"The conscience of the society needs to be fully awakened to the evil of dowry system so that the demand for dowry itself, lead to loss of face in the society for those who demanded it. We also hope that our educated young males would refuse to be sold in the marriage market and come forward to choose their partners in life in a fair manner."

- Mr Justice P K Balasubramanayam

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CHAPTER 4

From the very commencement of Rig Vedic age, marriage was a well established institution and the Aryan ideals of marriage were very high. Position of the wife was honourable in the family. She was the centre of the domestic world and an empress or Samrajini. Without her, a man was incomplete and imperfect. In the Rig Veda, in its very first chapter, it is mentioned that:—

“As the rays of the sun touch roaring clouds,
And lightening goads on the burst of clouds,
and clouds thunder and quench the earth,
with cooling, cozy showers of mirth;
So does the husband shower all pleasures,
to his mate of gracef ul treasures,
when enchanted by her hilarious touches,
her smiling, bewitching, enfolding approaches;
A sun like husband, luminous shining,
and his wife alluring smiling,
with their mutual attraction and love,
like cloud and lightening shower heavenly love.”

In the same chapter it is further mentioned that:—

“When a man accepts as wife,
a lady lustrous as twilight,
emerging out of night of darkness,

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as a guiding light of life;
Well-versed in medical science,
who keeps her household disease-free,
and by her myriad virtues refined,
keeps her household full of spree;
And so does a lady garland a man,
calm like moon, yet vigorous as sun,
whoever attracts the charming lady,
to his virtues divinely spun.
The chariot of such a happy life,
moves on to paths of plenty and pleasure,
and heavenly virtues all descend,
to make such abode a bed of treasure.”

Similarly at other places in the Rig Veda, it is stated that:

“I clasp thy hand and enter into the holy state of matrimony so that we may be blessed with prosperity and progeny. Mayst thou live with me happily throughout life! Through the grace of the almighty Lord, who is the Creator and Sustainer of the universe and the presence of this August assemblage, thou art being given away in marriage so that we may together rightly perform our duties as householders.”

“I accept thee as my partner for life. I will not keep away even mentally anything from thee. I will share with thee all I enjoy. We will persevere in the path of virtue, surmounting all obstacles. Let us be devoted to each other. Let us share each other’s joys and sorrows, wish each other well and look upon each other with love and live happily for at least a hundred years. Distant though we

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2 Rig Veda, I., 123. 1. Kapoor, Devendra, Kumar, Ibid. pp. 56-58.
3 Rig Veda, I., 126. 6.
were, one from the other, we now stand united. May we be of one mind and spirit!

The following seven vows, which were taken (With due respect it is submitted that these vows are still being taken by the Hindus at the time of their marriage and this researcher who is also a resident of the region of Mithila, also had taken such vows at the time of his marriage.) by the Aryans at the time of their marriage which is better known as Sapta-padi in Hindu Law, bring out clearly the importance and the position of wife:

"May the first step lead to food that is both nourishing and pure. May the second step lead to strength (at the physical, emotional, intellectual and spiritual levels). May the third step lead to prosperity. May the fourth step lead to all round happiness. May the fifth step lead to progeny (noble and virtuous children). May the sixth step lead to long life. May the seventh step lead to friendship (through harmony, understanding)."

After these seven vows taken by the new couple, the bridegroom expressed his feeling in the following manner:

"Having completed the seven steps, be thou my life-long companion. Mayst thou be my associate and helper in successful performance of the duties that now devolve upon me as a house-holder! May we be blessed with many children who may live the full duration of human life!"

It is interesting to note that in one of the hymn of the Atharva Veda, the husband declares that:

"He is Saam, while his wife is Rka; he is sky, while his wife is earth; he is Vishnu, while his wife is
Laxmi;" and thus indicates and accepts boldly, the inseparability of the two.”

Similarly, in the same chapter a blessing is given to the husband and the wife that they should love each other like the Chakor birds (i.e., love birds) and should enjoy all the worldly pleasures together.\(^4\) Regarding the inseparability the husband and the wife, Prof. Indra has aptly remarked that:

"The wife and husband being equal halves of one substance, were regarded equal in every respect, and both took equal part in all works, religious and social"\(^6\)

The high ideals of Hindu marriage have been approved by our Supreme Court too. It had occasions to put forth its observations in the various cases related to dowry where the Apex Court had occasions to adjudicate upon the rights and duties as well as the inter-relation between the wife and husband. The parties to a marriage tying nuptial knot are supposed to bring about the union of souls. It creates a new relationship of love, affection, care and concern between the husband and the wife. According to Hindu Vedic philosophy it is a Samskara – a sacrament; one of the sixteen important sacraments essential to be taken during one’s life time. There may be physical union as a result of marriage for procreation to perpetuate the lineal progeny for ensuring spiritual salvation and performance of religious rites but what essentially contemplated is union of two souls. Marriage is considered to be a junction of three important duties, social, religious and spiritual.\(^7\)

With the passage of time Brahma form of marriage was accepted by almost every segments of the society and people started giving away not only their daughters as gift but the daughters were also

\(^{4}\) Atharva Veda, XV. 2. 2. 71.
\(^{5}\) Atharva Veda, XV. 2. 2. 64.
\(^{7}\) Pasayat, Arijit J. in Reema Aggarwal v. Anupam: 2004 (3) PCCR 120 (SC).
given gifts. In the beginning the girl’s father’s capacity to give gifts to his daughter came to be silently assessed while considering the comparative merits of the girls. What was originally conceived as an affectionate gift by the girl’s kinsmen for giving a start to a newly wedded damsel became the measure to tilt the matrimonial scales.

Because marriages are still largely arranged within the close confines of a caste and because the educated and eligible bachelor are relatively fewer, the competition have become keener. In every competition where money has a role to play it often becomes the ultimate regulator. Thus money plays a regular compensatory part in such alliance and that adds to the dimension of the dowry. With time dowry also changed its face and it became a method of extorting the members of the bride’s family. Our Courts expressed such a change in the following way:

“In course of time, dowry assumed a different shape and degenerated into a subject of barter, acceptance of a woman as a wife depending on what her parents would pay as dowry, varying with the qualification and the status of the bridegroom family.”

Expressing its view about the changing attitude of the people and making the sacramental form of marriage to a commercial one the Supreme Court of India observed:

“The standards of the Scriptural marriage which was a sacrament came to be contaminated by sordid consideration of immediate monetary gains at the sacrifice of the abiding purposes of marriage union.”

