



DOWRY AND DOWRY DEATHS IN INDIA

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Dowry is the main cause for domestic violence, cruelty and dowry and death. Dowry deaths either by way of suicide or by a harassed wife or murder by the husband and laws have, indeed become a cause of great concern for parents, legislations, police, courts and society as a whole. Not a single day passes then one does not reach about a woman being harassed, tortured, killed, beaten or driven to outside from the home because of dowry. Now a days dowry become a big problem of our society. It an evil and stigma on society. It is not properly controlled by legislation, police, judicial system and society. It is more necessary that we provide counseling for victims and to whom who give harassment. The dowry prohibition act was passed in 1961. Section 3 of the act states, "any person who gives or takes dowry or abets given or taking of dowry shall be punished with imprisonment for a minimum term of 5 years and with fine of minimum rs.15000/- or be amount of the value of such dowry whichever is more". (the dowry prohibition act 1961, professional book publishers, 2003), though the dowry act has banned the practice of dowry but in reality all that the law does is to recognize that the problem exists. The cases under this act have decreased by 8.3% as compared to the previous year (5650). 22.9% cases were reported from Andhra Pradesh (1186) followed by Karnataka (1077) accounting for 20.8% of total cases at the national level. The highest crime rate was reported from Odisha at 2.3 as compared to 0.4 at the national level. (national crime records Bureau, crime in India, 2010: and NCRB publication), Indian penal code section 304 B states that where the death of woman is caused by any burns or bodily injury or occurs otherwise than under normal circumstances within 7 years of her marriage and it is shown that soon before her death she was subjected to cruelty or harassment by her husband or in connection with demand of dowry, such death shall be called "Dowry death". Despite these laws person who killed bride not caught by police and they don't get proper punishment and this give wrong message to society. Most dowry death occur in the privacy of the husband's house therefore courts admit their inability to convict any one for lack of evidence. Therefore the present situation is uncontrolled. A recent report shows that one bride is burnt every hour, the report shows that in 2010 there were 8391 reported causes of dowry death in the country. Just a decade ago in 2000 there were 6995 such cases. Conviction in bride burning cause has dipped from an already weak 37 percent in 2000 to 34 percent in 2010 (Times of India, January 27, 2012) these causes have increased by 0.1% over the previous year (8383). 26.4% of the total such cases reported in the country were reported from Uttar Pradesh (2217) alone followed by Bihar (1257) (15.0%). The highest rate of crime 1.3 was reported from Bihar as compared to the national average of 0.7%. (National crime records bureau, crime in India, 2010: an NCRB publication).

498 A of Indian penal code states that cruelty against woman by husband or relative of husband is punishable by 3 years imprisonment and fine these type of cases the conviction rates are even lower just 19%, although reported cases were 94000 in 2010. (Times of India, January 27, 2012). The cases reported every month shows how difficult it is for a woman to get justice from the court of law. In most of the cases of 498A the accused is acquitted and gets benefit of doubt.

SEXUAL HARASSMENT

Sexual harassment takes place in many places like home, office, lonely places etc. Most of sexual harassment cases of woman or by mighty and the influential persons. So it is very difficult to produce witness in favour of woman to get justice. As per the order of the Supreme Court there are committees in some institutions of deal with sexual harassment. Despite the law, the woman is thrown to her destiny. Other legal provisions include filing criminal cases under different sections of the Indian Penal Code. The sections of IPC that can be applicable to sexual harassment making a criminal case are:

1. Section 294 whoever to the annoyance of theirs, (a) does any obscene act in any public place or (b) sing, recites and utters any obscene songs, ballads or words, in or near any public place, shall be punished with imprisonment of either description for term which may extend to 3 months or with fine or with both.
2. Section 354 whoever assault or uses criminal force on any woman, intending to outrage her modesty or knowing it likely that he will there by outrage her modesty, shall be punished with imprisonment for a term which may extend to 2 years, or with fine or with both.
3. Section 509 whoever intending to insult the modesty of a woman utters any word, makes any sound or gesture or exhibits any object, intending that any word or sound shall be heard, or that such gesture is seen by such woman or intrudes upon the privacy of such woman shall be punished with simple imprisonment for a term which may extend to 1 year or with fine or with both.



PROHIBITION OF SEXUAL HARASSMENT OF WOMEN AT WORK PLACE BILL, 2010

The preamble of the bill confers upon women the right to protection against sexual harassment and towards that end for the prevention and redressal harassment of women. Women have a right to gender equality under Article 14 and 15 Indian constitution but sexual harassment infringes that fundamental right to live and live with dignity under Article 21 of the constitution which includes the to a safe environment and protection from sexual harassment.

