

The practice of dowry has drawn a great deal of criticism in the last century or so among the socially influential urban educated middle classes in India, and has come to be identified as one of the key aspects of Indian women's oppression. The opponents of dowry base their critique on the fact that the pressure of providing dowry for daughters makes daughters appear burdensome, and therefore unwanted. Dowry is condemned for being an economic burden on parents. Yet dowry opponents seldom base their criticism on sensible economic calculations. That is why this article focuses on such calculations. It ignores the no less important cultural and social dimensions of dowry. Some of these other issues have been covered in my earlier articles.

This is not intended as a comprehensive analysis of the role of dowry in Indian marriages. I have deliberately limited my analysis of dowry payments to those of urban middle and upper class families, who are also among the most articulate critics of the institution of dowry. They continue to decry it as a social evil even though they have emerged as the trendsetters in escalating the scale of dowry.

Carrying wealth from parents to in-laws should enhance a woman's position in her marital home rather than being a source of grief for her. In many societies, dowry giving does not worsen women's lives, but in India, struggles over dowry payments have become a major source of conflict between families. Dowry requirements are used as another excuse for viewing daughters as burdens. All forms of violence against daughters, including female infanticide and the growing practice of abortion of a female foetus after amniocentesis, have become attributed to the economic burden that a daughter is said to represent.

## Dowry Calculations

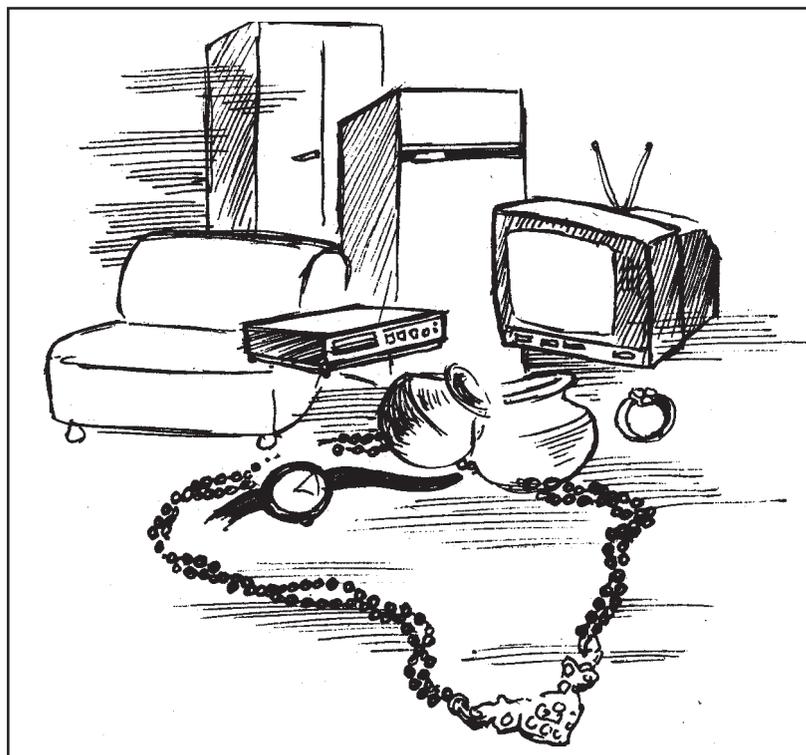
### Daughter's Rights in Her Parental Family

Madhu Kishwar

However, dowry payments are not the cause of women's devaluation and oppression. These payments do not by themselves transform girls into burdens to their parents. For instance, all those parents who happily pay lakhs of rupees as capitation fee to get their sons admitted to medical or engineering colleges, or provide money for their sons' business investments, do not think of sons as "burdensome". Dowry makes daughters "burdensome" only because daughters are unwanted to begin with.