Dowry has its own ill effects and the first and foremost is cruelty and harassment caused to newly wed bride for extracting more

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and more dowries. Expressing its concern to such an ugly state of affairs, the Court said:

"Marriages are made in heaven, is an adage. A bride leaves the parental home for the matrimonial home, leaving behind sweet memories there with a hope that she will see a new world full of love in the groom's home. She leaves behind not only her memories, but also her surname, Gotra and maidenhood. She expects not only to be a daughter-in-law but a daughter in fact. Alas! The alarming rise in the number of the cases involving harassment to newly wed girls for dowry shatters the dreams. In-laws are characterized to be out-laws for perpetrating a terrorism which destroys matrimonial home. The terrorist is dowry and it is spreading tentacles in every possible direction."\(^\text{10}\)

The valuable consideration for marriage in ancient India was of two types:

1. That flowing from the bridegroom’s party and paid to the parents or the guardian of the girl as the price for bride (Sulka) which was not approved by our scriptures or Shastras and ancient philosophers like Manu and others continuously condemned that.

2. That flowing from the bride’s party to the bridegroom as the price for condescending to marry the girl, which was approved by our scriptures and Shastras and philosophers such as Manu and other advocated for the same.

All the same, both of these are valuable considerations irrespective of the direction from, or to, which these flow. In both, a

\(^{10}\) Pasayat, Arijit J. in Heera Lal v. State, 2003 (2) PCCR 255 (SC)
particular marriage could come into existence only by the moving of the valuable consideration and failing which the marriage could not be brought about.

What ill effect on the society in the ancient times these two forms of valuable considerations had is beyond our comprehension today. But we can say that by the passing of time the popularity of these two kinds of valuable considerations immensely increased; gradually the old concept of marriage being sacrament started dwindling and yielding place to the commercial concept of marriage. The scruples of the parents or guardians of the parties to the marriage changed their colour and men started conducting business even with his offspring. And a time came that, barring solitary exceptions of persons still imbibed with old religious idea of a sacrament, a vast majority of members of the society made it a routine practice to indulge in one or other of the aforesaid two kinds of valuable considerations – choice depending on the peculiar conditions pertaining to sexual majority prevailing in the particular part of the country.11

So far as bridegroom and his party are concerned, they have an additional incentive for bargaining. In the Indian society the position of the a girl is more delicate than that of a boy and a girl who could not be married within the certain range of age, she would be dubbed as socially unfit for marriage attaching diverse kinds of doubts to her. Having an unmarried daughter at home was considered as anathema by the people, for they were very much concerned about the safety and security of the virgin girl. Any scandal could bring disgrace to the entire family and to rule out this possibility, people resorted to child marriage.12 This state of things made it necessary for the parents or the guardians of the girls to become extra-anxious to marry her within a particular age. This anxiety on their part provides an incentive for the bargaining spirit on the side of the bridegroom.

Indeed “dowry” assumed unbearable proportion. Many a girl belonging to notable families could not be married due to the inability of their parents or guardians to find resources to meet the exorbitant demands of the other side. There have been instances where such girls were compelled to commit suicide because a girl remaining unmarried after the marriageable age was considered a dishonour to the family. There have been instances where such girls were led astray and were compelled to adopt ignoble ways of life either out of necessity of appeasing their sexual hunger, that being quite natural at that age, or out of the necessity of meeting their bare maintenance. And for their parents and guardians, this unsolved problem created a sore in their heart. They shortened their normal span of life by being sensitive to the problem which became a source of constant worry to them.\(^{13}\)

The dowry system spread unabated to alarming proportions taking toll of many young brides. Due to the frankensteinian approach of the society the country witnessed the emergence of the evils of this system in a more acute and severe form. The larger portion of the country demanding and bargaining for the bridegroom price is in vogue. Exorbitant sums and other valuable considerations are demanded.\(^{14}\)

In the last few decades the country has witnessed the evils of dowry system in more acute form than before. It has been practiced almost throughout the country and almost by all sections of the society. The well-to-do people with their accounted and unaccounted wealth have indulged in this practice of giving and taking of dowry. They perform the marriages with great pomp and show. The giving and taking of dowry has been considered as a symbol of high social prestige and rank. The evil effect of this practice have percolated the not-well-to-do people of the society as well, even those who experience

\(^{13}\) Achar, M R, and T Venkanna, op. cit. p. 38.
\(^{14}\) Ibid. p. 8.
the pinch of the evil system while marrying off their daughters are not ashamed of demanding dowry when it is turn of their sons to be married. This frankensteinian approach of the society is gnawing at the very vitals of it.\textsuperscript{15}

Now, 30-odd years after the first rumblings against "stove deaths" and "groom price" were heard, dowry has reached a new high. The price tag for the groom is bigger, bolder and gaudier.

More so in cities, where resides the educated, intelligent class, ostensibly the torchbearer of a gamut of social changes that now define modern India. It is this same class that demands bigger dowries, more cash, heavier jewellery, luxury cars and flashy, flamboyant weddings. Dowry with kanyadan received sanction from the ancient scriptures and was deified as an act. But now marriage is an indecent display of conspicuous consumption. The father of the bride buys the groom and the groom buys social status wrapped in designer events sold by the marriage industry.

Five years ago, if a Rs. 10-15 lakh wedding was big, now negotiations for grooms from affluent families start at Rs. 30 lakh, going up to Rs. 1 crore or more. And it is not just the money. Maruti cars have been replaced by luxury cars and VCRs by home theatres. Instead of Banarasi zari sarees for the bride's trousseau, her parents now buy heavy lehngas with real gold and silver work on them, often with designer labels. In Punjab, the demand is for receptions in "marriage palaces"-huge, palatial wedding venues. Chefs are flown in for multi-cuisine wedding dinners. All this is usually paid for by the bride's family.

Let us have a look upon the growing rates of grooms:

**RAJASTHAN**

Opulent receptions, gold above 50 tolas, plus all dowry items.

Factory or office space and/or flat. Groom prices zoom up to Rs. 1 crore.

TAMIL NADU NADARS
Well-educated, affluent grooms ask for as much as Rs. 1 crore. Gold: over 70 tolas.

PUNJAB
"Maruti marriages" are passé. Luxury cars, receptions in marriage palaces, cash and preferably a job for the groom. Gold over 50 tolas.

