own property technically known as her *Stridhana* which is a kind of premortem inheritance for her. Though the first series of gifts that flow from the bride's people to the groom's, but the former must not accept anything in return, otherwise it would constitute the "price" of the bride i.e. the sale of the bride. Of course, the groom and his people can expect gifts, hospitality etc. from the bride's side, but must not reciprocate. Marriage, thus, as a form of exchange is highly one-sided affair which is oriented in one direction only. Mauss's theory of gift is thus, seems completely inappropriate in the context of *kanyadana* form of marriage (Trautmann, 1981).

From the word "*kanyadana*", the part *dana* i.e. gift is relevant here to analyze. The Sastrakaras like Manu, Narada, Vasistha etc. eulogize the act of *dana* as the highest type of meritorious acts. As Sage Devala has given the meaning of the word *dana*, enumerates "That which is given to deserving people, always without any purpose or expectation of a return and with the sole intension of giving away that gift is known as meritorious which is given at proper time, and place (and to proper person)". It is also interesting to see here that only that thing can be given as gift which is owned by someone and therefore, the word *dana* implies exclusive ownership. In the case of *Kanyadana* marriage, it seems as if the father is the possessor and daughter becomes a thing possessed by him like kine, gold or slaves which the father can donate (Apte, 1978 : 173). It is however noteworthy that Vasistha equates the gift of a daughter to the gift of thousand oxen. Hence, a critical observation of the concept of *kanyadana* reveals that *kanyadana* itself reduced the status of a daughter and she became like other things such as slaves and cattle, just one of them which was possessed by her father which he could donate at his free will, without taking her consent into consideration (*ibid*, 1978 : 173). Thus, practically it was the father or the guardian who owned her. Sometimes he donated her as a gift and sometimes he accepted bride price by giving her to a person who could afford to buy her. Although, selling, buying or giving away a maiden as a gift seem here to be too bitter words to be linked, but it is a fact that the father owned her, even though not exactly treating her the same way as slaves or any other wealth. It is worth mentioned

here that even Manu refers to sale of daughter in marriage while discussing sale of other merchandise (*ibid* : 174). However, the practice of accepting bride price became superseded as time passed by.

The concept of Kanyadana or gift of a maiden, later on, was also accompanied by daksina i.e. some gift of gold or other wealth for the groom. As part of this, grooms were also given daksina perhaps gold at the time of Kanyadana. If the father belonged to rich family, he used to give varadaksina to make apposite his status. However, in the course of time, the grooms initiated demanding whatever they liked from the fathers of their respective brides. By this time there were constant pressure started running upon the fathers of daughters as in one hand, Smrtikaras threatened the father of acquiring a sin of killing an embryo if he could not get his daughter married before her attaining puberty, on the other hand, there were Muslim invaders who threatened to carry away the younger daughters if they were unmarried. Such a situation definitely increased the bargaining power of marriageable boys and it resulted in the practice of heavy dowry which continues to be even in modern times. The difference between the gifts given at the time of *Kanyadana* to the daughter in the Vedic Period and those of given today is that earlier it was voluntary in nature given out of affection, but in post-Smriti period the scenario of payment of heavy dowry, in many cases out of compulsion, is clearly visible which also in many cases fueled to the dowry-related social problems today (*ibid*, 1978 : 174-5). Thus, although the kanyadana form of marriage is preferred as a sacrament yet a practical connotation of this form of marriage legitimizes the dowry practice which carries with it a patriarchal ideology which is gender discriminatory in nature. This form of marriage hence, by itself reduces the status of women.

HYPERGAMOUS MARRIAGE AND DOWRY

In the north India kinship system as mentioned earlier also there is very close relation between Dowry and groom's higher status. A wonderful observation on dowry has been made linking it to hypergamy by Srinivas. Hypergamy refers to the custom of marrying a man from a superior grade or clan, within the same jati. Sometimes, the superior grade or clan may not be specified, but the general notion prevails that a girl should wed a superior male. (Srinivas, 1984 : 8). He makes the distinction between Northern Dowry system and Southern Brideprice system. It is worth mentioning here that Brideprice is basically some goods or money, paid to the Bride's father by his groom's family at the time of wedding.

