Chapter – 5
Analysis and Discussion
With the rise in the level of education, urbanization, modernization, increasing occupational differentiations with greater opportunities for personal advancement and greater consciousness of one’s special identity, far-reaching changes have occurred in marital practices. The rising achievement motivation of individuals in an open environment has indirectly exacerbated dowry practices despite being outlawed. The practice of dowry is one of the unintended costs of modernization and developments that Indians have to bear willingly or unwillingly. Indian society has become progressively more and more unwrapped and competitive. It is an established fact that with new career openings and greater opportunities to accumulate wealth, everyone is in quest of higher goals of life, no matter what means or course they have to adopt to accomplish them. And, in process countless people tend to pass through the dilemma of identity crises under the new state of affairs. It is because of this reason that scores of dowry takers as dowry givers commonly tend to exaggerate the amount of cash or property they have taken or given in the form of dowry.

Any change, be it micro or macro, past or present, always has positive and negative impact. The process of development, urbanization and modernization, for instance play, a role both in creating and resolving imbalances. According to widely accepted criteria on status enhancement, there has been a deterioration of the relative status of women in post-independent India. In spite of the constitutional provisions, Acts and enactments for women, rampant female feticide, dowry torture and murder, honour killings, economic participation vis-à-vis men projects a different picture.

It is evident that dowry deaths had far more than dowry as their cause, and the preventive legal step taken against the practice of dowry will not end “dowry” murders or suicides, nor will a ban on sex selective tests equalize the chances of survival for girls and boys. A whole new activist and legislative initiative for the empowerment of women through education, economic opportunities and inheritance rights to natal property are urgently needed. Faith in the rule of law can only come if the law themselves are just and equal for all those who come under their purview. Perhaps the next round of law making and economic development should involve the direct and proportional representation of women to make it a safer world for them. Then, possibly, the violence might begin to reverse its frightening upward trajectory.
Deductions

✓ There exists a high degree of correlation between the elevated frequency of dowry cases and the lower economic level of education between the boy and girl's family in general and of the bride's family in particular. The economic background of a bride's family matters significantly with regard to her treatment in the marital home. In addition, the insignificant schooling effect compared with the significant wealth effect suggests that education influences the likelihood of violence through its role as a proxy for wealth. In other words, the decreased incidence of domestic violence associated with higher education may be due to the higher wealth levels of those with more education, rather than to higher education itself. On the other hand, one could argue that the lower likelihood of violence among the wealthy or the better educated might be due to differences in reporting wealthier and better-educated respondents might be more inclined to deny experiencing abuse if they associate domestic violence with members of poorer classes.

✓ There was a general lack of awareness about legislative provisions against dowry. Though some people were aware of it yet they were hesitant to approach the police due to their corrupt and tainted nature. Besides money and power of the in-laws side also played a decisive role in getting justice.

✓ The employment and education of women decreased their chances of becoming victims of dowry to a considerable extent. It aided in leading an independent life and to an extent proved a deterrent against the irrational and unreasonable demands from the in-laws.

✓ Women in households in large economic resources experience less violence particularly in the lower middle classes both in Cuttack and Bhubaneswar. An increase in educational endowment, employment and income prospects of the man is likely to reduce violence in the family. Whereas, improved education, employment and income prospects of a woman have ambiguous effects on violence in both the cities. Consequently due to its effects on reducing economic and social stress, its role as a signal of worth of man and its effect on the intra-
household position of a woman, the woman is expected to bring large amount of dowry to enhance her welfare, resulting in less domestic violence.

The respondents who did pay dowry, the likelihood of experiencing domestic abuse appears to be inversely related to the level of dowry paid. Those who paid small dowries face a high risk of violence, both overall and within each household wealth quartile. On the other hand, respondents who paid very large dowries generally face a decreased risk of violence among those who paid dowry. At the same time, those who paid no dowry face the lowest risk of abuse. In other words, the bequest theory's proposition that dowries leave brides better off appears to be valid for those who paid very high dowries, but only among those who chose to pay dowry in the first place. Once a family decides to pay dowry for a daughter's wedding, only a very large payment appears to be associated with a lower risk of domestic violence. If the bequest theory is a valid description of the dowry system, one would expect a linear relationship between the amount of dowry paid and the well-being of brides. But this is true only among those who chose to pay dowry. Thus, the inclusion in the analysis of those who did not pay dowry introduces an element of non-linearity in the proposition that higher dowries increase the well-being of bride's family. A compounding factor is the fact that dowry is often not a one-time payment, but is open ended in nature (Tambiah 1973, p. 92), making the bride and her family more susceptible to additional demands. Furthermore, given that dowry inflation is a relatively recent phenomenon, the positive justification of dowry as a form of pre-mortem inheritance may turn out to be a misguided assumption.