KERALA Syrian Christians
From Rs. 30 lakh to over Rs. 1 crore. Some families give the bride gold by the kilos.

ANDHRA PRADESH KAMMAS AND REDDYS
Grooms from civil services: Rs. 1-3 crore. Postgraduate doctor or engineer: at least Rs. 75 lakh. Yadav and Gouds, from among the OBC’s, are in a similar competition

BIHAR
IAS grooms: Rs. 50,000 to Rs. 2 crore, plus a flat or property, car, political favours, gold. Doctors: Rs. 20-30 lakh, engineers Rs. 20 lakh. College lecturers: less than Rs. 2 lakh. Bhoomihar Brahmin grooms are the most expensive

GUJARAT PATELS
Besides a huge dowry and gold when children are born, the bride’s parents have to pay for her funeral rites.
NAGAR BRAHMINS
The girl's father washes the groom's feet and worships them in a ritual called saptapadi. Then gifts, cash or jewellery are handed over.

HYDERABADI MUSLIMS
Doctors, engineers: Rs. 5-10 lakh as jode ki raqam (price for bridal attire) plus gifts for the groom's family. Rickshaw drivers: Rs. 5,000 plus household items.

MARWARIS
Milni ke sikke-symbolises giving of four rupees. Now it is four silver or gold coins given to every person in the groom's family. Minimum 11 people, maximum 51 people.

BANIAS
Each ceremony-roka, tilak, jaymala, pheras and vidaai-involves gifts of cash, clothes, jewellery and watches for the groom's family. Dowry is displayed during tilak.

Dowry rates vary according to social status, customs, groom's qualifications and negotiations. These are the upper-end rates.

"The rich revel in the exchange of their black money, but the pressure on the other classes to ape them has serious social consequences," says Shahjehan Appa of “Delhi's Shakti Shalini”, an 18-year-old anti-dowry organisation. Appa lost her own daughter to dowry two decades ago. What is astounding is that despite thousands of women's organisations, serious activism, legal amendments, special police cells for women, media support and heightened awareness that giving or taking dowry is a crime, the practice stays firmly stuck in a time warp. It has brought the women's movement to a staggering pause.
Official statistics show a steady rise in dowry crimes. More than 9,500 women are killed every year in India over dowry. The decade from 1990-2000 showed a 38 per cent increase in dowry deaths over the previous decade. And a 225 percent increase in cases of dowry harassment. Bihar and Uttar Pradesh still record the maximum number of dowry crimes, but Bangalore, India's fastest growing city, also shows an alarming rise - four women reportedly die every day because of dowry harassment and domestic violence. According to Donna Fernandes of Bangalore-based “Vimochana”, one of the oldest women's organisations of the country, dowry crimes in the city have doubled in the past few years. The scene is not very different in Punjab, one of the most prosperous states of India. Every 13th family from the upper middle class in the state has reported a dowry case. In Haryana, there has been an unbelievable 871 percent increase in dowry crimes in the past two decades. Police records of Andhra Pradesh echo these numbers. "Cases of dowry torture are the highest, accounting for 32.4 percent of crimes against women in the country," says Hyderabad-based Inspector-General of Police Tejdeep Kaur Menon. A sample survey conducted in parts of Chennai by the All India Democratic Women's Association (AIDWA) reveals that dowry demands in the city have multiplied over the past three generations. These frightening numbers do not include kitchen accidents or suicides, not to mention crimes that go completely unreported.

But the numbers are just one part of these dans macabre. There is a sticky web of issues surrounding it. The much-hyped luxury needs of the consumerist society are one. Dowry is the easiest short cut to such wish fulfilment. "Upper-middle-class families have realised that this is an easy way to set up their sons," says Urvashi Butalia, who set up Kali for Women in India, a publishing house that specialises in women's writings. She adds further saying that - "Most people find it easy to believe in the positive potential of a social practice, unless it is proved otherwise,"
In Andhra Pradesh, for instance, there have been at least three recent cases in which the anti-dowry law was invoked against IPS officers, all well-placed young men. One of these is 35-year-old N. Sridhar Rao, posted in Sikkim. He harassed his wife Sharmila because she did not give birth to a boy and now accuses her of being mentally unstable. Sharmila's father has been asked to settle the "marital dispute" by paying Rs. 50 lakh. The case of Nirmala Padmanabhaiah, student of Bangalore's prestigious National Law School of India University, is similar. The only daughter of a rich builder, she was married to a doctor in a glittering ceremony. A dowry worth lakhs of rupees, which included a car, accompanied Nirmala to her husband's home. But within five weeks of the wedding, her body was found hanging from the ceiling in her parents' house.

This, as many say, is the socially safe but toothless attitude of a majority of modern families who participate in dowry-based marriages instead of opposing them. "It is all very well to applaud" says Nisha Sharma, "but when it comes to the weddings of their own children, most people will just do the done thing". "No political party has made it mandatory for members to take an oath that they shall neither give nor receive dowry," says senior journalist and writer Mrinal Pande, citing opulent weddings in the families of Om Prakash Chautala, Laloo Prasad Yadav and Mulayam Singh Yadav,16 all of which were attended by the who's who of politics.

Down the years, the lack of collective political will to curb dowry has become obvious. In 1980, the Government set up a committee on the issue, which besides recommending amendments in the Dowry Prohibition Act of 1961, suggested expanding the definition of dowry and instituting family courts and a National Commission for Women. It also suggested making inheritance rights equal for men and women. Umpteen parliamentary debates led to some amendments in

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16Prominent political leaders and Ex-chief ministers of the state of Haryana, Bihar and Uttar Pradesh respectively
1984, 1985 and 1986, but the power domination system through exchange of money between families still thrives.

Caste-based practices have only added fuel to the fire. "Marriages in politicians' families are arranged to consolidate the caste base for support in electoral politics, so they don't challenge the dowry system," says Ranjana Kumari, director of the Delhi-based Centre for Social Research, who wrote "Brides Are Not for Burning" way back in 1989. And as Pande\textsuperscript{17} points out, "There has been no serious effort at amending property rights that deny girls a share in immovable paternal property. Most Indian states have amended land distribution laws in favour of married sons and barred married daughters from the same.

