Chapter-VII: Conclusion

**CONCLUSION**

**Dahej mat do, dahej mat lo**
*Betiyan ko virasat do, betiyan, apni virasat lo*

This research has dealt with the issues of dowry and property rights of the Hindu women. The study is carried out in two localities of Jammu, one is rural (Muthi Domana) and the other is an urban area (Talab Tillo). Information on these issues was largely drawn from the sample of 200 households selected from the two localities and 10 in-depth Case Studies of dowry and property related cases besides, material from secondary sources is collected through various libraries, Women Cell, Police Station Crime Branch, Jammu etc.

Even after the passing of *The Hindu Succession Act*, 1956 i.e. more than 60 years back, women do not ask for their share in the parental property and dowry as a custom is prevalent which leads to the harassment and deaths of many young brides. This research problem is stated in Chapter 1, along with the review of literature, methodology and relevance of this study. The methodology of the research discusses the reasons for selecting area of the research, sample size, sampling method as well as methods and techniques used for the data collection. This chapter also shows how this study is significant as it sees dowry not as a problem like many other studies but mainly as a social institution. It relates dowry with the property rights of women and explores a challenging question whether property rights can substitute dowry. Further the hypotheses and objectives in this research are listed.

The chapter 2, *“Dowry: Its Socio-Cultural Dimensions”* focuses on dowry from the socio-cultural dimensions. It brings out the history of dowry i.e. how it emerged in India as well as outside, the reasons for giving and taking dowry, whether people want to give or take it, do they support this custom? The term bride price is explained, which could have taken place where the sex ratio favoured females and where there were a large number of males for every female, polyandry and bride-price could have been the result. The chapter further emphasis on how dowry becomes power for one and a source of subordination for some other. The daughter becomes a source of affection at one time and a source of anxiety at some other. It is also explained that dowry is regarded ubiquitous in societies outside India.
This chapter explains the socio-economic profile of the respondents. It can be concluded that in the urban area Talab Tillo, maximum women respondents (37.50%) have the education level from 6th-10th standard and maximum women (40%) are illiterate in the rural area. Maximum respondents (40%) have monthly income of the family Rs.3,000-10,000 in urban area and (46%) in the rural area fall in the income group less than Rs.3,000. Regarding the reasons of giving/taking dowry, respondents mostly said it is due to custom that dowry is prevalent in these localities, as 56% respondents in Talab Tillo and 76% respondents in Muthi Domana believe so. It is analysed that maximum respondents, 40% in Talab Tillo and 61% in Muthi Domana, whose monthly income is upto ₹ 10,000 gave/took dowry in their own marriage. In Talab Tillo 9% respondents gave/took dowry from ₹ 2 lakh to ₹ 5 lakh and above whereas this is not seen in case of Muthi Domana.

“Property Acts of Hindu Women” is chapter 3 which deals in detail with the property rights of Hindu women. It throws light on the two Schools of Hindu religion i.e. Mitakshara and Dayabhaga, the differences in the rights and privileges of the people belonging to a particular school. It is clear how property was distributed in the Mitakshara School as well as in the Dayabhaga School. In the former, the joint family property did not pass by inheritance but it went to those who, among the group known as coparceners, survive others, i.e., are able to live longer than others. No female had any interest by birth in the joint family property where as in the latter; the rights to ancestral property accrue only after the death of the person who was in possession of it. Sons had no right by birth in any property, and all properties devolved by inheritance. The stridhan and women’s estate, discusses what stridhan is and how is it different from dowry. The women were given stridhan as their share which is gift and bequests from relation, strangers, property acquired by self–exertion and mechanical arts, property obtained in lieu of maintenance, property purchased with stridhan (Diwan, 2006:365).

A number of laws have been passed to improve the position of women in relation to property like The Hindu Law of Inheritance (Amendment) Act 1929, The Hindu Women’s Right to Property Act 1937 and The Hindu Code, 1948. The Hindu Succession Act, 1956 is a landmark in the history of Hindu law for a number of reasons. Section 14 of it runs, any property possessed by a female Hindu, whether
acquired before or after the commencement of this Act, shall be held by her as full owner thereof and not as a limited owner.

Property rights of widows are also discussed to some extent. The issue of ‘Permanent Resident (Disqualification) Bill’ in J&K which deals with the right of women to marry outside the state and retain their property right status, its history, its initiation and the reaction of women within and outside the state, its outcome that it could not be passed in the legislative council with the requisite two-thirds majority is also discussed in detail. So the issue of disqualifying the daughter of the state from her parental property if she marries outside the state was shelved though not completely resolved.

The chapter 4, “Awareness and Perceptions of Property Rights” discusses the awareness of property rights of the respondents and their perception regarding these. It can be said that few respondents know everything about laws related to property of women, as 2% in the urban area (Talab Tillo) and 24% in rural area (Muthi Domana) believe so. The chapter also throws light on woman being considered paraya dhan (other’s property), so her brothers do not want to give her share of property. It is found that mostly the women who are self sufficient or those who have poor parents have not claimed their share of property from natal home. Very few women, 4 respondents in Talab Tillo and 1 respondent in Muthi Domana, said it will lead to disputes with brothers if they ask for their share. But many also said that it was their brothers’ right, as 21 respondents each in Talab Tillo and Muthi Domana are of this view, so only those respondents got property who had no male siblings.