The particular form dowry payments take in our country, and the

ugly tussles between the groom's and bride's family undoubtedly often add to women's vulnerability. However, they are not the cause of her vulnerability, but only a symptom of her fragile rights, especially in her natal family. In recent decades, as dowries have become more and more extravagant, the belief that daughters are an unwelcome burden has grown ever more dominant. The anti-dowry movement, by limiting itself to the constant repetition of "abolish dowry" as a *mantra*, has only helped give further legitimacy to the conventional belief that daughters are an economic liability. Conventional



political movement therefore rhetoric mistakenly projects dowry as the chief cause of women's oppression in India.

### **Dowry vs. Stridhan**

Some of the defenders of dowry payments justify the custom by depicting it as a form of pre-mortem inheritance. According to this interpretation daughters, unlike sons, don't have to wait until their father's death to get their share of inherited property. Instead, they get their share at the time of marriage. They view dowry payments as the equivalent of *stridhan*\* in traditional Hindu law.

However, there is a world of difference between dowry payments as they are made currently and *stridhan*. Traditionally, *stridhan* was considered a woman's own inalienable property over which she had full and absolute rights. *Stridhan* was supposed to pass from mother to daughter and not travel in the male line, as does most other property. Dowry payments as currently made, however, are rarely considered female-owned or inherited property. Instead, they increasingly take the form of offerings over which the daughter retains uncertain rights. They are made to the groom's family as a token of gratitude for accepting the girl into their family, and for allowing her natal family to get rid of her. Some vestiges of the ideology that once surrounded *stridhan* do remain. There is usually a tacit understanding, for instance, that a bride can retain some rights in the disposition of some of the jewellery, clothing, and other items meant for her personal use which she brought as part of her dowry.

But that is only one part of dowry payment. Another part is offered to

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\*It has many complex meanings. At its simplest, it means property gifted to a woman, either by her parents or in-laws, which is considered her own.



the groom and his family. Cash, as well as major items such as automobiles, however, are almost always given directly to the groom's father or to the groom himself. These gifts are expected to be commensurate with the status of the groom's family and with that of the groom himself. The groom and his family consider a poor or shabby dowry an insult. Such dowries can, and often do, become the cause of enormous conflicts between the families.

The Dowry Prohibition Act, which outlaws dowry payments, also provides that, in cases where the marriage breaks down, dowry payments must be returned, arguing that dowry payments should be considered as *stridhan*. However, return of dowry payments have become highly problematic in a world where they are seen as unconditional gifts to the groom and his family.

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### **Burdensome Daughters**

Hardly any historical research has been done to show how *stridhan* was transformed into dowry payment gifts. All we know is that there is little mention of exorbitant dowries causing the ruin of families in the literature of pre-British India. Ruin due to exorbitant dowry payments became a major theme only in nineteenth century literature. This period seems to have witnessed large scale erosion of women's economic importance and inheritance rights due to the manner in which the colonial rulers carried out land settlement operations in India.

In conformity with the Victorian norms they were familiar with, the British legislated that land entitlements be given to "male heads of the family" bypassing the customary laws which allowed various categories of entitlements to women. This concentrated property in the hands of men in an unprecedented way and paved the way for the disinheritance of women. In addition, the rapacious land revenue demands drained large amounts of the economic surplus from the rural economy. It made the peasants extremely cash poor. The destruction of traditional crafts pushed large sections of impoverished artisan groups back to a total reliance on their small landholdings, and the consequent increasing pressure on land bestowed a special power and status on those who owned land.

However, with rural society and artisan groups becoming extremely cash poor, the tradition of *stridhan* seems to have become burdensome. The traditional view of daughters as *paraya dhan* got a new and deadlier meaning. The term *paraya dhan* had the connotation of viewing women as wealth. This is an apt description in a society in which women carried

their *stridhan* with them, property that was theirs by right. Traditionally, the entry of a bride into her new family would be referred to as the coming of Lakshmi (*Lakshmi aayi hai*). Even today vestiges of that tradition remain in most communities. A young bride enters her marital home with *haldi* (turmeric) soaked feet, leaving auspicious marks on the floor, which are associated with Lakshmi, goddess of wealth.