So while boys inherit businesses, land and property, girls are given kitchen utensils, jewellery, sewing and washing machines, and now cars, cruise tickets and suitcases heavy with cash. According to a 2001 field study done by Chandigarh-based Institute of Development and Communication (IDC), girls in rural Punjab themselves demand dowry - a trend that is pinching the debt-ridden peasantry. "Awareness about property rights has made girls think that they have a right to dowry as part of their inherited property," says IDC Director Pramod Kumar.

And it is not as if the families of girls are always innocent victims. Manuvendra Verma, a 34-year-old television journalist, explains how the marriage market in Bihar works. The sons of Bhoomihar Brahmins are considered top-notch catches in the groom bazaar. From their student days to when they join a service, their prices inflate with each passing year. But girls from the civil services do not get any dowry discount in exchange for their qualifications. The parents of eligible girls visit houses of prospective grooms, often flaunting political connections. Verma adds how some fathers unashamedly offer "contracts and tenders" as dowry. Bihar is also the land of the most expensive grooms,

\textsuperscript{17} Pande, Mrinal, the famous journalist and TV news reader.
with IAS officers demanding between Rs. 50 lakh and Rs. 1 crore in dowry.

"A tool of empowerment is what you make of it," says Butalia\(^\text{18}\), explaining why girls and their parents think that big dowries will strengthen their positions in the husband's family. "This then becomes the stick to beat the girls with," she continues. Should the marriage go wrong, there is no basis on which this "streedhan" can be retrieved. Mothers-in-law, who are often collaborators in the violence against their son's wife, usually take away the bride's jewellery. Other items are consumed by all. So what is rationalised as the girl's share of the father's property is seldom only hers. But photographer, artist and activist Sheba Chhachhi, an active participant in the 1980s anti-dowry movement, says that the number of girls who are left out of these money contracts is much larger than those who participate in the deal. Dowry is most often a monetary agreement between two men - the bride's father and the groom.

Dowry rituals have now spread even to communities where they were unknown, such as the Syrian Christians of Kerala and the Roman Catholics of Mangalore\(^\text{19}\). Jamila Nishat, of the Hyderabad-based organisation Shaheen Asmita, talks about the numerous dowry crimes amongst Muslims in the Sultanshahi area of the city. In a recent case where a girl who had been married for two months was tied up, pushed beneath the bed and burnt to death for dowry.\(^\text{20}\)

The much debated law against dowry seems to be of limited use. Joint Commissioner of Police Vimla Mehra, who heads the Crime against Women cell in Delhi, says it seldom helps women. "The law may help take temporary punitive action, but later women need real social, financial, moral and ideological support to stick to their chosen

\(^{19}\) Shefalee Vasudev; http://timesofindia.indiatimes.com/articleshow/574951.cms
\(^{20}\) Ibid
paths," says Mehra. "Before talking about misuse of the anti-dowry law, some organisation should study its use," she adds.

While the passing of the dowry buck continues, there have to be basic changes in bringing up girls and boys. "Ultimately, the effective resistance will have to come from the girls and their parents, not after being abused but before," says Pande\textsuperscript{21} "They will have to risk raising their daughters as strong-willed, uncompromising individuals who will exercise their own choices to marry or remain single." That's an empowering thought, but Nazia, a 20-year-old girl from Hyderabad, who recently refused a marriage proposal because of high dowry demands, has a sensitive question. "When the strain of my burden on my parents becomes evident, will I be able to refuse marriage?" she asks. Nazia, and many others who are not financially independent, need to be answered, otherwise stories like this will continue to flare up and then die out, till yet again another Nazia or Nisha drags them to the headlines.\textsuperscript{22}

The evil of dowry belongs to the category of commercial malpractices, adulteration, tax evasion, bribery, black-marketing, smuggling and the like, a dishonest means of becoming wealthy – a parasite pursuit to acquire wealth with a wife to boot. It is the conjugal cancer caused by covetousness. It has many facets. It is initial and continuous. Every day our newspapers report bride-burning for non-payment or inadequate payment of dowry. So far the dowry and tortures emanating from it are concerned, what is reported in the press is only the tip of the ice-burg. According to official figures, cases of wife burning increased from 670 in 1975 to 1675 in 1979. They do not include cases of suicides by married women largely due to the tortures stemming from continuous dowry demand. In most of the cases the parties involved were reluctant to invoke the provisions of the Dowry Prohibition Act, 1961. Apart from ugly publicity which may adversely

\textsuperscript{21} Mrinal Pande, op. cit.
\textsuperscript{22} Shefalee Vasudev; op. cit.
affect the married and unmarried daughters in the family, such litigation inevitably brings tormenting tension, exorbitant expense, humiliating cross-examination, endless waiting and the unbearable suspense of the caprice of the laws.

Dowry demands have also added to the break-down of marriages. Nearly 20,000 divorce cases are recorded every year.23

A large number of cases go unreported for a variety of reason. The evil is so rampant and so multifaceted that it has lost its identity. In the array of human civilization it may be conceded that economy did exert its influence in the field of marriages in difficult forms. We are, however, not aware of any civilization old or new where in a young bride is murdered brutally or tortured mercilessly, as it happens now because her parents have not been able to provide such toys as a scooter, a television or a refrigerator to a son-in-law who has ambition but lacks ability to acquire them by his own exertion. And this occurs among the people who broadcast to the world that non-violence is their cult: non - acquisitiveness their cultivated culture.24

Despite various legislations, the menace of dowry death is unfortunately increasing at alarming speed. Ordinarily legislation is based on public opinion, but at times even legislation also creates public opinion. Regrettably with much legislation, we have not been able to control dowry deaths. Perhaps greater social awareness and more severe legislative measures are urgently required to curb the menace of dowry related deaths. To our information in no other civilized country similar problem of this nature and magnitude exists. This is indeed a slur on our great heritage, ancient culture and civilization.25 As far as effectiveness of the legislation are concerned a public opinion is generated that even after so many legislations the dowry-related crimes are not being controlled and the rate of crime is increasing every day.

23 Aggarwal, R C; “The Crusade against Dowry”, Social Welfare, 7-8 April, 1979
Consequently the legislation has become ineffective means to contain this crime and thereby the death of innocent married women.