It has been seen that the women live with their parents for their care if they have no brother. Few Case Studies of women who got their parental property are also discussed here. All these studies reveal that only those women who are brotherless are given their share of property otherwise they are denied to it.

“Dowry Harassments and Dowry Deaths” is chapter 5 of the present study which throws light upon the harassments and deaths of the women related to the dowry. As far as the management of dowry by the parents in their daughters’ marriage is concerned, it is found that in the urban area (Talab Tillo) 36% respondents and in the rural area (Muthi Domana) 52% respondents could not manage dowry easily and thus took the help of either relatives or took money on credit to give dowry. The cases
registered in the Women Cell, Jammu and Police Station Crime Branch, Jammu are mentioned in this chapter. Lastly, the Case Studies of the women who are sufferers of dowry related harassment by their husband and in-laws are also discussed.

The Chapter 6, “Anti-Dowry Agitations and the Law” deals with the concept of anti dowry movements in India as well as abroad. The origin of such movements, their agenda, success and contribution to help dowry victims or get rid of this problem is referred here. The Dowry Prohibition Act, 1961 formed for curbing such menace and its flaws is also discussed to some extent in this chapter. The amendments later on in 1984 and 1986 are also thrown light upon. As far as the variation in the amount of dowry in parents and their children’s marriage is concerned, it is analysed that in Muthi Domana the children of respondents have given more dowry than their parents at their time than in the region of Talab Tillo. Regarding the views of respondents for implementation of laws, maximum 43% in the urban area Talab Tillo and 39% in the rural area Muthi Domana, said they do not believe that law is implemented properly.

The question why besides so many organisations and movements, dowry is still not curbed and this problem is still increasing day by day is probed here. The reasons are seen as hiding of harassment by the victim, involvement of politicians, unawareness of law etc. The reasons which led to the promotion of dowry and hence harassments related to it form the part of this chapter.

**DOWRY AND INHERITANCE**

The shadow of marriage and the related transfer of goods looms large in theoretical discussions of women’s property. In explaining why women are disinherited from natal family property, myths about the transfer of resources at marriage are frequently called upon: the idea that women’s entitlements to family property are transferred from natal to affinal households on the occasion of marriage, that dowry or marriage prestations constitute women’s share of inheritance, and indeed the basic notion that marriage itself constitutes the primary form of property is grounded in family resources and the labor market or the realm of business. Marriage is thus intricately entangled in the discourse about property; while hegemonically represented as a structural twin of patrilineal property distribution, it is less an avenue of women’s property and more a conduit for class formation and the consolidation of wealth, and the strengthening of alliance systems.
The issue of significance is: Can these expenses be designated primarily as “dowry,” and could dowry in that case function as women’s property? Wedding costs for daughters and sons are compared in order to evaluate whether the equivalence between dowry and inheritance is merely symbolic. A corollary is that inheritance is forfeited in expectation of long-term dowry, the hope that brothers will continue to send gifts over the years if women’s property is not “extracted,” and will help with her children’s weddings: this idea is checked by examining who pays for weddings and the financial assistance to women from their natal families for children’s weddings. These analyses help to reveal the ways in which cultural constructions of family responsibilities, distribution of resources, kinship and gender roles seen in marriage sustain the present system of property transmission.

Wedding prestations are analyzed in terms of the two central ways they are characterized in anthropological debates: as tokens for establishing kinship ties between uniting clans and families, or as mechanisms for granting premortem inheritances to daughters. In the first approach, social relations are viewed as being fundamentally marked by gift exchange between groups, and the exchange and circulation of goods and even women through marriage not only determines the accumulation of resources but is the basic building block for reproducing culture and defining the social system. The other popular notion, related to research showing that women’s property rights often came about as a way of consolidating class interests, is that women’s inheritance comes through their dowry—that is, the transfer of resources at weddings marks transfers of wealth of women.

The ideology of dowry and ongoing gifts to women being equivalent to inheritance does not bear up in practice. Not only are marriage expenses (whether for sons or daughters) and other ritual gifts relatively less in value compared to property, but there is little expectation of other help from the natal family for children’s marriages, annual gifts, or more serious economic crises. With non-familial sources of financial help counted as most important, and marriedness being crucial to financial well-being, it is not surprising that dowry gifts come to be regarded as the major socially sanctioned path of receiving some resources from the natal family. If not for dowry, women would have no assets other than personal savings and resources of the nuclear household.
In a study by Lakshmi (2005), “On Kidneys and Dowry” she believes that status within a marital system has nothing to do with the individuals; it has to do with goods and property. A woman inherits property by being the child of parents who own property. Whether married or unmarried, she has a right to this property. Whether divorced orwidowed, she has a right to this property. Dowry cannot be termed this property because dowry is a price demanded for the boy and has nothing to do with the girl’s right to inherit. If one argues that dowry and dowry items are the girl’s share of the property and that a woman’s status depends on the quantity and amount of this, then one has to accept all the other notions that go with that kind of statement: notions that a woman “goes away from her parental home into her home” and that her legitimate status comes only when she is in her husband’s house; notions that a girl becomes somebody else’s belonging the moment she marries; notions that single woman does not have any status, nor does she have legitimate occasion like marriage to demand her share of the property; notions that once a woman enters in her husband’s home only her ashes can come out of it; notions that marriage is for those women who can afford it; notions that the dignity and status of a woman depends on whom she marries; notions that it is the duty of parents to educate, pamper and find a husband for the daughter at whatever cost; notions that not love, warmth, understanding, sharing and empathy make a marriage work but that a transistor, cycle, scooter or Maruti car is the foundation of a happy marriage.