Thus, the globalization and economic power in fact is precipitating domestic violence because there is a greater demand of resources, an increasing need of commodities and luxuries.

There is certainly evidence that sophisticated Indian men are not always content to have virtuous drudges for wives; many of them, at least, place high social values on such qualities as education, beauty, and personal accomplishments. The uneducated man or woman of village India even today may not suffer serious
handicaps in the marriage market, but in the city the lack of education can be a liability, especially among the upper classes.

The attitude of the police administration remains far short of expectations in terms of sensitivity, human outlook, women's cause and their plight. Most of the times the law implementing agencies had preconceived notion about dowry cases i.e. intentional fabrication of the case from the bride's side to take revenge on a particular issue other than dowry.

Fear of ostracization from the society and humiliation to the parents, compels the married daughter to put up with the torture and harassment at hands of the in-laws.

Lack of political will to tackle the dowry problem, complete ignorance about the dowry provisions and legislations among the public, lack of social consciousness, delay in judicial justice system, mounting patriarchal set up, etc are some of the factors which have directly hampered the check on dowry escalation.

Flaws within the Family and Society
The saddest aspect of this menace is the role that brides' parents play in perpetuating it. There is considerable social stigma in India against those parents who shelter a married daughter back in their family. In most of the cases, parents persuade the daughter to go back to her husband's home, which is considered to be the highest form of virtuous behavior one can learn from the old scriptures. The alternative for the scared bride is to go to one of those government shelters. However, these shelters are mostly controlled by unscrupulous bureaucrats and their politician bosses who are accused of taking full advantage of the helpless condition of the victims who come to the shelters. The reputation and working condition of most of the shelters are so horrible that a bride will prefer to die at the hands of her in-laws than to move one of those "shelters".

Incredible as it may sound, in some cases, the convicted husband will be requested by the parents of his killed bride to marry her sister. The latter is an example of the severity of the problem. The sister and her parents have no place else to go but the abuser/killer man. The death of the woman leaves a permanent mark of misfortune on her family resulting out casting/abhorrence by other prospective bridegrooms for her
sister. The surviving sister can't remain unmarried - the patriarch society and the upper caste rulers would not permit that - besides, an unmarried woman with no financial, social, or political influence will be a sure target for neighbourhood hecklers. But the incidence of the "untimely death" of her older sister prevents her parents to find a "clean" groom for her. Now, here comes the widower willing to remarry with a batch of dowry probably a little lower than the first time. And, he will now probably be more "forgiving" to the bride's family he already knows so well. So, who should the family turn to but the "closely related"?

Basic Flaws in the Laws

It is interesting to note that the Dowry Prohibition Act, which is often denounced as an ineffective, paper tiger, can be considered sensitive to the demands of Indian social reality. Werner Menski has pointed out: "it's recognized in the countries of South Asia that the state's law serves different purposes to much of western laws. Thus, it is equally typical that the state law considers the consequences of its own rejection and violation, and even provides for it inexplicit terms". (Menski 1999c: 110. See also Surya 1995).

Following this pattern the Dowry Prohibition Act, while prohibiting dowry recognizes that it cannot be outlawed completely. Thus, section 6 of the Act lays down that any dowry shall be for the benefit of the wife or heirs, thus anticipating that dowries will continue to be given (Menski 1999c: 110). Further, the lawmakers being aware of the cultural association of dowry, the anti-dowry law does not prohibit voluntary financial transactions. Section 3(2) of the Act excludes presents of a customary nature from the definition of dowry. Thus, it aims to deal only with the abuses of the dowry system, and targets only those transactions with an extortionist element. The rationale seems to be that it is not objectionable to give gifts, in cash or in kind, to mark one of the most important events of life, especially when such gifts are made out of love and affection.

Nevertheless, this aspect of the anti-dowry law is widely criticized by anti-dowry campaigners. Both sides are right to a certain extent. While there is no rationale for prohibiting the voluntary transfer of property from parents to child, the critics are also right because such voluntary transactions underwrite objectionable assumptions about the status of man and woman. It has been rightly pointed out: The complex mechanisms
of bride-giving and wife-taking in South Asia's mainly patriarchal cultures are premised on the concepts of male supremacy, so that girl's father is automatically treated as inferior to boy's father and the wife-givers have to 'serve', as it were, the wife-takers (Thakur 1999: xvi). The bridegroom and his kin group are believed to have done a favour by accepting the girl in their fold, for marriage with an appropriate person is the path of honour for a girl. They, therefore, deserve to be honoured with gifts. They are higher in status by virtue of their being bride-takers. (Government of India 1974: 73) would argue that it is necessary to remain clear that in such cases the evil that needs to be fought is not the financial and material transactions around marriage, but the notion of male supremacy that underlies these transactions. It is also necessary to be clear that formal legal measures for the protection and enforcement of the rights of women cannot effectively deal with this aspect. Yet legal discourse is not redundant in challenging such assumptions. It can be helpful, but, as argued by Kapur and Cossman (1996), only in a redefined role, beyond its understanding as an instrument of reform or of oppression. Law needs to be reconceptualised as a site of discursive struggle, where competing visions of the world and of women's place therein, have been and continue to be fought out (Kapur and Cossman 1996: 12). There are certain crucial facts that need to be questioned and which have been summarized in the following points:

- Who decides what a "voluntary gift" is and what is given under pressure of a demand? The very same family that often declares, at the time of marriage, that they only gave "voluntary gifts" to the groom's family, does not hesitate to attribute all their "gift-giving" to the extortionist demands, once the marriage turns sour and is headed for a breakdown. Thus, even when marital troubles may not be connected to the tussles over dowry, and the marital strain is due to mutual incompatibility rather than the husband's violence or abuse, many women's families tend to seek an advantage in registering cases using the draconian provisions of the anti-dowry law when the marriage heads towards a breakdown.

- How does one decide what is "excessive" in relation to income by way of gifts when in India no more than 2-3 percent people declare their incomes and those too are grossly under reported? How does one judge the paying status of a family
if most of their wealth is in “black” money and property holdings held in bogus names to escape taxes?

- The bride’s parents rarely want to declare the true value of gifts given because the big dowry givers also put together their daughter’s dowry from black money and, therefore do not want to be listed.

- When dowry giving is crime, why would a groom or bride’s family put their signature on the list of gifts being given?

- Since a large part of modern dowries consists of expensive jewellery and clothes and household goods, how does one prove whether these things were transformed to the bride’s name within three months of marriage? For example, if the bride’s parents have given furniture’s to their daughter at the time of marriage that does not mean that the furniture’s must be reserved exclusively in the daughter’s room.

- As per the law, even dowry giving is an offence. but there is hardly ever any instance of the bride’s family being prosecuted for giving dowry. The assumption is that only “takers” are guilty while “givers” are hapless creatures yielding to the greed and callous demands of the groom’s family.

- The campaigners against dowry make it appear as if escalating dowries are solely due to the greed of the groom’s family. However, the growing greed is the cause of dowry increase would make sense only if our country had two distinct sets of families—those who produced only sons and those who produced only daughters. The “son - blessed” families would thus be permanent gainers as dowry receivers while “daughter-cursed” families would be permanent victims of greed and be always at the mercy of extortionists’ demands. This is clearly not the case because a family, which gives on its daughter’s wedding, becomes a recipient when its sons get married.

- The law does not take into account the rapidly changing forms of marriage transactions and mixes up the tradition of stridhana (a woman’s own alienable property) with modern day marriage transactions. Even the anti-dowry campaigners attribute the problems of the modern day dowry system to the tradition of stridhana, both of which are projected as a hangover of “traditional” patriarchal norms. The present day custom of dowry giving may retain some
ingredients of the tradition of giving *stridhana* to daughters but the difference modern day dowry and *stridhana* is as profound as that between a horse carriage and a motorized truck. However, both moves on wheels, the power that propels the two kinds of wheels is altogether different.

**Ambiguity over Gift versus Dowry: Judgment of the Supreme Court**

The mixture of societal norms versus modern age greed makes for a potential minefield of customs. Given the prevalence of dowry in India, it is left for the courts to sort their way through this minefield. What makes the situation more complex is the prevalence of dowry as an abhorrent concept that can (and many times does) lead to harassment of the bride of the family, both verbally and physically as well as the increasing trend to use the harsh anti-dowry laws to threaten and get back at the husband’s family.

However, things are never simple. The classic definition of dowry is when money or equivalent is demanded from the bride and her family for the marriage or after. But what about the case when the husband’s family expects the bride’s side to give some gifts the occasion of the birth of a child? If demanded, then it is abhorrent: but can that come in the purview of dowry? The recent judgment of the Supreme Court has ruled that the money or presents given to the married girl at the time of the birth of a child or in other ceremonies may be despicable but cannot be designated as dowry to make it a punishable offence.

This indicates that if a married woman is harassed for customary gifts by her in-laws, then they would be booked under ordinary penal provisions but not under the tough anti-dowry laws providing stringent punishments. Although this would not have been easy for the court to decide on this issue, but given that the various judgments of the court have essentially been set as precedent, this is now the law. The court also highlighted on the misuse of the law and stressed for proper investigation before any action.