The views expressed and the cases cited amply show some of the ill-effects of dowry, demand of dowry and increasing rate of dowry-related crimes. Ill effects of dowry show the dilemmas and anxieties of a father who has a daughter to marry. Unpleasant outcome of dowry shows the position of the relations of a bride in the house of bride groom and the manners in which a bride is ill treated and humiliated. It shows in what manner a wife is treated in her in-laws house and non-payment of dowry leads to what consequences. Ill effect shows how due to non-availability of dowry, marriage of a daughter is difficult. Adverse effect of dowry shows how non-marriage of girls leads them to lead a life of ignominy. It shows how due to dowry a wife has to lead a life of neglect and ignorance and how she is compelled to commit suicide to get rid of such humiliation and neglect. Not only that due to insufficient dowry a wife is tortured and when the greed of the in-laws is not fully satisfied how she is brutally killed within the precincts of a house. The circumstances discussed above also show that why general people are compelled to accumulate wealth for giving dowry to their daughters and how such accumulation leads to various other kinds of crime to the category of commercial malpractices, adulteration, tax evasion, bribery, black-marketing, smuggling and the like other dishonest means of becoming wealthy. Thus it is found that there are varieties of ill and disastrous effects of dowry, which have created havoc in the society and a fear of insecurity in the mind of girls. The ill effects of dowry are not limited to those which have been mentioned above. They are many more. Other than the above mentioned direct ill effects of dowry, there are various indirect ill effects too. The indirect ill-effects of dowry are as follows:
4. 1. Female Foeticide:

It is due to dowry and its painful effects that people avoid giving birth to a female child as it becomes a loss making process. People, therefore, restrain themselves from becoming parents of a female child. Apart from various other reasons for female infanticide and now female foeticide dowry plays a very important role in enhancing this particular crime of eliminating the girl child before she takes birth.

The prevailing practice of dowry system, besides the Dowry Prohibition Act has created a mind-set in the Indian parents that a girl child is an economic burden. This in turn has promoted the practice of female infanticide in many communities in India. Predetermination of sex, before birth, has become very popular because it helps in elimination of girls and with them the economic drain and humiliation.

The first important factor responsible for female foeticide is the increasing dowry demand in daughter's marriage whereby the parents of a girl child is always reminded (or haunted) of the marriage of the girl child and of the expenditure, which is to be incurred on her marriage. On account of high dowry demands, dowry deaths and harassment to girl, and dominating role of bridegroom's family in marriage negotiations, daughter's marriage is still considered as a big problem for the family, in spite of the high education, beauty or employment of the girl. Further, the daughter's parents do not receive that respect and care in the society, as the parents of son or sons get. In the eyes of the society, to have a son is a symbol of status. This mentality of the society is reflected in the regional saying like - Beta mare kambakht ka; Betee mare bhagyawan kee, and Kun jage; betee
ro baap means – son dies of a bad man; daughter dies of a lucky man and who remains sleepless, the answer is – daughter’s father.

Giving of better and more dowry has become necessary to secure a bridegroom of high social status. The financial burden of marrying off a daughter and the social stigma of having a daughter at home force people to kill their infant girl at her birth.

As the honour of every family demands that the daughters should be married into the highest possible clans, girls are regarded as burden, and female infanticide is regrettably becoming common. According to Captain Hall, the custom of female infanticide had its origin in heavy expense attending marriage ceremony contracts. The sums were payable by the female side, ever unalterable, equal to the rich and poor, without any abatement whatever in the favour of the later. What first established the payment is unknown, but it was so sacred, inviolable and even a partial deviation so disgraceful, that the most necessitous of the tribe would not incur the imputation. Hence arose infanticide. The sum payable were beyond the means of so many, that daughters necessarily remained on hand after maturity, entailed immoral disgrace, and thus imposed a necessity on all female progeny of becoming victims of their family honour.

Killing the female foetus (unborn female) in the womb of the mother is not an uncommon phenomenon in India which is known as Female Foeticide. The ground reality is that the clinicians unhesitatingly conduct the test for sex determination and women with their relatives approach them with impunity.

The states which are the worst sufferers of female foeticide are Punjab, Haryana, Himachal Pradesh, Delhi, Gujrat and other

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27 ibid. p. 41.
Northern states. The determination of sex of the foetus is rampantly going on leading to female foeticide.

It is a fact to note that women increasingly occupy highest position in India in politics and corporate sectors. Still female child is unwanted in the Indian families and considered as a burden to the parents and the consequence is female foeticide which is prohibited both by law and ethics.

In Haryana female child is so unwanted and undesired that they call them with bad names such as Bhateri which means “enough”; Mariya means “deadly”; Maro which translates into “kill”; Badho which is “too much” or Maffi which would be a ridiculous “please, no more”. Not to forget Bharpai, which roughly mean “paying penalty”?

This is a state where the sex ratio is an appalling 861 girls per 1,000 boys and men are having a hunt for brides.\(^{30}\)

People are paying penalty for the female foeticide and brides are imported from other states such as Kerala. People of Haryana do like to acquire a bride from other state but they do not like a girl child taking birth in their own family.\(^{31}\)

Now itself the situation has worsened to such an extent that there are number of villages where no bride is available. In these circumstances women are purchased from neighbouring states. There are many families which are unable to purchase women for every member of the family and in such a state of affairs it is expected from the sole lady so purchased that she should provide service to the all male member of the family. Reports are at hand that not only in Haryana but also in Punjab and U.P., such dealings are going on. Probably in other states also similar kinds of things might be going on but no news has come in light.

\(^{31}\) Special Report, T.V. Channel – ‘Aajtak’ telecasted on June 14, 2007
There are news that in the villages of Haryana and U.P., women are being sold to perform the job of wife or as wife for merely a sum of Rs. 3,000/- only. Though these ladies, mostly imported from poorer states like Bihar, Jharkhand, Orissa and West Bengal, do not understand the language their husband speak, are compelled to be imprisoned in these unknown atmosphere. The job of these ladies are not limited to manage the house-hold chores, they are also bound to give birth to boys only and if they fell in completing these important task then there is enough chances that they shall be removed from the job of wife. And giving birth to girl child ensures their dismissal.  

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32 Kalpana Sharma, Hindustan, Muzaffarpur, December 18, 2007.
4.1.1. Declining Sex Ratio:

Female foeticide and infanticide have its impact on sex ratio. Due to this inhuman practice the male to female sex ratio is declining every day. Situation in Gujrat is worst. Male to female ratio is sharply declining in the state and the worst effected are the communities such as Patel, Chaudharys and Prajapatis. The survey carried by the Patel community themselves reveals an alarming situation and calls for desperate measures. "The Patel communities from all over the state including girl-scarcity hit districts like Mehsana, Gandhinagar, Ahmedabad, Anand and Rajkot have conducted community specific surveys and concluded that if the current situation continues, 8-10% of males in Patel community will not get brides" – says Narhari Amin, one of the organizers of the Patidar Samaj Convention in Surat.