Unfortunately, women who get burnt or young girls who hang themselves are not those who come from families where there is any property that a girl can demand as her share. Very often fathers and brothers have to work hard or pay off debts all their lives or demand dowries from girls who come into their families. Or the woman herself works and earns her dowry. Sister Subbalakshmi, the well known social reformer and educationist was once asked what will happen if women can’t get married because they refuse to give dowry and she said, “Then women must have the dignity and courage to remain single”. It is a pity that after all these years we are still debating what a woman’s dignity entails. The present research is also related to this study as many respondents said that dowry is separate than property of the girl.
It is women’s lack of inheritance rights which forces them mistakenly to continue viewing dowry as some sort of inadequate compensation for the denial to them of an equal share in parental property.

One of the key reasons that anti-dowry campaigns have been ineffective is that they were not accompanied by concerted efforts to make effective women’s legal right to equal inheritance.

But this dowry is no real inheritance. However large a sum it may be, it is always pitifully small when compared to the brother’s share. Furthermore, most of it may go not to the bride but to the groom's family. Thus it may never provide for a woman's future security in the way that her brother's share, large or small, can. By associating the daughter's 'inheritance' with marriage and by handing most of it to her husband's family, Indian society treats her as a perpetual minor, deprived of what little she is given. In contrast, her brother will receive his inheritance as an adult and will, by and large, control what he gains.

Whether married or unmarried, most women have not been able to establish their right to parental property. Whether widowed or divorced, women have not obtained rights to this property. Income generating assets, whether in the form of land, house, apartment, shop, factory, or vehicle are almost always passed from father to son? When there are no sons, land is often passed to brothers’ sons rather than to daughters. Women are made to sign away their rights in favour of their brothers in the overwhelming number of cases where any question arises about who are to be the rightful inheritors. This study viewed 2 such cases where the land went to the sons of father’s brother as the respondents do not have real brothers. They also gave the land happily to their cousins.

Having no secure foothold in her natal home, no economic base she can call her own, and for other reasons, most women have little choice but to see their marital home as the only place where they must try to belong, and so see their status as deriving from their husbands.

In a study “Dowry and Inheritance Rights” (2005) by Madhu Kishwar she put forth that dowry is the crumb given to the slave deprived of choice. Given a choice between a piece of land in her own name versus saris or furniture, few women would choose the latter. But to expect her to refuse the latter when the former is not on the
agenda is to ask her to become a martyr to a cause invented by social reformers, which will bring her no real advantage. How would it alter her powerless position in the marital home to marry dowry less when she will get nothing else either? It is like asking slaves to refrain from eating the only food provided by the master because accepting it would be degrading. Campaigners who suggest such a method of fighting slavery should not be surprised if their campaigns prove ineffective because slaves want to eat in order to stay alive. Unless they see some way of obtaining their freedom by effective actions to overturn the system, they will take what they can get.

Some women do choose not to marry at all. But this society has a multitude of ways to discourage free choice of that option (Basu, 2005:300). The present research is also related to it as the women said they have no other choice than to take dowry in their marriage as the property will be taken by their brothers. One unmarried girl, Rekha on being asked the research question “whether you will take dowry in your marriage?” She answered boldly that “it is my right; I will definitely take my share”. This statement of Rekha shows that she wants to take some material from her parental home and do not want to leave the house empty handed. It also becomes question of status in her in-laws family.

A large number of women who are murdered or driven to suicide in their marital homes are daughters of businessmen, shopkeepers and landed peasants. Many of them die because their father and brothers, despite having adequate means to support them, despite owning a house or other property, refuse to give them shelter when they seek protection from a violent marriage. The men fear that the daughter will become a ‘burden’ on them that is, will become, or make some sort of, claim on the property. Some are however influenced by cultural norms of society and believe that the girls rightful place after marriage is her in-laws’ house.

As long as women continue to be in a powerless position in the marital family, a position which is crucially linked to disinherition in the natal family, going without dowry will certainly not empower women. It is important to assure effective inheritance rights for women as well as to ensure that women are not made mere vehicles for transfer of property. Once inheritance rights become a reality, dowry in its present form is almost certain to disappear.
Proposals to counter the impact of dowry by instituting property right for women instead, for example, point to the need for multi-level changes. For instance, as Tomalin (2009) writes:

*If women’s structural subordination remains constant, strict legislative attempts to either ban dowry or enforce equal inheritance are likely to increase women’s vulnerability and dowry-related violence against them. On the one hand, removing dowry entirely in the absence of guarantees of inheritance (wills, gifts, etc, being common strategies to bypass legal directives against equal inheritance) deprives women of the few natal resources they garner and value. On the other hand, emphasizing inheritance for women without being able to stem the custom of wedding prestation leaves open possibilities for harassing women and their families for years over property, while dowry expenses are not curtailed in any way, and there is no return flow of resources from daughters in the form of eldercare or other financial help (Tomalin, 2009: 233).*

The ethnic marriage, the ostentatious wedding, dowry, and the display of status are celebrations of community and moments of enjoyment. Various reasons and justifications given by women and men for dowry and the impossibility of marrying without it have been described. At the same time, young women and their parents have experienced the compulsions of dowry as oppressive and devaluing. It is not surprising, then, that views on dowry are not consistent and coherent, either among girls as a group or in the articulations of any one respondent.