Despite the weaknesses and limitations of the act, and various amendments since made by the individual states, it has remained, as predicted, almost a dead letter, while the scale and pervasiveness of dowry has continued to increase. The ever increasing amounts now demanded may be partly a result of status emulation fueled by money.
injected into the economy by better off and better educated sons able to obtain posts abroad, either in the oil-rich Middle East, in Japan, or in the United States. At the same time that the Brahmanical tradition has been democratized in this way, it has been very much modified throughout the social structure.

**Flaws in the System (Police, Courts, Cells, etc)**

In most cases, mainly because of inaction of the police, first information reports (FIR) are not entered. Parents of the killed bride are not properly heard by the administration or justice system. The police have been relatively hesitant to investigate thoroughly or press charges against suspect in-laws, and have often done so only when a great deal of pressure and publicity have been brought into play. This is sometimes because of the prominence and influence of the families involved, and partly because of the traditional tendency of police in most countries to consider "family life" in general, and domestic disputes in particular, as outside their purview, at least when the victim is a woman. The result has been that for many years police reluctance joined with the bride's family's dread of publicity to enable the groom's family not only to retain the dead woman's dowry but to arrange another marriage and collect another dowry. This is more so when the criminal or his family has connections with ruling political parties.

The legal system in India is a degenerate relic of the colonial British system and is pathetically slow. Any case in lower courts (where these trials, if any pursued, are held) would take at least five to ten years to complete. By that time, if the litigating parents can keep their money and optimism flowing to sustain the proceedings, chances is that the FIR, post-mortem and other reports will have been tampered, witnesses will have been bribed or threatened, judges will leave on vacation or retirement, and the criminal on bail will be unavailable. Finally, the criminal will either go free upon the benefit of the doubt or get a light sentence upon the lack of enough evidence (usually seven years in jail -- he will actually serve two to three years). Then he will come out, and remarry with another batch of dowry. It may be pointed out here that it is cheaper for an Indian man to kill his spouse and obtain a new one with another dowry than to divorce his wife and pay her maintenance (Banerjee, 1995).
Pooja Chauhan, a 22 year old woman from Rajkot in Rajasthan, was forced to take the streets in her undergarments to protest harassment by her husband and in-laws over dowry demands. Pooja was also victimized because of bearing a girl child, which is absurd considering male chromosomes determine the sex of a child. Police apathy and reluctance to lodge provoked complaints provoked her to take the drastic action of walking semi-nude on a busy thoroughfare. This immediately resulted in the police arresting her husband and in-laws. That a young woman had to resort to such extreme action is a blot on the Indian legal system.

Role of the Family

India, a country, obsessed with social appearance and family honour, women are always expected and compelled to reconcile with their husbands and in-laws even if she is being victimized for more dowry. The onus lies equally on the parents who were constrained from encouraging their daughters to return to the safety of the natal home. If were daughter were conditioned from childhood to think of her natal home not as place where she is only temporarily resident but as her anchor and birth right (as sons do), and to report the first sign of trouble to her parents, suicides and dowry murders would be fewer. Parents know that a wife beater is often only an alcohol-inspired step short of becoming a wife killer who prompts his obliging mother to stage a kitchen “accident”. If a woman wants to leave her marriage and her parents are not ready to accept her back, the situation becomes potentially lethal, and she finds the desperate courage to end her own life. Her despair stems equally from the violence of her husband and the fact that she has nowhere to go if she leaves him. Daughters are sensitive to their parents’ economic and social constraints and often do not tell them of their marital difficulties.
The preemptive suicide, when a woman kills herself to avoid the humiliation and expense her parents will have to undergo on her account, speaks loudest of the culture of gender, of its power to socialize woman into accepting that they are burden on their parents, that marriage is unavoidable, that the life of a single woman will be socially and emotionally unacceptable. Such attitudes make it necessary for parents to weed out the custom of dowry in all of its subtle forms if they want their beloved daughters to be in a safe home. The best dowry any parents can give their daughter is a good education, healthy self-esteem, and the values of sacramental marriage. Society needs to wake up to its responsibility of building and nurturing responsible human beings, for even now it is the village that raises the child.

**Governmental Efforts**

Women face double peril: inside the barred doors is humiliation, outside awaits public ire. Harassed and tortured women are now going to the court, or to the police, for protection. But even if appeals for protection are met, only scorn greets them when they return home. Despite every stigma, dowry continues to be the signature of marriage. It is taken as a normal custom, and dowry harassment as a part of family life. The odd NGO groups, or women activists or women lawyers associations, may pursue one or two cases and rehabilitate some tortured women, but, appallingly, by and large, any major success or breakthrough is hardly possible because social intervention is low and ignorance high.