The survey reveals 854 girls per 1,000 boys in Rajkot, in Mehsana the ratio is 801:1,000. Vijapur Taluka is marked in red with the lowest sex ratio of 777 girls, per 1,000 boys.\(^{33}\)

The sex-ratio at the national level comes to 933. The national average in the terms of sex-ratio may be one yardstick, but one can realize that the sex-ratio of 933 at the national level in itself is on the lower side by the world standards. Only Kerala and Pondicherry are the two states/Union territories where the sex-ratio is over one thousand. However there are 16 more states/Union territories that have a higher sex-ratio than the national average. Some of the major states with a sex-ratio lower than the national average are Maharashtra (922), Rajasthan (909), Gujarat (920), Bihar (919), Madhya Pradesh (919), Uttar Pradesh (898), Jammu and Kashmir (892), Punjab (876), Haryana (861), and Delhi (821).

The eminent economist Amartya Sen once told that India shall have to answer about the 35 million lost women. Who are those lost women, who are those responsible for such loss, and how such a large number of women are being lost? How such a thing is possible in a society which is claiming equality in sex and economic and social freedom for women?

In fact women are biologically stronger than men and in those societies, where women are treated equally; they are living longer than men. In those societies, among the people the population of women is more than that of men. In those societies, it is expected that there should be 103-105 women per 100 men. If, in India, women would have been treated equally, there should have been 105 women per 100 men. Accordingly in the population of 1.03 billion, there should have been 528 million women. But the data show that there are only 496 million women in India and hence it can be concluded that 32 million women are missing.

In India, says W.H.O., approximately 50 lakh girls are killed yearly when they are still in the womb of their mother. Though pre-natal determination of sex is a crime here, none is ready to obey the law and the business of sex determination of the unborn baby has increased to the extent that one is compelled to think that this law has not got any social acceptance. No criminal case is lodged against those, who carry on such illegal act and the Law, now, plays the role of silent spectator.34

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4. 1. 1. 1. Declining Rural Sex Ratio:

The rural sex-ratio of India stands at 946, which show a better picture as compare to sex-ratio for total or urban population. An observation of the data would reveal that only seven States/Union territories have shown a lower sex-ratio in rural area as compared to total areas. These are Pondicherry (990), Meghalaya (969), Manipur (967), Tripura (946), Delhi (810), Chandigarh (621) and Daman and Diu (586). It also shows that male-female imbalance is much less in rural areas as compared to urban areas if these are not on account of sex-selective migration. Kerala is the only State where the total, rural and urban sex-ratios are almost similar.

4. 1. 1. 2. Declining Urban Sex Ratio:

India’s urban sex-ratio stands at 900, obviously much below the national average. However, there are 12 States/Union territories that show a higher sex-ratio in urban areas as compared to the national average. Three out of these, Kerala (1058), Manipur (1009), and Pondicherry (1007), have an urban sex-ratio of over 1000. 10 States/Union territories have a sex-ratio between 900-1000. But the gap between Chhattisgarh (932, lowest in the specified range) Madhya Pradesh (898, highest in the sex-ratio range of 800-900) is too wide. It may be mentioned that there are 19 States/Union territories which fall in this range. There are 3 States/Union territories, viz., Chandigarh (796), Himachal Pradesh (795) and Dadra and Nagar Haveli (691), with an urban sex-ratio of less than 800. It is generally agreed that there is a sex-selective migration to urban areas and therefore its influence needs to be studied and quantified before jumping to conclusions regarding the imbalance of both the sexes.35

35 Sambodh Goswami, pp. 342-343.
Data of men-women ratio is not available separately for the region of Mithila. But those at hand are in respect of whole Bihar, are not encouraging. Burdened with social and economical problems, dowry is an awful problem for the people here. Girls are viewed as burden. Marriages are solemnized in early age and then children are made by children. Men-women ratio among Hindus is 915, for Muslim, 943 and for scheduled castes it is 923. The different ratio in different caste and class tells a new story and that is - the class with more education has lower ratio and the class with lower education has higher ratio. 10 blocks with least men-women ratio are - Dalsingh Sarai (780), Patna Rural (824), Maner (835), Raghopur (852), Motihari (859), Ghoswari (859), and Bariyarpur (862), Rangara Chauk (863), Bakhtiyarpur (864) and Ghorasahan (864). There are 7 districts where men-women ratio is in between 850 to 899, below than national ratio.36

Thus the increased tendency of female infanticide or female foeticide is going to create a great imbalance in the child sex-ratio. This shortage of females leads the society to other social situations such as forceful abduction of girl child as well as grown-up females, prostitution, lack of brides in near future for the marriageable boys, etc.37

There are various socio-economic and health implication too of declining sex ratio:

- Decreasing number of females in the society is likely to increase sex-related crimes against women.

- This will lead to increase in social problems like rape, abduction, bride selling, forced polyandry etc.

- Such an imbalance will not only lead to growth in crime against women but will also cause various physical,
physiological and psychological disorders, particularly among women.

- The health of the women is affected as she is forced to go for repeated pregnancies and abortions.\(^{38}\)

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4. 1. 2. Child Marriage:

Another ill effect of the system of dowry is that it encourages child marriages. Though child marriage is result of many factors responsible for it, one of the most important reasons is practice of giving heavy dowry at the time of marriage.

In the Vedic period the practice of child marriage was not prevalent in India. A perusal of marriage hymn, which reflects a great deal on the status and age of the bride, shows her to be fully grown and mature at the time of her marriage. Similarly, at other place in Rig Veda, mention is made of “beautiful damsels who selected their own life partners”. The tradition of imparting education to the girls and the freedom enjoyed by them in the selection of their husbands, coupled with the respect and love they enjoyed, created an atmosphere of enlightenment in the society and as such child marriage did not show their ugly face at that time. There are many hymns in Rig Veda which clearly shows that marriages were held, when both the parties were quite grown up:

“With her body slim and soft,
Like the lines of sixteen sweet;
With her youthful, budding breasts aloft,
The lady like dawn, a youthful feast.
With her glances glamorous,
Rolling her tender lips, rosy smiling.
She approached her husband, pining to meet her,
With fervent love, madness for her.
Adept in love and household wisdom,
A queen, so stately in her kingdom.
With all hilarious, her youthful wine,
Married life she makes paradise so fine.”