The findings of this study show that out of 80 women each in Talab Tillo and Muthi Domana, 60 women in the former and 54 in the latter case said they want/wanted to give dowry in their marriage and in case of 20 men each in Talab Tillo and Muthi Domana, 6 men in former and 11 in latter case said they want/wanted to take dowry in their marriage; 17 women in former and 13 in latter case said they do not want/wanted to give dowry and 13 men in former and 9 in latter case said they do not want/wanted to take dowry in their marriage and 3 women in former and 4 in latter case said they do not want/wanted to give dowry but they still gave and 4 men each in former and latter case said they do not want/wanted to take dowry but they still took it in their marriage. So, area wise not much difference is seen among the respondents of both urban and rural areas in their view regarding giving/taking of
dowry in their marriage. The present research is related with the study by Parliwala (2009) where she shared her views that it bore some correlation with the regional and community pattern in the spread of dowry, and the strength of the women’s and other social movements. The proportion of those who expressed a yearning for dowry less marriage was highest in Tripura, Assam, West Bengal, and Kerala.

The three major Acts which govern legal trials in India are the Indian Penal Code (IPC) which lays down categories of offences and stipulate punishment, the Criminal Procedure Code (CrPC) which lays down procedural rules for investigation and trial and, the Indian Evidence Act, which prescribes the rules of evidence to be formed during a trial. In those crimes in which women alone are the victims are referred to as Violence against Women and Special Laws are made to tackle them, under this, homicide for dowry, dowry deaths or the attempt, come under section 302/304 – B, IPC and torture, both mental and physical under section 498-A, IPC. Besides those identified by the IPC, there are crimes under the Special Laws as well. Reprehensible social practices like demand for dowry or trafficking of women for immoral purpose are identified as offences punishable under special social enactments to safeguard women and their interests. Dowry demands, for instance are dealt under Dowry Prohibition Act, 1961 (Chauhan, 1999:122 -123).

Besides these Dowry Acts, The Hindu Succession Act 1956 gives equal rights to the girl child also in the property of the father. A research question, do people go for dowry only and not property rights even if they are aware of Acts related to these was raised. After conducting the field survey it is found that even if the people know the laws for dowry and property rights still this practice of giving and taking dowry and not giving property to girl except in rare cases where the parents have only daughters is continuing. On being asked them the reason for this they replied, this is custom, they never think about the law. It shows that awareness of property rights and dowry laws has no direct relation to the practice of giving and taking of dowry and claiming of property rights.

Regarding the research question that there are more cases of dowry harassment in urban area than rural, it has been seen that mostly the victim does not reveal her harassment which by her in-laws. In the present study, out of 200 respondents no respondent answered that any case of dowry harassment took place in
his/her family. One respondent told that a dweller of his area, Bharti Devi a resident of Talab Tillo which is an urban area was harassed for not bringing more dowry, but on being asking her she refused to reveal the truth. It indicates no one wants to disclose such evil practice if it takes place in his/her house. One respondent, Rano Devi of Muthi-Domana revealed that small quarrels took place in her home regarding the goods which she brought in her dowry. Her husband often said that she has brought small gagher (clay pot) and threw it many times, so she sold it to avoid repeated taunts of her dowry item.

But out of 6 case studies related with dowry, 4 respondents in Talab Tillo Moni, Sneha, Jaya and Shalini and 2 respondents in Muthi Domana, Shalika and Tripta disclosed that they were harassed for dowry. So it seems to be true that the cases of dowry harassment are more in urban area.

Another research query was that whether the improvement in the economic condition of people has led to the percolation of dowry system among them. In other words, practicing of dowry system depends on the position of the family. But in the present study it is seen that maximum respondents, 40% in Talab Tillo and 61% in Muthi Domana, whose monthly income is till Rs.10,000 gave/took dowry in their marriage. In Talab Tillo 9% respondents gave/took dowry from 2 lakh to 5 lakh and above whereas this is not seen in case of Muthi Domana. Thus it is seen that dowry is practiced more in the lower income group. Thus the view that better and improved economic position of the family more dowry is given/taken.

The interface between dowry and property rights of women is understood which was a research query and it is seen that in Talab Tillo 18 respondents said they regard both dowry and property rights as the same, out of this 2 respondents said poor sell property and give dowry, 3 believed dowry is property and the rest 13 simply regarded these as material things; 72 respondents said both are separate terms and have no link with each other, out of this 2 said dowry is custom and property is equal share of the girl, 1 said dowry is given to the other party and property is given according to one’s will, 2 said dowry is demanded and property is given according to one’s will, 1 responded dowry is used for sometime only and property is long lasting, 1 said it is not necessary that every girl should get married: if she does not so where is her share of property? 1 said dowry is greed and property is one’s share and the rest
64 respondents simply said these are separate terms. 10 respondents had no idea about this.

In case of Muthi-Domana, 16 respondents said they regard both dowry and property rights as the same as both are material things, out of this 4 said both are given by the parents to the girl, 1 believed either dowry or property should be given and the rest 11 simply regarded these as material things; 71 respondents said both are separate and have no link with each other, out of this 1 said dowry and property both are wanted by the same person, 1 respondent said that the value of property increases while this is not in case of dowry as its value decreases as the goods are of no use after a period and property is equal share of the girl, 1 said dowry is given happily to the other party and property is given after conflict with the parents by the girl, 1 is of the view that dowry is lesser in value as compared to property, 1 believed dowry is given at the time of marriage while property is equal share and rest 66 respondents said these are separate terms. 13 respondents had no idea about the link between the both.

