



The Effectiveness of the Dowry Prohibition Act in Addressing Dowry Practices in Kerala: A Critical Appraisal

Dr.Sreeja LG

*Assistant Professor, School of Historical Studies, Malayalam University, Tirur
drsreejalg@temu.ac.in*

Abstract

In India, the Dowry Prohibition Act came into force in 1961 to ban the prevailing practice of dowry among the citizens. Before the Dowry Prohibition Act, there is another act named as Sind Deti Leti Act (1939), which was made before the making of the constitution by the provincial government of Sind, to prevent dowry in the areas of Sind only. But it failed to get its desired effect and subsequently the Dowry Prohibition Act was enacted for the entire India to stop the dowry practices without any failure. Nowadays the dowry practices in Kerala have a special preference for the incidents related to this catch the widespread attention of the mob due to its negative impact. This paper investigates how far the Act is effective in removing this social evil along with other cultural practices. Court Verdicts, NCRB Records, Police Reports, Newspaper Reports and Photos, Dowry Prohibition Act 1961, Sindh Deti Leti Act 1939, 1985 Amendment Act, Dowry Prohibition (Kerala Amendment) 2025 etc are the major primary documents referenced for this study.

Key Words

Dowry, Patriarchy, Social Justice, Gender Equality, Women

Introduction

Dowry system in India had a strong traditional basis since the Vedic times. In the Later Vedic time there was a system known as Kanyadanam, later changed to Varadakshina and still the people following this as dowry in India. Even a state has variety patterns to maintain the system according to their culture, geographical features and technological advancements. From the Vedic times onwards dowry used as a tool to subordinate women and that lead to the objectification of women just as a commodity. It is through the brahmanical patriarchy that women were created as a servile class to ensure their subservience to men. Both women and lower classes have been treated in a deplorable manner and this is considered as one of the major hindrances in the progress of the country. This was a major issue even during the framing of the Indian constitution. The Vedic literature and the works like

Manusmriti relegated the position of women and plebeian to maintain the brahmanical superiority status forever. No one realizes these atrocities as social evil until the advent of the foreigners. By the introduction of western education and science the people identified that majority of the social responsibilities imposed on them are social evils and they started to fight against under some of the efficient leaders. The introduction of western education and science changed the mentalities of the educated people and it paved the way for the great renaissance movement in India. The most significant renaissance achievement was the abolition of Sati. This shows how far the young Indian reformers concentrated on the emancipation and the growth of women in India.

Many regulations like Sarda Act ,Widow Remarriage Act, Age of consent Act etc, passed to protect the women from the wicked social norms. It is observed that in the

constitutional debates, the women representatives fought for equality and social justice for women and dalit people. All the Indians can experience the reflection of these fights and many provisions included to safeguard the status of women and children and the dalit classes. The constitution affirmed that if necessary the nation can generate new laws and regulations to restrict or wipe out the harmful practices in India. On that provision later introduced the Dowry prohibition Act, Domestic Violence Act, Pocso Act, Posch Act etc to elevate the status of women from the degraded position and protect them from the social suffering. The introduction of these Acts shows that the atrocities against women are still continuing and sometimes it is more worst than in the earlier times.

In Kerala, dowry practices vary across regions, communities, religions, socio - economic groups, and families. It is noticeable that the dowry system in Kerala varies in its

exchange methods according to the caste – community terms, and area wise. The dowry system is illegal throughout India, yet research and reports indicate that dowry-related transactions continue in various forms across Kerala, often under different labels such as gifts, gold, property transfers, or wedding expenses. In some areas like Trivandrum, Quilon, Palakkad, dowry demands may be explicit and openly discussed, and the marriages will fix accordingly. These are the high-reporting or high-visibility districts rather than the other regions. Practices can differ substantially between caste, religious, and social groups within the same district. The high visibility of dowry-related issues in Kerala has been reinforced by several widely sensational cases, including the deaths of Vismaya and Uthara, which gave a space to ponder once again about the social issue and public debates were widely conducted on dowry practices and violence against women. Another

tragic case involved Shahana, who reportedly died before her marriage amid dowry-related pressures. Such incidents highlight the severe consequences of dowry demands, demonstrating that dowry-related violence and deaths can occur both before and after marriage. These cases have drawn attention to the persistence of dowry practices in Kerala despite legal prohibitions and growing public awareness. In all these marriage alliances the dowry was fixed before marriage and that agreement leads to the marriages. Gold, land properties, vehicle, cash these are the main four divisions to fix the dowry. After the fixation of the dowry they announced publicly about the dowry terms. This is contradictory to the provisions of the Dowry Prohibition Act, 1961 and considered as punishable criminal offences under the Act. Nevertheless, dowry continues to be practiced in various forms, revealing the deep-rooted nature of traditional patriarchal social values. The existence of these practices suggests

that, despite the legal reforms and the punishment certain rotten customs and attitudes remain influential in shaping marriage relations.