No doubt, the laws remain stringent. But their application is seldom strict. And a dowry death is a relatively easier crime to prosecute than murder, and so the crime continues. Due to several factors, most go unreported. And in the court, a majority of the victims belong to the under-privileged classes and they have hardly any means to fight out the lengthy legal battles. Because court appearances and seeking police protection from all these types of torture and violence by husbands are traumatic, women prefer to sweep their bitter experiences under the carpet. However, the strength must come from the society and the government. In a bid to weed out this menace, or so to say this curse, from the system this scenario must be changed. Strict application of stringent law is imperative.
Besides the government must undertake sustained action to prevent employment and wage discrimination against women in the labor market. Unfortunately, there is an enormous period of lag time between the time when calls for social change are actually made and the time when societal beliefs and customs actually begin to transform. Today, dowry continues to be a socially accepted and rational outcome of the current Indian marriage market. True progress in the elimination of the dowry system will only come through endeavors to create awareness among Indian communities about the negative effects of dowry, through programs and government sanctions that endorse education and employment for women of all ages, and through a fundamental change in the attitudes of Indian peoples.

Some of the recent writings on dowry have sought to analyze the impact of antidowry legislation, found in the Dowry Prohibition Act of 1961 and its various amendments during the 1980s in India. Hooja (1969) has proposed a diagnosis to the effect that the anti-dowry legislation was not effective. Indeed, it would be difficult to argue that the law alone has brought significant improvements. Dowry, more than any other legal topic, illustrates the limited role of legal intervention in people's lives and the tangential legal impact on individual morality. The progression of any amendments to the original anti-dowry legislation during the 1980s may be a model lesson in criminal law strategies and their lack of real impact in society. The existing writings reflect such inherent contradictions but are also full of confusions about what the law actually is. No matter how carefully the law and its amendments have tried to check the social evil, dowry-related violence continues to exist and appears to have become worse. The dowry problem is a matter of individual conscience, and therefore a social rather a legal issue.

In Kerala, according to the Kerala Dowry Prohibition Act (2004), all the government staff who gets married is required to furnish details and declaration counter signed by his wife, father-in-law and father to the head of the department that he has not taken any dowry. Besides the government has appointed Regional Dowry Prohibition Officers to monitor and prevent the perpetration of dowry culture. The Revenue Divisional Officers are also entrusted with this additional task of observing the dowry give and take and make effective rules and regulations for controlling its practice.
India is getting serious about saving the girl child, both born and unborn. In a serious bid to save the girl child, government has decided to launch a scheme which will provide up to Rs. 1.4 lakh to each family of girl child in 10 poorest districts and worst gender ratio in 5 states, including Punjab and Haryana, where female infanticide is rampant. Union Women and Child Development ministry is giving final shape to the scheme to be implemented also in Bihar, Orissa and Jharkand in collaboration with Life Insurance Corporation. Rs 1 lakh will be earmarked for families that guarantee its girls grow up to be 18. but while Rs 1 lakh will accrue automatically if the girl child is not married before turning major, her parents can avail of the rest of amount only if they fulfill certain conditions. They will be required not merely to take good care of their daughters but also see to it that they are not forced into marriage before they turn 19 and ensure 80% attendance in school.

Economically weak parents are to get assistance also for registration for her birth, completion of the entire range of immunization and education. Under the scheme of “Conditional Cash Transfer”, government will provide cash transfers on conditions, such as Rs 5000 at birth and registration of the girl; Rs 500 after three months for immunization; Rs 2,500 at the time of enrolling in school; and Rs 1000 every year till completion of primary school; Rs 5000 at the time of enrolment and Rs 1,500 every year till completion of elementary school and Rs 7,500 for enrollment and Rs 1,500 every year till completion of secondary and higher secondary of the girl; and cash transfer for remaining unmarried at the age of 18 years. 36

Role of the Media

The media exercises great power in shaping contemporary culture, which is also becoming a global, dominant culture, largely defined by competitive individualism, consumer values and ethical relativism. Today we look at the media not just as one aspect of culture, rather, the media form, as it were the "web" of culture. They are our culture. They are seen as the matrix where most people now get most of their insight, influence, values and meaning. Today even religious faith is seen through the eyes of the

36 The Times of India, 18th January, 2008.
media. Today people make positive use of the media and get enjoyment out of it. They have become an alternative source of religious information, sentiment, ethical guidance, moral values and community life. This often displaces the church from its public realm. Thus a major consequence is the reformation of moral structures, especially seen as moral relativism. The great amount and variety of information and opinions available through the media makes the development of durability and relevance in moral structure problematic. The constant flow of message through various media, good, bad, subtle, indifferent, entertaining, frightening, educating and informing to which everyone is exposed, makes it difficult for us to pick out the significant and discard the irrelevant. Often media construct these "truths" and people find it difficult to navigate through this labyrinthine of information.