The notion of 'modern dowry' in the North India holds significance to describe which is practiced among the hypergamous castes with the unidirectional flow of cash, goods and service from the bride's kin to the groom's. In contrast in the isogamous South, modern dowry is really a totally new development. The 'dowry' that obtains in higher caste weddings in India today is a totally new phenomenon which ought not to be mixed up with traditional ideas such as *kanyadan* and *stridhan*. 'A gift or dan has to be accompanied by a subsidiary cash gift (*dakshina*), and in kanyadan the bride is given as a gift to the groom. On this analogy, the dowry becomes the *dakshina*. Thus, this came to the forefront as a result of colonial rulings and westernization. These all led to the commercial and mindset that led to the disappearance of all traditional hypergamy, polygyny or kanyadan systems. Modern dowry only dealt with monetization of marriage system i.e. to have only huge amounts of money, goods, ornaments, jewelleryes from the bride side to the grooms house (*ibid*, 1984).

The concept of hypergamy is also relevant in the context of the practice of kulinism in Bengal. In Bengal, a class of Brahmins who were supposed to be descendents of learned people were called in by a medieval king, and they called themselves *kulin*. The *kulin* grooms always could demand a high price from the fathers of the their brides as in many cases the rich girls of the families whose descendents were not *kulin* aspired to marry into *kulin* families. Thus, in some *kulin* families who had sons only were seen making business of it by getting their sons marry to a large number of wives. At times those wives who were poor or slightly belonged to lower status were never brought as brides to the husband's home at all. They in fact lived in their parental home and the husbands used to visit them and for each visit demanded money from their parents-in-laws. Thus, the *kulin* youths extorted money by making visits to their wives' houses. Sometimes many difficulties surrounding the bringing of the children of such wives at their father's home and other kinds of matrimonial difficulties led to a wave of

suicides on the part of these wives in Bengal. This is because many girls of poor *Kulin* parents opted for death rather than bringing ruin on their parents by the system of payment of inflated dowry. However, later on the social reformers and the education among girls brought an end to this system (Karve, 1993 : 53).

The link between the theory of kinship and hypergamy can also be seen from the cultural anthropological viewpoint which is one of the prime determinants of dowry. The issue of stratification in status, wealth and power are responsible factors towards rank within a caste group and this later turns to hypergamous marriage where dowry seems integral (Das, 1975). The social practice of hypergamous marriages and dowry has also been discussed by anthropologists such as Van der Veen (1972), Ursula Sharma (1993) etc. The hypergamous caste is attached with marriage which focuses on gift-giving to the groom's people. The groom's party are the superiors and the benefactors of the bride. (Trautmann, 1981 : 292). In the Kanyadana marriage, it is the hypergamous ladders of status of the groom that relates the notion of the pious gift which renders the doctrine that the daughters must be given up (anuloma) rather than down (pratiloma) (*ibid* : 293). Hence, gift-giving (or dowry) can be seen as the instrument for the brides which the bride's father can use for rise of status hierarchy of the bride to that of the level of her husband after joining it through the institution of marriage.

DOWRY AND CASTE SYSTEM

Dowry system in early periods was a custom found in the upper castes especially among the Rajputs. It was the Rajputs who introduced the growth of dowry system in their caste. Gradually it became prominent among Brahmins also, for instance, the *kulin* Brahmins as discussed above. Traditionally, the lower castes who never adhered to the dowry practice and only practiced the system of Bride price now gradually shifted towards dowry practice. The scenario has thus completely changed over time. It can be clearly seen from the field study done by S.L. Hooja. Hooja found that the attitude of retention of dowry was more pronounced among the low castes while the high castes favoured its abolition. Again, another interesting observation on dowry is that albeit the custom of dowry was traditionally prevalent only among the Hindus, it gradually showed spread among other communities as well (Hooja, 1969: 195).

The emulation of dowry system by the lower castes has also been detailed by Srinivas in the process of sanskritization. The lower castes who aspired to consider themselves as one of the upper castes gradually adopted the system of dowry in a manner of anticipatory socialization (Srinivas, 1984). Interestingly, not only dowry has become prominent among lower castes, it also started spreading among other religions as well. In a study, Khan and Aysha shows that dowry was practiced by all religious groups, including those communities where dowry system had no religious sanction. Albeit, Muslims admit that according to their Islamic rule, payment of acceptance of dowry is a sign of anti-Islamic way of life, yet they pay and accept dowry (Khan and Aysha, 1982: 172-173). This discussion on how the communities practicing bride price switched over dowry practice is entailed in the next section.

TRANSITION FROM BRIDE PRICE TO DOWRY

There has been a recent trend among the lower castes groups to switching to the practice of dowry from their traditional brideprice practice. One viewpoint as noticed by scholars is the withdrawal of women from the visible productive labour. The cause behind such shift is the decline of women's economic power. Dowry emerges when women's contribution to the household labour is less than her cost of maintenance (Rajaramann, 1983). On the other hand Srinivas puts Sanskritization as the leading factor behind such shift.