This normative ideal of a Hindu woman, however, did not last long and from 1000 B.C. onwards, tendencies, which accelerated women's subordination, began to make their appearance. In the age of Sutras (i.e., the period from 500 B.C. to 100 A.D.) new negations and new restrictions were further imposed on women. In the Baudhayan Dharma Sutra, it is said that, “Let him give his daughter, while she goes still naked, to a man who has not broken the vow of chastity and who possesses good qualities, or even to one destitute of good qualities; let him not keep the maiden in his house after she has reached the age of puberty.

According to Parashara, a girl of eight is called Gauri, of nine Rohini, and of ten Kanya; beyond this she is Rajaswala (one, going through menstruation). When a girl still unmarried becomes Rajaswala, the parents and elder brother of such an unmarried girl go to hell, says Parashara:

MATA CHAIV PITA CHAIV
JYESHTHO BHRATA TATHAIV CHA;
TRAYASTE NARAKA YANTI
DRISHTAVA KANYAN RAJASWALAM.

Thus, from the above account, it becomes quite clear that because of emphasis laid down by the religious scriptures of ancient India, the evil of child marriage got firm roots in the Indian social system. Later on, because of continuous foreign invasions and inter-state and intra-state wars, things took a bad shape and the people in

41 Ibid. IV. 1. 12-14.
42 Samvarta Smriti, 1. 67.; Sankhya Smriti;
order to save their womenfolk, from being dishonoured at the hands of the invaders, took recourse to child marriages. This is the very reason, why practice like *Sati* and *Jauhar* developed in the Indian society. Thus, to summarize, the notions of purity and pollution, the fear and the challenge imposed by the new religions (Jainism, Buddhism and Islam), the socio-political and the economic circumstances of the age, forced the thinkers to lower the age of marriage, which slowly and gradually became the order of the day.

According to N.K. Singh,\(^43\) the emergence of “child-marital ceremony” was the situational response to eliminate rising expense in marriage, fulfilment of responsibilities, amidst increasing uncertainties of life due to constant battles and external invasions. We find that economic reasons also motivated the people for early marriages. The dowry demanded at the time of early marriage was very less, as compared to marriages at the later stage because certain factors like qualification of the groom, income, education, etc., were not taken into consideration in infant or child marriage, which later on created hindrance in the process of selection of bride or groom.\(^44\)

Child marriage has its own ill effects on the society as well as on the child itself. Child marriage puts forth another challenge to a bride who is physically and psychologically ill-prepared for responsibilities. By getting married as a child, she is denied her right to be a child and enjoy her childhood, as her brother does. The very experience of being uprooted from her parental home going and living in her in-laws home is a traumatic experience for her, as various kinds of duties, obligations, negations, etc., are imposed on her, which causes strain and frustrations in her personality. Marriage at an early age, denies children (and especially the girl child), the opportunity to have education, training and income-generating skills, self-confidence and an all round development of personality. As a child bride, she is


\(^{44}\) Sambodh Goswami, op.cit. p. 122.
totally dependent on her husband and her in-laws, and thus the whole existence merges with that of her family, and her wishes, her desires become secondary. The denial of the opportunities mentioned above, indirectly deprives her of her right to utilize her potentialities and to live healthy, which in turn affects her whole life adversely.

Child marriage is a violation of human rights. UNICEF (United Nations International Children’s Emergency Fund therefore urged all Governments to end child marriage: a practice in which the parents of a child arrange a marriage with another child or an adult. In most cases young girls get married off to significantly older men when they are still in childhood. Child marriages must be viewed within a context of force and coercion, involving pressure and emotional blackmail, and children that lack choice or capacity to give their full consent. Child marriage must therefore always be considered forced marriage because valid consent is absent – and often considered unnecessary. Poverty, protection of girls, fear of loss of virginity before marriage and related family honour, and the provision of stability during unstable social periods are suggested as significant factors in determining a girl’s risk of becoming married as a child. Statistics show that child marriage is most common among the poorest groups in society.

Child marriages, directly and indirectly, give rise to many other ill effects which are:

(a) Child Mothers,

(b) Child Widows,

(c) Sexual Abuse of Child-Wife, Child-Mother And Child-Widow and

(d) Polygamy.
4. 1. 2. 1. Child Mothers:

The first and foremost ill effect of child marriage is the rise in the number of child mothers, in the society. Researches point out that child mothers tend to suffer from ignorance, maternal malnutrition, severe anaemia, a shorter gestation period and antenatal hypertension, all of which pose formidable challenges for a "safe motherhood". The major life threatening complications for every young mother are pregnancy induced high blood-pressure, anaemia and difficulty in delivery, due to disproportion between the preview size and the head of the baby. Pregnancy induced high blood-pressure is a special hazard. It occurs more often during the first pregnancy and the incidence is five times higher in the age group below 15 years than in the age group of 20-24 years. This can cause serious complications and even death. Iron deficiency is another risk for the young mother. Adolescents who become pregnant within four years of menarche (which is between 10-14 years in India) are physically and psychologically immature and since they are still growing they have greater nutritional requirement than adult women.

Birth of the baby becomes more hazardous amongst child mothers because the pelvic growth is not usually complete until several years after menarche. Malnutrition during childhood results in stunted growth and these factors results in a higher proportion of abnormal presentations and prolonged labour, and the need for intervention like forceps, vacuum or Caesarean section. Some of the reasons of high rate of material mortality are malnutrition, weak health, and early marriage. Child marriage increases many folds the risk of becoming a child mother and child widow with all the resultant ills, agonies, oppression and violence on her.

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The physical, social and psychological consequences of child marriage has rightly been summarized in the following words by Dr. Parvati Kumari\textsuperscript{46} which hold good in present situation too —

"That the young girls who get married will most likely be forced into having sexual intercourse with their, usually much older, husbands. This has severe negative health consequences as the girl is often not psychologically, physically and sexually mature. Child brides are likely to become pregnant at an early age and there is a strong correlation between the age of the mother and maternal mortality and morbidity. Girls aged 10 – 14 are five times more likely to die in pregnancy or child birth than women aged 20 – 24 and girls aged 15 – 19 are twice as likely to die. The body of a young girl is not yet ready for pregnancy and child birth, which leads to complications such as obstructed labour and obstetric fistula. Obstetric fistula can also be caused by the early sexual relations associated with child marriage, which takes place sometimes even before menarche. Good prenatal care reduces the risk of childbirth complications, but in many instances, due to their limited autonomy or freedom of movement, young wives have no access to health services, which aggravates the risk of maternal complications and mortality for pregnant adolescents. Because young girls are not ready for the responsibilities and roles of being a wife, sexual partner and a mother, child marriage has a serious negative impact on their psychological well-being and personal development.