Extensive coverage by the media sets a chain of competition among the elite classes.

The popular media in India gives considerable publicity to new lifestyles and family mores such as premarital sex, unwed motherhood, alternative sexualities, live-in arrangements, increasing spinsterhood and bachelorhood, adultery and divorce and especially to the lifestyles of the rich and internationally famous in the world of business, politics, sports, fashion and cinema. This openness is itself a change, of course, but it should be said that these are the lifestyles of the miniscule minority. Besides, the religiosity and neo conservatism of different fractions of this same class tend to pass unnoticed in the media. Similarly, the more "Westernized" modern lifestyles of a
segment of the new middle class — those who have eschewed arranged marriage, dowry and gender-unequal inheritance practices — represent only a very small fraction of there Indian population, and their innovation in the area of kinship practice is contradicted by the strong trends in the opposite direction. So the media can be an effective source of mechanism in highlighting the dowry menace and creating awareness to wipe out the practice.

Banning of Advertisements that Stereotype Women

The logic of advertising transforms the appeal of product from the rationality of utility (buy this product, it is useful) to the aspirationalty of social status (buy this product it will make you sexy, rich and enviable). An overexposure of these advertisements blurs the boundaries that distinguish one advertisement from the another and they soon assume the shape of a single master-narrative that promotes the joys of being part of the sensual experience of middle class consumerism. These advertisements address the converted among the middle class, the non-converted who cling stubbornly to pre-globalization austerity and to the lower classes who perceive themselves as upwardly mobile. The lower classes in urban India many of whom have access to televisions view these advertisements and decode them, in the process encoding themselves with the aspiration to membership in the Indian middle class.

Some of these advertisements offer us the fantasy-illusion of overturning gender roles (carefully contained within domestic gadgetry), where a super-mom who is also model-slim and haute couture attired, has the power to make her husband and children dance to her tune (for instance consider the Whirlpool advertisements that sells 'Mummy ka Magic'). The appliances acquire a sexual charge in so far as they promote romance and reinforce gender and sexual roles, sometimes through stereotyping and sometimes through the production of exceptional anti-stereotypes (for instance consider the Society tea ad, where the well-dressed corporate man makes his harassed working wife a cup of tea when she comes home). The level of designer harmony created is one that no real-life-middle-class couple can ever hope to achieve, and consigns them to a constant state of aspirationality.
When it comes to more meaningful issues of advertisements for pension plans, the absence of women is quite disturbing. For example, the advertisement for Kotak Mahindra Insurance schemes shows a man cycling down and money notes are falling off the trees, the man imagines that if he had that much money, he would get his daughter married to a prince and send his son abroad for further studies.

If one thinks more on these advertisements and the people responsible for the creation of such advertisements, we are largely talking of creative persons in the advertising sector in the country, educated and urban, with a fairly bohemian or contemporary lifestyle, and yet producing such stereotypical, patriarchal advertisements, which affect consumer patterns. For instance, all food products are shown as being sold or promoted by women. All clothing items, even that of men are also promoted by women. The picture of an ideal Indian family is a son, a daughter, the mother, and the father. Can the family not have two daughters instead? How then does advertising challenge the patriarchal and gender stereotypes existing within society (this is not to say that all advertisements are gender insensitive or live up to the stereotype)? If an
educated, urban person with a contemporary lifestyle and outlook finds it difficult to break the stereotypes, how much more difficult do you think it would be for someone experiencing the stereotypes in their daily lives to change their mindsets?

Over the years there is a high incidence of gender-based abortions—almost two million female babies a year. One article noted the particularly crass billboard advertisements in Bombay encouraging pregnant women to spend 500 rupees on a gender test to "save" a potential 50,000 rupees on dowry in the future. Similarly, women in "stereotypical" roles like playing the ideal home maker or advertisements that reinforces ideas of skin fairness to achieve success could be thing of the past. The National Commission for Women (NSW) has issued a notice to ban advertisements like gifting woman electronic appliances or any other articles at the time of marriage as a wedding gift.