In a field-study on marriage payments in rural Indian area of Himachali villages Singh explores the roots of transition from bride price form of marriage payment to that of dowry. He discusses the prevalence of bride-price marriages in the light of transfer of daughter's labour from her natal household to the in-laws' household. When the researcher asked as to why people used to take money for their daughters, the common answer he received was: "why should anyone give his daughter to

another family for nothing? One has to brought up the daughter, fed her and made her able to contribute in production and reproduction. When she is no longer a liability but rather an asset, why not take some money as compensation for losing her labour to another family" (Singh, 1997: 124).

When the root behind the new practice was further enquired in which parents no longer receive bride-price, it was reported that there is a change taking place in the villages wherein the economic status of people is improving due to which instead of making their daughters engaged at work from the early age of 5 or 6, they are sent to school for education. Hence a situation which existed some 25 years ago is no more in practice. Parents now started worrying for their daughters to get them married in a household which is no more inferior in status so as to avoid lower social status and also to see that their daughters will not find any difficulty in adjusting to the in-law's house. In this way, there has been a shift in these villages from looking at the daughters from advantageous position to that of emergence of status consciousness and realization of the welfare of daughters (*ibid* : 125). Thus, the changed mental set up of people with a desire to go up in the status hierarchy can be attributed as the fundamental reason of switching over to dowry practice.

INTERFACE BETWEEN RELIGION AND DOWRY

India is also known for its religious culture which is deep rooted in the society. Such a religious outlook provides a different cultural value upon female within which she is expected to do her female roles. It is hence, essential to look at how religion shape gender hierarchies in India and influence its patriarchal notion through the lens of dowry.

A careful study of the ancient Hindu religious texts would reveal a situation as to how it sanctions heterosexual marriages which supports dowry. Religious texts have put marriage as central to a woman's life in order to do perform her religious roles which make equally hard for her to choose not to marry and thereby also to escape dowry. While talking about dowry murders in India and in giving the cultural explanation to the phenomenon of violence against the entire Third World Women Narayan refers it more of "death by culture" (Narayan, 1997 : 84-85). She tries to relate in her work the theme of how Indian women are victims of their culture. However, it is also clear that although religion do have some relationship with the dowry practice but it has very less to do with the rise of dowry-related violence in modern times. Narayan says, "Hindu religion, mythology and tradition make very poor explanations for dowry murders, since dowry murders have not been [a] widespread social phenomenon before the late 1970s" (*ibid*: 107) . However, scholars from within the study of religion such as T. Bradley (2006; 2009), S. Hawthorne (2004), U. King and T. Beattie (eds) (2004) etc. have point out the role of religion in both upholding the heterosexual marriage practices and the normalization of violence against women.

We can also see the inseparable link between religion and gender as shown by King in her paper 'Religion and Gender'. Religions are predominantly shaped by male perspectives and experiences (King, 2005 : 3298). She writes, " Religion and gender are not simply two parallel categories that function independently of each other; they are mutually embedded within each other in all religions, suffusing all religious worlds and experiences. It is because of this deep hidden embeddedness that gender is sometimes so difficult to identify and separate out from other aspects of religions until one's own consciousness is trained into making a gender critical turn" (*ibid*: 3299). Thus, she asks for a critical gender lens to analyze the subordination of women within the orbit of normalization of male experiences of religion.

While talking about Hinduism, it pours its patriarchal values by making predominance of son preference and male succession and women's roles are designed accordingly to look after them. Bradley says, "Dowry is one product of these traditions which ensures that male needs and desires define and dominate women's lives and roles....Hindu texts are founded on the idea of a male lineage which in turn is founded on male authority and superiority" (*ibid* : 94). Thus, the interpretation of linkages of religion with dowry practice from the point of view of male makes it totally male-centric where women are devalued at a larger extent. Gender discrimination from the religious viewpoint adds the maximum than any other components of patrilineal India.

AN ANALYSIS ON THE GENDER INEQUALITY IN MARRIAGE AND FAMILY

Dowry is undoubtedly a practice which symbolized gender inequality in India through marriage rituals. The patriarchal ideology and patrilineal nature of our society stands as the roots of such inequality. Sinha argues, "the patriarchal ideology as a cultural norm enforces gender construction which is oriented towards hierarchic relations between the sexes (Sinha, 1989: 45). She also associates all kinds of violence against women due to this patriarchal ideology. Similarly Dube in her notion on construction of gender in patrilineal India draws on the mechanisms through which women acquire the cultural values and ideas and become the gendered subjects. She remarks, "The structuring of women as gendered subjects through Hindu rituals and practices is fundamentally implicated in the constitution and reproduction of a social system characterized by gender asymmetry and the overall subordination of women" (Dube, 1988: WS18).