It can therefore be said that the maximum respondents believed dowry to be different from property. It is considered to be a custom, therefore it is given and taken and sometimes demanded and forced upon which turns the family institution into a criminal society. Dowry is not long lasting and it is considered to be of lesser value and confined to marriage. Property on the other hand is seen as women’s share, her rightful ownership, it is not forced and given at one’s will (even though there are conflicts at times because of it), it is long lasting and full time asset and it has greater value. From this analysis it can be concluded that there is a positive change in people particularly women’s perception of dowry. Though dowry is still considered important in a girl’s marriage, it is seen of lesser significance than property from women’s point of view.

A research question was raised about the perception of women regarding dowry and property rights enshrined in various Acts. It is analyzed that in Talab Tillo, out of 80 female respondents, 48 said that these Acts are good out of this 23 said these help the needy person as if he is not able to give dowry no one can force him to do so, 19 believe these to be simply good, 1 believe it is good if punishment is given to the culprit, 4 believe it is implemented properly and 1 said sister should claim property if
brother doesn’t mind so. 10 respondents said that these laws are not good, out of which 1 said dowry is still prevalent, 3 believe girl should not get parental property, 1 responded that there should be no compulsion on girl to get property of her parents, 4 said these are not implemented properly and 1 believe these laws are not good. 22 respondents are unaware of such Acts.

In case of males who are 20 in number, 12 believe these laws as good, out of this 9 said these help needy people, 2 believe these as simply good and 1 is of the view that rich should not give dowry but give property. 6 respondents have the view that such laws are not good as 2 said these are not implemented properly, 1 said no punishment is given to the culprit, 1 believe girl should not get property as it is the right of her brother and 2 simply believe that such Acts are not good. 2 respondents are totally unaware of these Acts.

As far as the percentage of the perception of women and men regarding dowry and property rights is concerned, it is seen that in Talab Tillo, 60% female respondents and male respondents each said that these Acts are good. 12.5% female respondents and 30% male respondents said that these laws are not good whereas 27.5% female and 10% male respondents are unaware of such Acts. This shows that females and males both regard these laws as good.

In case of Muthi-Domana out of 80 female respondents 53 said that these Acts are good as 33 said these help the needy person; 11 believe these to be simply good, 3 believe it is good as punishment is given to the culprit, 2 believe it is good if implemented properly, 2 are of the view it helps girl at the time of need, 1 said gender differences decrease if girl gets property and 1 responds it is good for rich only. 9 respondents said that these laws are not good out of which 1 said demands should be stopped, 1 said demand for property leads to the disputes, 1 believe it increases greed, 3 said these are not implemented properly and rest 3 believe these laws are not good. 18 respondents are unaware of Acts related to dowry and property.

Among males who are 20 in number, 12 believe these laws as good as 7 said these help needy people, 1 believe these as simply good and 1 is of the view that giving property to the girl helps her during the time of need, 2 believe it is good that taking and giving dowry is punishable and 1 said dowry and property should be given
to both boys and girls. 4 respondents have the view that such laws are not good as these are not implemented properly. 4 respondents are totally unaware of these Acts.

The percentage of the perception of women and men regarding dowry and property rights is concerned it is seen that 66.25% female respondents and 60% male respondents each said that these Acts are good. 11.25 % female respondents and 20% male respondents said that these laws are not good whereas 22.50% female and 20% male respondents are unaware of such Acts. This shows like in Talab Tillo, in this area also maximum number of females and males consider these laws as good.

An objective of this study was to find out if there are changes regarding the dowry issue among the women after the enactment of The Hindu Succession Act. It is analysed from the field work that even now no woman thinks about the property rights of girl and during her marriage dowry is still given. Same is the case with men. So, The Hindu Succession Act has not brought change in relation to giving and taking dowry. It is only useful when a girl asks for her property from her father or if he or his son wants to give it to his daughter or sister.

One of the research questions was to know about the property claims and property disputes. In this study it is analysed that such property claims and disputes are not revealed by the respondents. It is analysed that in case of Talab Tillo, only 1 respondent Darshana Devi got her father’s property, she got it as she is the only daughter of her parents.1 respondent got a flat from her father. She was from Delhi and married in Jammu. 2 were such respondents whose aunt got their share of the property from parents and 1 was such whose sister-in-law was given her share by her father. 1 respondent got some money from her father when he was retired.

7 respondents from Muthi-Domana out of which 3 respondents Gita Devi, Satya and Rano Devi of case study are given the property of their parents; they got it as they were the only daughters of their parents. The sisters-in-law of the two respondents wanted their share but their brothers did not give because they think their sisters have right in their husbands’ house.