As above mentioned in the patriarchal society it's very essential to ask dowry for the marriage settlement. With dowry the other concerns are beauty, education, and nowadays an income generating job for bride also required in the marriage market. But the other concerns did not consider as dowry, that features are desirable. In Southern regions of Kerala the people followed almost the same pattern in the dowry matters. They seriously involve in this system because they believe that this will protect or ensure the safety of the bride after the marriage. There the people feel no restriction in this, and fixing the amount for dowry and happily participate and bless the couples for a good life. If the groom has a job in the government sector, the parents of the bride willing to

contribute anything as they can. In the marriage alliances the bride's parents only seeking for this for they make sure that after the marriage the groom has the capacity to protect their daughter. So it is calculated that the giving and taking of the dowry is to ensure the economic status of the newly wedded couple. If the groom from the economically sound family he will get more, or he can make a choice matching to his status. As caste and community cash also mattered in the marriage alliances. If the groom is from a poor economic background the parents calculate his health and capacity to look after their daughter and they provide the dowry accordingly. In some exceptional cases only these matters never taken as significant for a good life and that also happening amidst of these anarchies. So the dowry system calculated the strength mutually in some terms and fixing the dowry accordingly. But in majority of the cases the marriage for daughter is the only preference and they

surrender to all the patriarchal notions of the society to get a good marriage alliance. The real issue stems from this and the patriarchy played its role well.

In middle and north Kerala following the same system but not visibly. The Palakkad region have some similarities with the Tamil culture there existing the dowry as in the southern parts of Kerala. In Malabar regions the people didn't ask for dowry directly, but they enquire and measure the economic status of the girl and calculate how much they will get from an alliance through the broker or from the relatives or they will assess the wealth according to the bride's social status. But all these processes will do invisibly and no direct bargaining in these matters. So the existence of dowry in these regions can identify only through the crime records or through the number of the cases filed in the family and magistrate courts. The police crime records and National Crime Bureau

records also shows the number of cases filed against the dowry and domestic violence in these areas. Nilambur had declared as the dowry free area before some years, but no one is bothered about this, especially no one is aware about this also. Some of the administrative members of the local bodies also raised their voice against this dowry free concept. The society has no ears towards the progressive movements they only have ears towards the suppressive measures for women. In Kannur there is a practice called “Ara Kaanal” (Seeing a new room) that means in that region the married couple stay in Bride’s home after marriage, so that the bride’s parents has to build a special room for the groom and it is a main ceremony to ‘see the specially built room’ by the relatives and other invited guests. The cost for this new room spend by the bridal and the people never consider it as dowry. Because normally the dowry means gold, cash, ornaments etc. Besides this ceremony, the bride will wear gold