On top of pregnancy-related complications, young married girls are also at high risk of contracting

\textsuperscript{46} Kumari, Dr. Parvati, “Critical Study of Child Marriage”, in “Bhartiya” (A multi disciplinary research journal), Vol. VIII, [Patna: No. 4; S. K. Vidy Publication], p-101
HIV/AIDS. Girls are disproportionately affected by HIV/AIDS as compared to boys due to physical and social factors. Young married girls are even at higher risk because their older husbands may already be infected in previous sexual relationships. Furthermore the age difference between the girl and the husband and her low economic status make it almost impossible for the girl to negotiate safe sex or demand fidelity.

Girls and women who are married younger, especially when married as child, are more likely to experience domestic violence and to believe that it is justified for a man to beat his wife. In addition, the child brides are least likely to take action against this abuse. Domestic violence seriously endangers the physical and mental health of women and girls and can even put their lives at risk.

Gender inequality is both cause and consequence of child marriage. Child brides usually have lower levels of education than girls who get married at an older age. Education is therefore seen as a way to prevent child marriages. Once a girl is married, she experiences a lack of autonomy to make personal decisions about her life. Early marriage, together with its relation to low levels of education, high levels of violence and abuse, severe high risks and harmful power dynamics, results in increased vulnerability to poverty for girls and young women.”
4. 1. 2. 2. Child Widows:

The second ill-effect of child marriage is the presence of child-widows in the society. A child widow faces (or may face) tremendous torture at the hands of family members. She was cursed and blamed for the death of her husband and is looked down upon as inauspicious for the family. Discrimination is made between restriction imposed upon the child widow and child widower. Child widower is married off again while child widow is expected to spend all her life in penance and remains at the mercy of her family-members. In the medieval times, some of them were compelled to commit sati which can be equated with forcing her to commit suicide. Thus, a child widow is forced to lead a life facing deep-rooted stigma, frustrations and hatred and also to tolerate silently physical, social, economic and emotional hardships and exploitation at the hands of even the family members, who indulge into different types of oppression, violence or might even sexually abuse the child wife, child mother or child widow.

Though, it is true that in many family child widows were cared and looked after very well and no distinction was made between a child widow and other members but it is also true that there were (and still there are) families who exploited such helpless creatures, for the petty and selfish motives.
4. 1. 2. 3. Sexual Abuse of Child-Wife, Child-Mother and Child-Widow:

The third ill-effect of child marriage to get rid of dowry is or can be the sexual abuse of the girl child. The word sexual abuse may be described as any sexual behaviour or activity:

(a) That targets the body of a girl child, by way of any gesture, symbol, song or words, which disturbs her or is harmful to her emotionally or psychologically;

(b) That physically exploits a girl child, with or without her consent.

These are some of the ways through which a child-wife, child-mother or child-widow can be harassed. As she is not mature enough to protest the sexual onslaught of her in-laws, therefore she is forced to accept it, as her destiny. In a family, if the elder brother or brothers of the groom are leading a single life or if they are widowers, then the plight of the child-wife is even worse. Similarly, if the groom is himself younger than his wife, in the case of an uneven or ill-matched marriage, then also chances are that his wife can be physically assaulted or mishandled by his own kiths and kins. The actual incidence of sexual abuse of girl-child or of child-wife is not known and cannot be known exactly, as the feeling of shame or the fear of character-assassination or the fear of bringing disrepute to the family's name prevents the victim, to bring it to the notice of family or that of the society. Moreover, the emotional black-mailing by the offender or by the family of the victim obstructs her way to get justice and to bring the culprits to book. Many cases go unreported in India, as like elsewhere, because most of the victims and their family members do not want to talk openly about their trauma because of social pressure. Moreover,
the family members of the victims have no faith in law. As rightly stated by the eminent sociologist M.N. Srinivas\(^47\) that “the sexual abuse of children is rampant, yet it escapes the researchers, as the fear of stigma is a major hurdle” especially among the middle and upper class families. This is corroborated by the finding of a study conducted by BBC in which “one out of every ten women reported some kind of sexual abuse during childhood by known persons, ranging from father, uncles, cousins, doctors, and counsellors.”

As reported in *India Today*, in its issue of October 31, 1992, for every reported case, at least 100 would go unreported, more so if the assailants is father, brother-in-law, cousin or other close relative of the husband of child wife, widow or child mother.

4. 1. 2. 4. Polygamy:

The practice of child marriage had helped in the prevalence of another social evil polygamy, equally pernicious to the status and position of women, in the ancient and medieval period. As described earlier, a child mother faces many physical and emotional problems, which can be injurious to her health. As her body is not fully fit to deliver a baby, therefore, thousands of child mothers perish. In each maternal death, illiteracy, lack of awareness, irresponsible attitude of the health staff and non-availability of proper health care and obstetrics services play a vital role.\textsuperscript{48} A report of the White Ribbon Alliance for the Safe Motherhood (WRASM) too confirms this. It says that 15 percent deaths of the young women in India occur from complications related to child birth and unsafe abortions and over 80 percent of pregnancy and child birth deaths occur due to one of the six causes: haemorrhage, eclampsia, obstructed labour, sepsis, unsafe abortions and pre-existing conditions (such as amnesia and malarial or tubercular infections). The death of young mother doubles or even triples the threat to the life of children below five years of age, thus furthering the already high infant mortality rate. This gives birth to the practice of polygamy, as the child husband after the death of his child wife, marries again.

It is apparent that child marriage and the practice of female foeticide encouraged by the evil practice of dowry are linked to various other social abuses and for the abolition of these social practices more determined effort is required.\textsuperscript{49}

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\textsuperscript{48} Pendse, Vanava, Ex-Head of the Department of Obstetrics and Gynaecology, Udaipur Medical College
\textsuperscript{49} Goswami, Sambodh, "Female Infanticide and Child Marriage", [Jaipur: Rawat Publication], pp.108-142.