Regarding property claims, no respondent said that she claimed her property or was engaged in some sort of property dispute. It is because it is not a custom in Jammu that a girl asks for such rights from her father. In fact she is unaware of these rights too.
An objective of this research was to study the incidents of dowry harassments and dowry deaths. After the in-depth study of the field it is found that the incidents of dowry harassments and dowry deaths are not revealed by interviewees easily. As far as the question of dowry harassment is concerned only few respondents those of case study namely Jaya, Moni, Sneha, Shalini, Shalika and Tripta told that they were harassed for dowry. One of the respondents, Sneh lata told that there was a case of dowry harassment in her neighbourhood of a woman named Anu who was living with her husband and 4 years old son in a rented house. An allegation was put against the lady in this family Anu, by her in-laws that she has stolen ₹ 5 lacks from their almirah and Anu was asked to bring this huge sum from the house of her parents and she was also tortured for dowry. Otherwise most of the interviewees told no such mishappening in their area. It might be because they are scared that they may be involved in some sort of police case.

The dowry related cases registered in Police Station Crime Branch Jammu are 1 case each in 1993 and 1994, 3 cases in 1995, 2 cases in 1998, 2 cases in 2002 and 2003 each, 1 case in 2007 and from 2007 no case was registered here till November 2010. The reason for such a low number is that very few cases are registered.

Like dowry harassment the respondents did not disclose the cases of dowry deaths too in their house as well as in their locality. In this research, only 4 respondents told that there was a dowry death in their locality still they did not disclose the case; but all these respondents also belonged to the same area i.e. there was only 1 such case which was revealed.

The total number of dowry deaths that took place in Jammu province registered in Police Station Crime Branch Jammu are 1 case in 1995, 1 case in 1998, 2 cases in 2003, 1 case in 2007 and after 2007 no case of dowry death is reported in this Police station. In reality a lot of dowry related harassments and deaths are seen in the news papers (day to day) but the cases reported here seem to be far lesser than those which actually take place. It is due to the reason that either the parties hush up the matter or compromise with it.

Property to the girl is given only in those cases where she has no brother otherwise she does not get her share. It is due to the reason that brothers think only they have control over property of their father. No brother ever thinks about his sister
even though the law has given equal right to women also. The dowry given to the sister is regarded as her share and property is brother’s share. When asked a woman if they have claimed their share in parental property, they said they did not want it as they are self sufficient. They think if they ask it will show their greed and lead to the disputes with their brothers or cause their brothers wives to hate them, as a result they will not be able to go to their brothers’ house too. Women said they have right in their husbands’ property.

On being asked the question whether dowry is a substitute for inheritance for women? Only 2 women respondents and 1 man answered in positive. Out of the two women one said that dowry and property are same as property is sold to give dowry by the poor sections of the society and the other is of the notion that dowry is the property itself as it is given to the girl i.e. her share at the time of marriage. But, here the question arises what will happen to the woman who will not marry? As she will not get dowry then what she will get? In the present research, a respondent Sumit said dowry is related to marriage but it is not necessary that every girl will get married so in such case she shall lose some share of dowry also. On the other hand property is independent of marriage. So every girl should get her property as she has right to it.

It has been observed in this study that dowry has spread to the poorer sections of these areas now as the lower class imitates the upper class. It has become trend here to give and take dowry in the marriage ceremony. Earlier they used to give small amount but now they have to give more. Maximum respondents who have monthly income till ₹ 10,000 give/take dowry in their marriage.

As far as the view of women in supporting dowry is concerned it is observed that maximum respondents do not support dowry as they think that dowry leads to greed, poor suffer as they are unable to spend huge sum on dowry, it leads to problem in the family having more girls etc. One respondent Rekha said that boys should give dowry and not girls. On the other side, some women respondents support this practise as they are of the view that girl uses the dowry items, dowry should be there but in a limit, 2 respondents said it is a form of property, the girl does not get property so let her get her share in the form of dowry. Few respondents support in one way and do not support in the other as they believe that rich should give and not the poor sections of the society.
FINDINGS OF THE STUDY

The specific findings of the study need to be viewed. The responses to questions on dowry were revealing. Some of the common features among the responses are as follows:

- Respondents are scared from the dowry evil especially when they see harassments related to it in their every day routine. More men respondents than women respondents did not support dowry in general as 75% men and 52.5% women are of this view.

- More women respondents than men respondents wanted/want to give/take dowry in their marriage. It is seen in the present work that 71.25% women respondents and 42.5% men respondents want/wanted to give/take dowry in their marriage. So, more respondents were/are interested in justifying the trend of dowry.

- Dowry is prevalent in our society from age old. People give and take it in their marriages. On asking respondents the reason for the same, 70.6.5% women respondents and 55% men respondents told that it is due to custom. So, custom is regarded as the main reason for giving/taking dowry.

- It has been observed that some dowry less marriages also took place in this study. These dowry less marriages are mostly due to the refusal from in-laws to take dowry which can be analysed in this research as 8% respondents in Talab Tillo and 4% in Muthi-Domana fall in this category. On being asked the parents of these girls said they were very happy when their daughters were married without any dowry, it is just like the marriage of a son when there is no tension to arrange huge money to give dowry. Thus in such cases the parents feel proud to bear daughters.

- People are largely unaware of dowry laws as 6% respondents in Talab Tillo and 30% in Muthi-Domana are unaware about these laws which indicate that more persons are unaware of laws related to dowry in the rural area of Muthi-Domana than in Talab Tillo. 79% respondents in Talab Tillo and 47% in Muthi-Domana believe laws regard dowry as a crime which indicates that 32% respondents more in Talab Tillo than in Muthi-Domana know what the dowry laws mean. Still they are unaware what the law actually is.
Though a lot of dowry related harassments and deaths are seen in the newspapers, (day to day) but the cases reported in the police stations seem to be far lesser than they actually take place because either parties hush up the matter or compromise it. It is due to the reason that the girl’s parents do not want to go to court as they think that their money would be spent in this process leaving them empty handed in two ways firstly, they would be left without money which is needed for the marriage of other daughters and secondly their case would not be solved due to weak law.