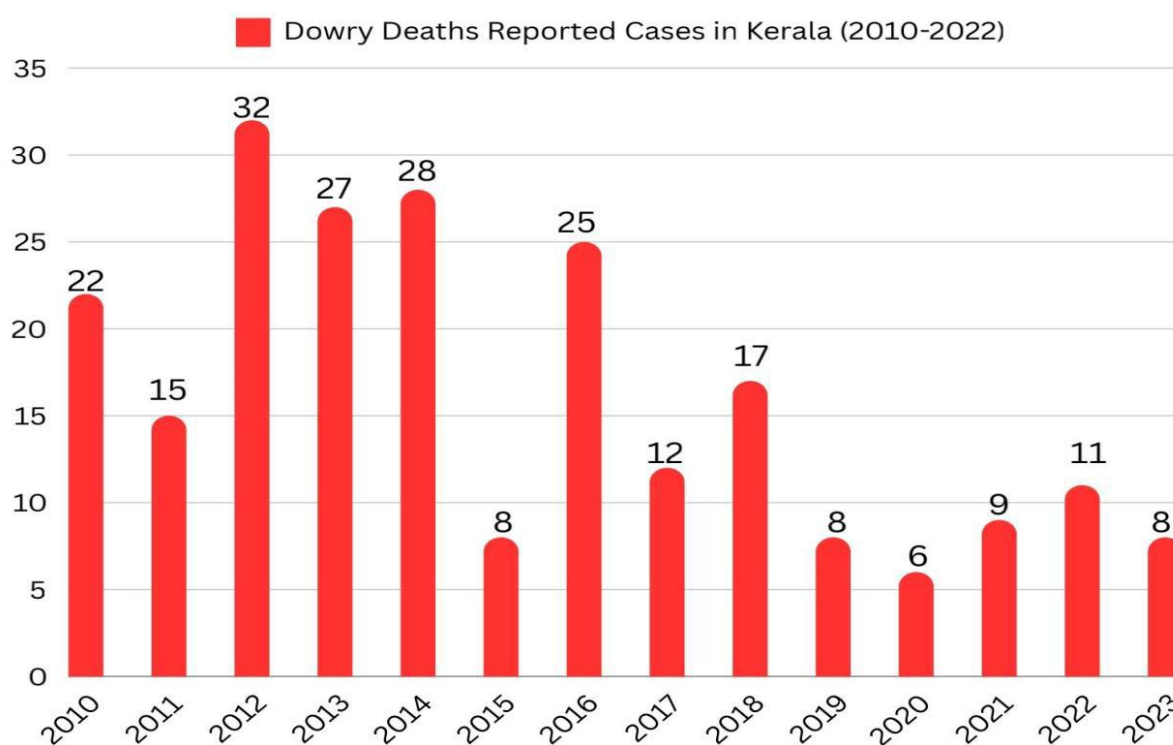
and maybe she will get cash or other dowry items for her well – being. But if we ask them about dowry they will never admit the thing and proudly believe that they have no rigid dowry issues there. The crime records shows that all over the state there existing the dowry issues and that still causing for the domestic violence and that even lead to the death of the bride also. As per the crime records northern regions are comparatively better than the southern parts of Kerala.

When we analyse the actual problem in this, obviously the dowry never asked for a groom, its only for a girl. The education and job status of the girl is preferable in recent times to keep a good standard of living for all the times. In this the girl is objectified and utilized as a commodity to sustain sufficient economic structures of the groom’s. The bride and her parents prefer a man with a stable income generating job or with adequate economic and social status or they consider a

healthy man for their daughter but that will be negotiable and at the same time they paid more for all these. Thus here the dowry is working as a tool to justify for the objectification and exploitation of a girl. The lack or minimum dowry frequently causing for the death or suicide of the girls or perpetual domestic violence and the parents

became helpless. Many of the girls lost their peace and life in this patriarchal agenda for the men, though existing of the criminal laws. Sometimes the girls have resorted to suicide to escape from this rotten system.

Here, the crime records can be used to analyse how far this system deteriorated the societal mores.



The graph indicates that the reported dowry death cases in Kerala from 2010 to 2023. The graph shows that no stable decrease in reporting cases. For example the

death cases reported in 2010 was 22 ,but that in 2011 was 15 and in 2012 that was 32.This graph reveals there is no predictability in this. As far as other states of India are considered

Kerala is better in South India because of high literacy rate, social media influence etc. That is why the registered cases are increasing and the women took initiative to protect themselves from the clutches of this evil. Another thing involved in this is the unreported cases are more than the reported cases. That is the contradictory version of this high literate society. The women who trapped in the dowry issues are not willing to report or react against this because of many reasons, that caused for the existence of the system. They have the fear about the patriarchal norms of the society and have no faith in the constitutional methods. The delay in the legal procedures are a significant matter and it is believed that if a woman married to a man, her primary duty was to obey him and tolerate whatever happen there. India's cultural and social values didn't allow a woman to separate herself from her husband, though it is suppressing or torturing her in the name of dowry or anything else.

Though she felt any discomfort or any threat for her life, she is advised that she has to adjust with all these and she has no way to get a shelter. Shelter is a primary need for a human being and in fear of losing that shelter she compelled to adjust with the cruel -torturing situations. The husband in a family has that much of dominance and he can do anything towards his wife. In all these, words of Manu reflecting than the Provisions of the Act.