RAPE

Section 376 of IPC says whoever commits rape shall be punished with imprisonment of either description for a term which shall not be less the 7 years but which may be for life or for a term which may extend to 10 years and shall also liable to fine. Most of rape cases trialed by man judge and she says all about that incident, it is an another rape of her. This process stops the getting of justice for women. When the rapiest is relative or nearest member of her family the victim does not complain in police because of fear and hesitation. Therefore the crime increase. An increasing trend in case of rape has been observed during 2006-2008. A mixed trend in the incidence of rape has been observed during 2008-2010. These cases reported an increase of 7.2 percent in 2007 over 2006, an increase of 3.5 percent in 2008 over 2007, a decline of 0.3 percent in 2009 over 2008 and an increase of 3.6 percent in 2010 over 2009. Madhya Pradesh has reported the highest number of rape cases (3135) accounting for 14.1 percent of total such cases reported in the country. However, Mizoram has reported the highest crime rate 9.1 as compared to national average of 1.9. rape cases have been further categorized as incest rape and other rape cases. Incest rape cases have decreased by 10.3 percent from 321 cases in 2009 to 288 cases in 2010 as compared 3.6% increase in overall rape cases. Maharashtra (44) has accounted for the highest (15.3%) of the total such cases reported in the country. (National crime records bureau, crime in India, 2010: an NCRB publication).

FEMALE FOETICIDE

It is right that there are no countries for daughters. Only 941 per 1000 boys is the ratio. It is going very low percentage after introducing the ultrasound machine. The number of parents increased who go for determining the sex of foetice and if they found there is girl child they destroy it. In the most of northern Indian the girl child presently goes to a sharp drop. The prenatal Diagnostic Techniques Act (PNDT) 1996, came into effect in 1996. The act banned prenatal sex determination but act has not been able to arrest the continuous decline of India's child sex ratio. Offences under this act include conducting or helping in the conduct of prenatal diagnosis technique in the unregistered units sex selection on a man Or women conducting PND test for any purpose other than the mentioned in the act sale, distribution , supply, renting ect. Of any ultrasound machine or any other equipment capable of detecting sex of the feotus.

DOMESTIC VIOLENCE

The protection of women from Domestic violence Act, 2005 is the first of its kind in the country to get into the privates sphere of a household. A schemes for relief and rehabilitation of victims of rape has also been formulated to assist the rape victim in restoring their dignity and self confidence. But, it has not been enough and there is an urgent need to retting how to expedite the process of women empowerment in Indian society with innumerable obstacles.

CHILD MARRIAGE

Child marriage has been prevalent in many cultures throughout human history. It is based on the age old religious traditions, socio cultural practices and economic factors. An act to restrain the solemnization of child marriage came in 1929.

CONCEPTUALIZING DISABILITY

More than merely being a physical manifestation, disability is a socially constructed phenomenon which has implication, more in the socio-economic sphere than anything else. Our society has stricter norms about what is considered 'normal' and disability deviates from the societal conception of 'normal'.

This socially constructed normality becomes a barrier in the lives of the disabled as they deviate from the 'norm' of what one should be like both physically or mentally. While for the non disabled people, 'it goes without saying' that they are human beings. For the disabled people in many historical contexts 'it has to be said'. It undertakes special efforts on their part to establish their existence (hughes, 2007). In all the modern discourses disability is regarded as totally intolerable and is looked at with a strong sense of negativity. Also the assumption that the life of a disabled is shattered and needs the attachments of pity and sympathy further attaches stigma to disability.

The politics behind defining disability and 'normality' is discussed in the 'social model of disability'. How disability has acquired the meanings and connotations that is has acquired over time have much to do with the politics of the dominant group in the society. The dominant group or the power holders define the 'normality' so as to look at the people with



disability /impairment as abnormal and hence excluding them from the social discourses. Such an organization of the society creates disability.

Creating an inclusive environment for the persons with disability involves breaking the traditional barriers and hierarchies that exists and which defines what is normal and what is not. Let us have a look at various perspectives to understand disability. The functionalist understanding of disability points at lack of social security for the disabled by the basic unit of society-family. This was often because when the societies were relatively unstable, the survival of the group was put ahead that of the disabled member. Only later when the societies could produce some surplus food, they started caring for the disabled.

Religion explained disability as a result of one's past deeds, manifested in the form of karma theory. It further became a reason that the disabled were looked down upon as someone who had bad deeds in their accounts and hence they were suffering. The same religion also spoke of administering charity for the disabled and overtime, the image of a disabled came to be associated with someone who could not help him/herself and was always dependent.