From the contrast drawn regarding giving/taking of dowry by the respondents and their children it is viewed that in the parent’s generation 35% gave dowry costing ₹ 10,000 to 50,000 whereas in case of their children’s marriage 26.5% gave dowry from ₹ 50,000 to 2,00,000. It indicates that the children of respondents have been given more dowry than their parents in their marriage.

It is viewed in the present research that in case of Talab Tillo (urban) no respondent is found who gave/took dowry up to ₹10,000 as all of them gave more than this amount, whereas in case of Muthi Domana (rural) 27% respondents fall in this category. This indicates that people spend more money in dowry in urban areas but dowry is prevalent even in rural areas and also among the lower income groups.

The offenders in dowry related cases do not see themselves as guilty people, nor do the public perceive their conduct as criminal like in other offences. Dowry death cases are not treated with the seriousness that is required by the state and its enforcement agencies. 43% respondents in Talab Tillo and 39% respondents in Muthi-Domana have no faith in the proper implementation of dowry laws. This shows more respondents in Talab Tillo than respondents in Muthi-Domana have no faith in the proper implementation of dowry laws.

The unhappiness of the daughter over the impoverishment and indebtedness of her natal family is as clear as her desire to settle into matrimonial security through a ‘good match’, which cannot usually be secured without dowry. A daughter’s marriage inevitably leads to family debt, as it can be seen in this research that 21% respondents in Talab Tillo and 24% in Muthi-Domana said they took money on credit to give dowry in marriage. Respondents also
expressed that they managed dowry easily, comparatively more in Muthi Domana (35%) than in Talab Tillo (22%). This shows that more respondents in Muthi-Domana than in Talab Tillo said they took money on credit to give dowry in marriage as well as managed dowry easily than in Talab Tillo.

The gifts given from bride’s families; for most families, the bulk of the items are clothes and/or jewelry for the bride, groom, and the groom’s extended family (this sometimes included cousins and indeed anyone who came with the wedding or engagement party). Other gifts reflected the class backgrounds of the families: while wealthier families gave the trendiest electronic appliances and furniture (e.g., color TVS, VCRs), more middle class families went with less expensive versions of the same, and relatively poor families gave utensils, luggage or bedding. Earlier, dowry consisted of clothes for the bride, gold or silver jewelry, bedding, cows, buffaloes and bedsteads, cots and perhaps a wooden closet. Later on, sofa sets and dressing tables had become mandatory and dinner sets and tea sets were included along with kitchen utensils. Watches, wall clocks and radio sets also became common because by then all these items had become customary parts of middle class life. Today, refrigerators, air conditioners, automobiles and a whole range of gadgetry are an integral part because people use many of these conveniences in their daily lives.

It is seen that earlier in Muthi-Domana which is a rural area ‘charkha’, ‘ukkal’(okhali), cot, cow; buffalo etc were given in dowry whereas in Talab Tillo which is an urban area radio was considered as a luxury item for which license was required. Earlier the clothes made of poplin and cotton, kurtapajama, fleet shoes were given in dowry which are not seen now a days. Among the gold items ‘murki’ (an earring for males), ‘taveez’ of gold, chak of gold, were given in earlier time which is not seen in the present era. In rural area earlier the utensils made up of brass, bronze, copper e.g. ‘ghagger (Brass pot),’, ‘kein ki katori (bowl of copper and zinc)’, ‘kein ka jug’ ‘channa’ (Brass bowl) were given where as in urban area the utensils of steel were in use. Now in former case steel and unbreakable sets and in latter case bone china and glass sets are used.
Whether the women had independent financial resources after marriage or not, they could contribute passively by “not taking” property from their parents.
Chapter-VII: Conclusion

They want that their natal home remain prosperous/well-endowed. They take pride in this first home being joyful and smoothly run, and indeed draw esteem from preserving that part of themselves. It is seen in this research that among women 21% respondents said that they are self sufficient and 21% respondents believe parental property to be their brother’s right. So, self sufficiency and brother’s right to parental property are the main reasons for not claiming property rights by the women in rural area of Muthi Domana.

- No doubt the law is made related to the property rights of women, as seen in the Hindu Succession Act, 1956. Still, as far as the awareness of the property rights is concerned it is seen that the people are less aware. From this study it is understood that 81.25% of women and 82% of men in Talab Tillo and 55% of women and 80% of men in Muthi Domana have partial awareness. Thus, regarding awareness of property rights, men are more partially aware than women. The difference between men and women is insignificant in urban locality of Talab Tillo which shows the impact of literacy there.

- In this research, certain instances of a son-in-law shifting to take over land entitled to his ‘brother-less’ wife could be noted. In a series of cases after the 1956 Act, the sisters successfully claimed their inheritance, having contested the claims of the collaterals. Significantly, all these were cases in which the sisters did not challenge the brothers, there being none, but effected land claims in opposition to distant collaterals. All of the eight respondents (1 in Talab Tillo and 7 in Muthi Domana) who inherited parental property are brotherless. Therefore, only those women got property of their parents who were the only daughters. Those holding property did not agree with the idea of giving a share to daughters. They say dowry is given to the sisters so that is sufficient for them.