The provisions of Dowry Prohibition Act in 1961 are approved and implemented in Kerala state to curb the menace of this evil structure. But the factors included in the Act has also some loopholes. For example, the term gift is used in the Act justified as at the time of marriage the parents and relatives can provide the things in the form of gifts. Though the dowry prohibition officers are appointed in all districts of Kerala according to the Act, they cannot function properly due to this clause in this Act. If they got any

hint about the dowry marriage they have the right to prevent that marriage and indebted to save the bride and her family. But the parents and relatives can defend them by claiming this clause that they are giving the properties as gift. The next reason is the Act insist that giving and taking dowry is punishable. But the givers never accused or punished under this criminal law because it is believed that if the officer arrest the giver that will reduce the seriousness of the law and it will render a chance to escape the culprit (groom). the real culprit. So the officers will avoid the giver and always take the groom into their custody for further proceedings (The Dowry Prohibition (Kerala Amendment Bill) 2025) This also a serious threat for it affected the decorous implementation of this law. Another challenge is , the Act says in fact the right to utilise the gifts given to the bride is invested only on her, but practically the husband and other in – laws will take the charge of her properties for

their own benefit, as a price to their protection to her. This also a severe violation against the rules, no one protest against this due to the acceptance of the above mentioned issue. In short the groom and his family consider including the girl as their property. For example, first they prefer to purchase a big property (A girl) and they started to bargain for the other gifts for that big purchase. This actually happening in the Mega shops, that also occurring here also. These shows the dangerous involvement of the evil socio – cultural elements, affected the system deeply and they have owned the position above the constitution. The Vedic norms works efficaciously than the Act and the constitution for the people still protecting their standards of living on these unwritten rules.

The strict awareness and implementation of the constitutional provisions are very important and they are assigned to wipe out these

unnecessary norms that ruin the gender equality and social justice. The government adopted several measures to improve the situations. By utilizing the rehabilitation facilities (Mahilamandirams) provided by the government, the women can save their lives safely from the cruelties of their men and they facilitates to meet the matters like file the case against the accused etc. In the Mahilamandirams the women will get legal aid to freely to get a secure position in the society. And they can safeguard their children with them and the government make arrangements for their free education.

Even the educated people are not aware of the services provided by the government and it is very significant that the orientation in these matters needed a primary concern to

overthrow these systems. So the awareness campaigns should be needed to change the attitude of the people in these matters. The women in India have more constitutional rights , but they are not conscious about the legal reforms and systems made for them. The concerned institutions have to take the responsibility to eradicate such deep rooted evil systems from its grass roots and ensure the social justice for all. The academic syllabus has to include the lessons about constitution and legal reforms. Essentially, the public and the government cooperate mutually and work to avoid the anarchies in the society, that flourishing through the historical ages.

References

1. Alfred De Souza, Women in Contemporary India (ed), Manohar Publishers, New Delhi, 1975.
2. Sumit Sarkar, Tanika Sarkar, Women and Social Reform in India (Vol 1), Permanent Black, New Delhi, 2007.
3. Indrani Sen, Memsahib's Writings Colonial Narratives on Indian Women, Orient Blackswan, New Delhi, 2008.
4. Ram Shelkar, **Law Relating To Dowry Deaths**, Kamal Publishers, New Delhi, 2010.
5. *Law Of Evidence*, The Academy Of Legal Publications, Thiruvananthapuram, 2002.
6. .P.K.Das, *Rights of Divorced Wife and Widows*, Universal Law Publishing Centre, New Delhi, 2013.
7. A.S Altekar, *The Position Of Women In Hindu Civilization*, Motilal Banaridass Publishers, New, Delhi, 1959.
8. Rinki Bhattacharya, *Behind Closed Doors-Domestic Violence in India*(ed), Sage Publications, New Delhi, 2004.
9. .Manerjee Choudhari ,*Miles to Go An Assessment of the enforcement hurdles in the Implimentation of the Anti – Dowry Law in India*, in W.Menski(Ed), *South Asians and the Dowry Problem*, Vistaar Publications, Newdelhi, 1998.
10. Robin Wyatt, *Broken Mirrors, The Dowry Problem in India*, Sage publications, New Delhi, 2010.

Digital Sources

NCRB, Crime In India, (2022) at
<http://ncrb.gov.in/crime-in-India-additional-table/year-2022&category>.

NWC, National Women's
Committee India (2021) at
<http://ncw.nic.in>.

<http://keralapolice.gov.in/page/state-crime-records-bureau>.
<http://www.statista.com/statistics/633393/reported-dowry-death-cases-india/>.

Kudumbasree (2002) at
<http://www.kudumbasree.org/pages/7>.