**Role of Laws**

While legal discourse reinforces deeply gendered assumptions, relations and roles, it also has the potential to help create new identities. Perceiving law as a process or as a discourse may allow us to use law in multifarious ways. Thus, while legal results can be responsive to the immediate demand of the situation, each occasion can provide an opportunity to challenge underlying assumptions and values, can provide a platform for social activists and activist judges to voice their concerns. This reconceptualisation of law as a site of discursive struggle may also allow a more useful and interactive role for law in relation to tradition. This interactive role can go a long way in bridging the much-criticized gap between socio-economic realities and formal legal rules. From tradition, one can find instructive measures to deal with customary practices like dowry. Reliance on tradition can also help invoke the element of 'self-restraint', an absolute requirement for dealing with abuses of customary practices, which surely cannot be tackled with law as an external mechanism (Menski 1999b: 55-60). Our example of the custom of dowry exemplifies these arguments. We have seen that 'dowry' arises typically as a problem in the form of an abuse of a customary practice, and that this is a modern phenomenon. Hindu conceptual thought does not authorize or prescribe pre-nuptial negotiations, though there is evidence that it allows for the transfer of movable property. Further, as
discussed before, with its underlying concepts of universal harmony and svadharma, it cannot sanction any kind of violence or harassment of women, especially of newlywed brides.

**Role of Public Figures, Law Makers**

In recent times, there have been number of instances of business as well as political leaders organizing lavish banquets in the glaring view of the masses. The highlight of all such events has been not the occasion itself as much as the ostentatiousness surrounding it. In a country like India, where large sections of people still live in abject poverty, vulgar displays of wealth by public leaders contribute to pile social pressure on people to live beyond their means. This has harmful repercussions on the economy-by encouraging excess expenditure over potential savings-and also has huge social implications. The desperation to obtain money leads to an increase in indebtedness. It is said that many of the suicides by farmers in recent months were driven by their inability to raise money for the marriage of their children. In such circumstances conspicuous consumption by those holding positions of public authority shows not only the disregard they have they have for the image of their office but also their apathy for common citizens.

It is difficult to find much sympathy for politicians (ostensibly, fixed-income socialists!) marrying their sons and daughters off in excessive style or people like Chatwal who declare themselves insolvent to dodge legal claims and then have enough solvency for a totally decadent do! But, there appears nothing wrong with a well-to-do Indian person, with his/her own hard-earned money, organizing a fat wedding for his/her son or daughter. That is his/her prerogative, his/her sense of style and taste. After all, in the inimitable words of Oscar Wilde, "Nothing succeeds like excess"! Recent big weddings of the noveau rich and affluent sections of the society have seen crores being spent. If one wedding is conceptualized like a Bollywood movie set, complete with stars on the guest list and on the entertainment roster, another wedding by a prominent society person saw 10,000 guests dropping in and every possible cuisine, from Italian and Moroccan to Japanese and Lebanese, being served.

Conspicuous consumption by public authorities undermines the effort to cultivate healthy economic habits that are important for the success of the nation. It discourages
saving to start with but also puts enormous pressure on parents to maintain an unrealistic appearance of affluence where there may be none. Sadly, display of wealth by politicians has become a matter of prestige. Many of them flash their affluence in order to become accepted in social circles dominated by film stars and business tycoons. They use the occasion to demonstrate power and their ability to manipulate circumstances. Even if they are affluent as individuals, public servants as well as other wealthy individuals should refrain from extravagance. They must accept a certain social responsibility that comes with their positions. Apart from that there is the question of security that has to be provided—often at public expense—to those attending such events. Above all, however, is a simple question of propriety before the public eyes? 37

Grandiose display and outrageous expenditure by the public figures stupefies the imagination of the common man.

Democratization for Combating Domestic Violence

The new approach of linking dowry murders with the issues of domestic violence seems a promising way forward. In order to effectively combat domestic violence, one must closely examine why the society has ignored or denied this issue. The most important reason is that in this world man and women are not equal socially, economically or politically, in both private and public life. This inequality reflects the strong patriarchal

37 The Times of India, 4th March 2008.
structure of the family and society as a whole. This unequal status continues despite a constitution which clearly guarantees equality between the sexes. The fallouts of the process of globalization and market forces on growing domestic violence against women can be combated effectively if the family and society give equal power to women and the state mediates and facilitates the democratization of the family by enacting gender just laws and formulating and implementing gender just policies and programmes. Women’s participation and access to resources is actually a manifestation of the democratic processes that exist within the family, the society and the state. The more democratic the structure, the more is the power given to women.

There are three steps to democratization for combating domestic violence:

✓ Democratization of family to allow women to be equal partners in decision making.

✓ No discrimination between sexes in society.

✓ Equal representation of women in the state.