Not much difference is found between the two areas. Talab Tillo is one step ahead of Muthi Domana i.e. whatever is in practice in the former is practiced in the latter later on. It is found that in Talab Tillo which is urban area more are the cases of dowry harassments than Muthi Domana which is a rural area. As people are richer in former than in latter, dowry becomes a mark of status symbol. Even in their daughter’s marriage more dowry is given by rich than by the poorer section. It is also
observed that in cases of such harassments, the victim or her family musters the courage to break free of social parameters to seek justice under the law, they find themselves forsaken by an apathetic society. The victim's immediate neighbours and other local residents are an important source of information which has great bearing on her decision to report the crime. Existing research indicates that dowry disputes are generally accepted as 'family affair' requiring no neighbourly intervention. There is enough of misconception that such violence exists because the girl might have provoked it. Neighbours desist from reporting anything for fear of losing the goodwill of their immediate neighbours, going to the lengths of sanctioning another dowry-based marriage for the same murderer.

Mostly men than women refused dowry in their marriage. Some men regard dowry as infectious disease but women wanted it. One respondent, Rakesh said that he is anti dowry and hated it. He went to such an extent that at the time of his *sagun* when he got to know that he shall be given T.V, fridge, he ran from there. The parents of the girl did not give then. They gave ₹ 1,00,000 but he returned it to her brother.

Thus it can be inferred from the above mentioned findings that though people are aware about the laws related to dowry and property, still they never think about these when they marry their children. These laws are taken for granted by them. It is due to this fact that laws are not strictly implemented. The giving/taking of dowry and not giving/taking of property rights by the women are in practice.

Why women continue to take dowry on marriage and do not claim their property is seen in the patriarchal culture of Hindu society. Dowry, particularly in the form of gifts, strengthen women’s position in her marital home, improve her social status and helps her to start new life, in considered important. It structures social relationships and give them meaning. Women’s attachment to their natal place is always ensured through payment of gifts. As her parents and brothers contribute towards her dowry and continue giving through their lives, it becomes difficult for the girls to demand from their parents. Infact as seen in the Case Studies, many women suffer rather than ask them. Therefore, dowry if given willingly according to one’s capacity is accepted by girls but if it becomes source of harassment and violence such cases are resisted by women. Thus it is seen how within the given patriarchal framework, women have offered resistance (*Shalika, Tripta and Shalini*), some
negotiated (Jaya and Moni) while some other terminated marriage through divorce (Sneha).

The struggle for women is harder not only because of prevalent institutionalized norms of wife-giver and therefore of dowry, being inferior; but also because dowry has spread to all classes, regions and religions. The form and the content of dowry has changed, with increasing consumerism and commodification due to privatization and liberalization of economy, larger dowry and its display has become a status symbol. With the result it is the poor who suffer more. It was seen that in urban areas of Talab Tillo, more cases of dowry harassment are reported than in rural Muthi Domana. Thus, it can be said that patriarchal structure based on Hindu religious ideology supported by penetration of capitalist forces have made the situation worse. The struggle for women has indeed become much harder and difficult.

In this study dowry and property rights are not seen related as daughters are given dowry willingly while those who attempt to take their share in the parental property are looked down upon, considered greedy with no concern for the brothers. However most respondents link the two in a way that since they are given dowry and a lot of expenditure is incurred during their marriage by the family, it balances the property given to the brothers. Daughter also have to leave the house after marriage owing to the patrilocal residence and the sons have to take care of their parents and siblings. Still some respondents are of the view that dowry is different from property rights as it is connected with marriage and they have little control over dowry. It is better that their position be strengthened by giving women their property rights as the law also proclaims. So this substitution is difficult owing to the patriarchal social structure supported by the corresponding religious values even though some women have been able to negotiate their position regarding their claims. In this manner, the study has attempted to undertake the interface between dowry and property rights of Hindu women through structure-agency framework.

It concludes that in this patriarchal structure, it will take a long time for women to forgo dowry and lay claims to their parental property. But as the cases of dowry harassments and dowry deaths have increased and spread to all classes and regions, so a woman should be given at least some share of parental property in her
marriage from parents which should be in her name so that she can legally be its owner. This will strengthen her socio-economic position and help her in crises situation.

Let us imagine a new scenario. Girls and boys have the same opportunities to education and work training. They are brought up, both at home and at school, to treat each other as human beings. They are treated equally in their natal home. When they marry, they marry as adults (physically, socially and psychologically). Whether they live with her family or his, or on their own. Wife and husband treat each other as equals with equal rights to decision-making. The wife loses none of her inheritance rights. She receives her full share of parental property at the same time as her brother receives his, and therefore not at her marriage. When she marries, she loses none of her rights to her natal family. She can visit her parents or even live nearby; she and her brother are equally responsible for their ageing parents.

Imagine if this were the case. A bride would then no longer hanker after dowry for her own protection, and her male relatives would no longer have the incentive to pay her off. The question of dowry would fall away of itself. There is need to focus the legal aspects on demanding inheritance rights for women. There is a need to separate property rights from marriage, both in our minds and in reality. This will cut at the deepest root of the pernicious dowry system. Once that root is cut, the dowry tree itself will wither away.

In conclusion I would like to quote a slogan: “jo aurat ko hak de na sake, woh samaj badalna hai” – we must transform that society which cannot give women their due.