Focusing largely on Hindu girls she points out the implications of the family structure and the wider context of kinship by which gender roles are conceived, enacted and learnt. Dube again argues, "Kinship is not merely a moral code but provides the organising principles which govern the recruitment to and placement of individuals in social groups, formation of the family and household, residence at marriage, resource distribution including inheritance, and obligations and responsibilities in the business of living of individual members of the group" (*ibid* : WS11). Her analysis of the close relationship of kinship system with religion is equally apt which revolves the understanding on the process of socialization. For example, she analyses the puberty rituals celebrated in different parts with the onset of puberty of a girl which commonly signifies confinement or seclusion of the girl for a certain number of days, belief of her vulnerable condition for those days etc. Besides, it is the patterns of kinship which always embeds the family structure to tie to the institution of caste in Hindu patrilineal society.

The specific value accorded with a male child also devalues status of women. Interestingly, this desirability of a male child over a female child is made more explicit by outsiders with their pitiful outlook on parents having daughters. Daughters in this context are often seen as those who take away thousands of rupees from parents and never add towards future support of their parents. Therefore, more often people associates - "Bringing up a daughter is like pouring water in sand" (*ibid* : WS11). As far as the practice of dowry is concerned it too reduces the value of a girl and stands as a symbol of gender inequality. Teja states, "the concept or idea of *Kanyadana* itself reduced the status of a daughter" (Teja, 1993 : 19).

Although scholars critic the institution of marriage which underlies gender discrimination through various rituals and customary practices, it is also crucial to understand how this institution establishes a compulsive force especially for girls due to which girls are trapped in a situation of adhering into the practices of this institution abiding by all the necessary rituals and with minimal opportunity to deny it. It is apt in this context to look at this aspect to comprehend gender inequality in a wider context. Study of the history of the evolution of marriage under Hindu texts would however, give us some detail as to how marriage became almost obligatory for girls. As per the Great Epic it was the sage Svetaketu who decreed that promiscuity should be succeeded by regular marriage. By the vedic period marriage was well established and it was also made a social and religious duty and necessity. A passage in the Vedic period says that a person who is unmarried is unholy. From the religious point of view, hence, he remains incomplete and is not completely eligible to participate in sacraments. This view even continues today. Hence, marriage came to be naturally regarded as necessary and desirable for all. Down to about 500 B.C. although marriage was regarded as vastly necessary for both men and women, but there was no social pressure that it should be performed at any cost (Altekar, 1962 : 31-32)

Nevertheless, by about 300 BC marriage came to be considered as obligatory for girls. Various causes were justified for this such as the Upanayana ceremony of boys were compared with the marriage of the girls. Since Upanayana ceremony was obligatory for boys, marriage was also gradually made obligatory for girls. The marriageable age of the girls was also reduced to 13 or 14 by this time. Besides, in *Mahabharata*, it was the sage Dirghatamas, who laid down that women ought never to

remain unmarried in future. Also in the epic somewhere else a native story was illustrated which adhered the same principle. Sage Kuni had a daughter, Subhru and he wanted to give her in marriage, but she did not consent and hence, she remained unmarried for all her life. At the time of her death she revealed the great surprise that she could not go to heaven because her body was not sanctified by the sacrament of marriage. Then she induced sage Srngavat with great intricacy to marry her and when she stayed with him for one night after that then only she was able to go to heaven. A late Sutra even declares that the corpse of a maiden can be burnt only after a formal marriage even after the death (*ibid* : 33)

CONCLUSION

In India marriage is made obligatory for women unlike men and some general logic has been built behind this. The simple reason to substantiate this is that an unmarried woman has to face greater risks in society than an unmarried man. Besides, public opinion also favours its less sympathetic attitude when a woman remains unmarried for whatever be the reason unlike men. The present paper also shows as to how the institution of religion has its direct bearings on the continuance of dowry practice and also analyzed the role kinship structure in enhancing the practice of dowry in India. The caste factor along with other socio-cultural factors has also bearing on the dowry practice which contributed negatively towards proper implementation of the Dowry Prohibition Act in India leading further to dowry related violence in different time and space.

NOTE

The present research paper is a part of my unpublished M.Phil Dissertation "Dowry, Law and Social Practices in India" which was submitted to Jawaharlal Nehru University, New Delhi in 2013. The Dissertation was written on the basis of extensive study of secondary literature on dowry and its practice in India.