These three conditions must co-exist to eliminate violence against women. For example in U.S, the family is individualized, the society apparently does not discriminate between sexes, but violence persists because the women are not equally represented in Parliament and decision making bodies. In Sweden, women have reached in appreciable numbers in the Parliament and other decision-making bodies. They are more or less equally represented in state structures. But this alone has not been able to curb violence. In closed family system of highly industrialized nations such as Japan, women form an appreciable part of the workforce. However, family is not democratized and women are also not represented in equal number in state institutions. They continue to suffer violence. In the Indian context, the family is highly undemocratic, women representation at state and national structures is negligible and the society is devoid of gender justice. However, in the wake of globalization, which is throwing new challenges, is there also a hope or a possibility of moulding the market forces to the advantage of the women? Possibilities such as where the family structures start to democratize, women come forward to participate in the political process and the society starts valuing the contribution of women.
Measures for the Eradication of Dowry

6 Point Program to Eradicate Dowry and Bride-Burning In India

1. Major Economic Program: Long Term Plan:
   - Enforce mandatory education of females for financial independence and autonomy.
   - Introduce a "Service Loan Fund" to provide low-interest loans to wage-earning males who wish to pay-off their parents thereby preventing the possibility of parents' claim of dowry as a compensation of expenses in raising and educating their sons.
   - Originate an "Old Age Fund" in India to finance old people thereby eliminating their dependency upon their sons.

2. National Support Groups Long Term Plans:
   - Organize and operate "Students against Dowry" mutual support groups for male and female students and fresh graduates
     (i) To promote the resolve of refusal of marriage if there is a dowry,
     (ii) To support their struggle against parental pressure for demand/acceptance/giving of dowry.
   - Organize and operate "Parents against Dowry" mutual support groups of parents
     (i) who oppose the dowry system, &
     (ii) whose daughters have been victims of dowry.

3. Research and Mass Communication: Long Term Plan:
   - Promote research to identify and diagnose the dowry problem in India, hold interviews, group/panel discussions, meetings, seminars, conferences, internet discussions, and recommend legal, psychological, spiritual and social remedies to eradicate the evil of dowry and bride-burning.
   - Promote mass communication and education programs to publicize anti-dowry ideology through drama, music, movies, radio and television programs, books, periodicals, journals, handbills, and other audio-visual media.
4. Micro-Economic Approach: Long Term Plan:
   - This item will be developed to diagnose the dowry problem by micro-economic studies and recommend ways and means to combat the subtle micro-economic forces like demand, supply, greed, etc. which sustain the dowry system.

5. Legal Approach: Long Term Plan:
   - Reformative Law: Reform Indian legal system to enforce a daughter's inheritance rights to the estates of her parents, forefathers and other ancestors.
   - Preventive Law: Enhance Indian legal system to declare a marriage null and void as soon as dowry is demanded, and compensate the divorced bride with the half of the estate of her ex-husband.

6. Immediate Life-Saving Mechanism:
   - Construct dignified, high-rise, secured and protected buildings in a number of towns/cities in India and operate "Job Center for Dowry Victims" equipped with telephone hot-lines, attended by specialists trained to handle distress calls, where a dowry victim will receive effective security, respectable accommodation, food and clothing, legal protection, medical care, psychological and spiritual care, sports & recreational facilities, study material and a job-oriented training till she is qualified to find a job and qualified to lead a financially independent life.

Elimination of dowry and of the negative impact it impresses on Indian social welfare requires the following steps:
- Amend the Hindu Succession Act to give coparcenary rights to daughters at par with sons as the states of Andhra Pradesh and Tamil Nadu have already done. Once women become equal inheritors, parents will not have to depend only on sons and daughter-in-laws for old age security because daughters too will be empowered to take care of their parents. This will make families less male-centric and therefore, less prone to violent tussles.
- The culture of disinheriture has to be combated if the growing hold of dowry culture is to be eradicated.
- The domestic violence, murder, and female infanticide that result from the dowry tradition must be abolished through increased enforcement of legal provisions such
as those in the *Dowry Prohibition Act of 1961*. By vehemently prosecuting and convicting perpetrators of dowry violence, the expected punishment could be increased enough to offset the benefits of committing such dowry related crime, thereby reducing the overall frequency of occurrence.

- Given that crimes related to dowry are rooted in dominant Indian social, religious, and ideological forces, the complete eradication of dowry can only be achieved when these social and religious attitudes are forced to change.

- In order to stop the perpetuation of the dowry tradition and its associated social ills, the relative gains from marriage for men and women must first be equalized. This can only be accomplished through a fundamental shift in Indian social attitudes about both marriage and women. Perceptions about appropriate roles for women must evolve to include education and employment, the current requirement that brides surrender all future assets to in-laws must be changed so that parents can depend on daughters as well as sons in their old age.

- Encourage parents through widespread, high profile campaigns to gift mainly income generating forms of property to their daughters (land, house or business shares) depending on the economic status of the family.