The economic context tells us that as capitalism grew after the industrial revolution, the two classes emerged-one that had all the resources and the other which had only their labour power to sell. The disabled did not fall into the either category and hence were left out from the process. Later on, when the welfare state emerged, it too looked at the disabled not with an empowerment approach but with a lens of charity.

When we look at the institution of education, it is only today that we are talking of concepts like 'integrated schools', 'inclusive education policy' etc. otherwise education for the disabled often remained a neglected issue. However, the situation has changed a lot, thanks to the disability movement and self assertion of the disabled themselves. The empowerment approach to disability needs to take further roots in the society if the persons with disability are to gain their complete existence in the society.

SELF PERCEPTION OF THE DISABLED

Shame and guilt in the disabled takes a negative toll on their self-esteem and dignity. Murphy (1990) shows the sequencing where the impairment leads to shame and guilt and finally to the 'crime' where in this crime is not a real crime but a situation where the self-esteem of the disabled is shattered and he/she go into isolation. Elaborating it further, it is a situation where diminution of self takes place in the individual is isolated because of his shattered self-esteem, the question that prevails is "Why me and what did I do to deserve this." This is a crucial junction where one starts stigmatizing ones' own self.

Their inability to perform certain roles defied the societal notions of 'normality' differentiating the participants from the other young people of their age group. The existing literature over this feature is marked by Murphy(1990) wherein he states that disability leads to the weakening of body which further makes the individual deviate from all the cultural values associated with the young age-speed, alertness, strength, stamina and fortitude.

THE ROLE OF THE FAMILY

Parents of the participants play an important role in their lives in terms of the fact that it is they who push the boundaries of the disabled which may enable them to get stronger and resilient despite the stigma and can make them able to cope up better with the stigma. The contrary view can also be true with instances where the attitude of parents or family members becomes the first set of barriers in the lives of the disabled.

Shakespeare (2006) explains that family and especially the parents have an important role to play in the lives of the disabled individuals. He explains that the parents might be supportive and protective on one hand but on other hand, they also might dominate or undermine the disabled person's wishes.

Bjarnason states the crucial role of parents in the lives of the persons with disability and states that parents are pivotal in influencing the later path of their disabled children' lives. The author states,

"...early parental decisions and family support systems will affect the claims of disabled persons to adulthood and his or her possibilities be both heard and understood". Bjarnason, 2002"

To corroborate further, Dan Goodley (2003) observed in his study that the parents had been a strong and vital source of strength for the people with disability in giving them a positive sense of self (cited in Shakespeare,2006). In fact, those individuals with disability who receives a good parental support during their childhood are able to join the mainstream and achieve independent life styles as grown up adults with disability.



THE WAY FORWARD

A practice of a social partnership between the individuals with disability and the non-disabled individuals (Shakespeare, 2006) to break the oppressive structures of the society that exists with regard to disability can be a great step towards empowering the persons with disability. It is interplay of such structures with the two groups which create situations of stigma around disability. There are various systems at place here and it would be important to understand their contribution to stigma in disability. The disabled are stigmatized at various levels- the macro-systems (larger social environments in which the disabled live, larger social attitudes, perceptions and existing policies for tackling the issue), meso-systems (structural barriers, prejudices and negative biases that exists in the community) and micro-systems (interaction of the individual with his/her own self-includes self-stigma and self-devaluation, interaction between the individual and social institutions like family and various relationships).

In order to extend the hand of friendship towards the individuals with disability, non-disabled people need to be sensitive, to understand and learn about various issues surrounding disability. This effort has to be taken for both disability as a whole and may be about specific disability which they are engaging with. Often there are various fears and ignorance associated in the non-disabled mind about disability which includes ignorance related to communication with them, fear of saying or doing something wrong (Lenncy and Sercombe, 20002, cited in Shakespeare, 20006). Integrated schooling, which is already proving successful to some extent, needs to promote integration in such a way that it establishes familiarity between the two groups.

A part from integrated schooling, creation of support networks too, can be useful to promote integration. These support networks can be formed through active consultation with persons with disabilities, disabled peoples' organization, parents' associations and members of the civil society (PWD Act 1995, Working Draft, 2011). This will create a supportive environment for the individuals with disabilities where they will have a sense of their space and sense of belongingness to the society.

Moreover, it must be made sure that the persons with disability do not merely exist, but can live with pride, dignity and the respect that they deserve.

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