REFERENCES

- Altekar, A.S. (1956) *The position of women in Hindu Civilization*, Banaras : Motilal Banarsidaas.
- Apte, Usha M. (1978) *The Sacrament of Marriage in Hindu Society : From Vedic period to Dharmasastras*, New Delhi : Ajanta Publications
- Buhler, G. (translated) (1964) *The Laws of Manu: Translated with Extracts from Seven Commentaries*, Delhi: Motilal Banarsidass.
- Bradley, T. (2006) *Challenging the NGOs : Women, Religion and Western Discourses in India*, London and New York : IB Tauris
- Dube, Leela (1988) "On the Construction of Gender: Hindu Girls in Patrilineal India", *Economic and Political Weekly*, 23 (18) : WS11-WS19
- Dumont, Louis (1959) "Dowry in Hindu Marriage: As a social scientist sees it", *Economic Weekly*, 11(15) : 219-220
- Goody, Jack and S. J Tambiah, (1973) *Bridewealth and Dowry*, Cambridge: Cambridge University Press
- Hawthorne, S (2004) "Rethinking subjectivity in the gender-oriented study of religions: Kristeva and the subject in process" in U. King and T. Beattie (ed.s) *Gender, Religion and Diversity : cross cultural perspectives*, London and New York : continuum
- Hooja, S.L. (1969) 'Dowry system in India : A case study, Delhi: Asia Press
- Kane, P.V. (1946) *History of Dharmasatra , Vol III*, Poona : Governmental Oriental Series
- Kapadia, K.M. (1955) *Marriage and family in India*, London ; Oxford University Press
- Karve, Iravati (1993) "The Kinship Map of India" in Patricia Uberoi (ed) *Family, Kinship and Marriage in India*, New Delhi : Oxford University Press
- Khan, Mumtaz Ali and Aysha Noor, (1982) *Status of Rural women in India: A Study of Karnataka*, New Delhi: Uppal.
- King, U (2005) "Religion and Gender" in L. Jones (ed) *Macmillan Encyclopadia of Religion*, USA : Macmillan Reference Books

- Lewis, Oskar (1958) *Village Life in Northern India*, New York : Random House Inc.
- Madan, T. N. (1975) "Structural implications of marriage in North India : wife-givers and wife-takers among the pundits in Kashmir" *Contributions to Indian Sociology*,. 9 (2) : 217-243
- Miller, Barbara (1981) *The endangered sex: Neglect of female children in rural north India*, Ithaca : Cornell University Press
- Nangia (1984) *Dowry*, Uttar Pradesh : Pragati Prakashan
- Narayan, U. (1997) *Dislocating cultures : Identities Tradition and Third World Feminism*, New York : Routledge
- (2009) "The Interfaces between Gender, religion and Dowry" in Bradley, T; E. Tomalin E and M Subramaniam (eds) *Dowry: Bridging the Gap between Theory and Practice*, New Delhi : Women Unlimited
- Rajaraman, Indira (1983) "Economics of Bride-Price and Dowry", *Economic and Political Weekly*, 18 (8) : 275-279
- Sharma, Ursula (1993) "Dowry in North India: Its Consequences for Women" in Patricia Uberoi, (ed) *Family, Kinship and Marriage in India*, OUP
- Singh, Mohan (1997) "Transition from bride price to dowry : marriage payments in a rural North Indian area", *Man in India*, 77 (2-3) : 119-142.
- Sinha, Archana (1989) "Conceptual study of Violence Against Women: The Sociological Dimension" in Niroj Sinha (ed.) *Women and Violence*, New Delhi : Vikas Publishing House
- Srinivas, M N (1984) *Some Reflections on Dowry*, New Delhi: Oxford University Press
- Teja, Mohinderjit Kaur (1993) *Dowry: A study in attitudes and practices*, Inter-India publications
- Trautmann, Thomas R. (1981) *Dravidian Kinship*, New Delhi : Vistaar
- Upadhyay, Carol (1990) "Dowry and Women's Property in Coastal Andhra Pradesh", *Contributions to Indian Sociology*, 24 (1) : 29-59
- U. King and T. Beattie (2004) (ed.s) *Gender, Religion and Diversity: cross cultural perspectives*, London and New York : continuum
- Van der Veen, Klass (1972) *I Give Tee My Daughter ; A Study of Marriage and Hierarchy among Anavil Brahmins of South Gujarat*, Assan : Van Gorcem.