As women were increasingly disinherited, however, daughters began to appear as liabilities. *Kanyadan*, the gift of a daughter, became not so much a matter of earning dharmic merit (the merit of doing one's religious duty) so much as getting rid of an unwanted burden. It is in this context of the devaluation of women's lives and the marginalisation of their economic rights, that dowry payments began to assume the form of offerings to a groom's family so that they would take a burden from the bride's family.

#### Women's Work Devalued

But why should women begin to be considered economic liabilities? Even in a peasant household, a woman's labour is of crucial importance for the family's economy. Labour power, however, is valued most in those societies with surplus land and scarce labour. Hence, in many traditional rural communities of Asia and Africa, a bride price was the norm, as is still the case in some tribal pockets of India. Bride price is a way of compensating the woman's natal family for the loss of an adult woman's labour power, which in most agricultural societies is considered a valuable asset. However, as land becomes scarce and population pressure increases, as happened with the colonisation of the Indian economy, possession of land becomes the all-important asset. If in

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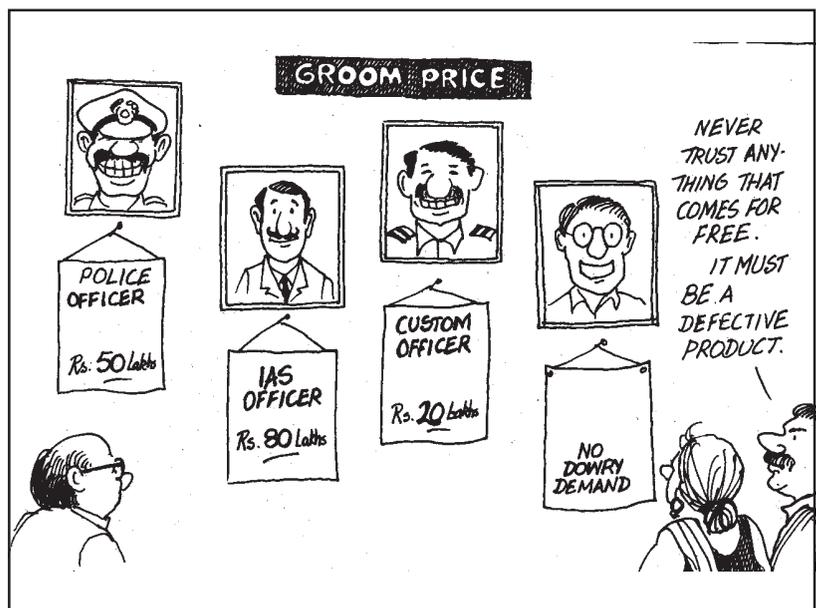
such a situation, ownership of land is vested exclusively in the hands of men, women begin to be treated like mere dependents and considered liabilities, rather than assets, as are sons. Hence, bringing a bride into the house is seen as adding to the economic burden of the family, except in those peasant households where women's labour is the mainstay of agricultural operations.

#### New Power Centres

The increase in dowry payments is also related to certain other trends which marginalised women's lives in an unprecedented manner. Following the establishment of a new administrative machinery in the nineteenth century, women's economic worth was downgraded

with the creation of new power centres outside of the traditional peasant economy. The new jobs and opportunities created by the colonial machinery provided avenues for rapid economic advancement and political power, in a way that working or owning small or average holdings of land never did. The job of a *patwari* (village accounts keeper), a police constable or even a clerk in a government department provided a person with enormous clout, and the accompanying ability to harass people and extract bribes. The system has accumulated even more powers in post-Independence India. Since this countrywide government machinery was first opened only to men, their power was enhanced dramatically in the last century and a half. In recent years, women in small numbers have begun to enter government service, but mostly in relatively powerless jobs, such as nurses or school teachers.

In a rural household where both husband and wife work on land for their family's sustenance, there is less scope for a power imbalance between the two, because a woman's labour is more, not less, valuable in such a household. But when the husband



becomes a police or a bank officer, or even a postal clerk, his status changes dramatically. By virtue of the regular cash income, in addition to his income from the land, his family becomes more prosperous than a landholding peasant family which does not have this other source of income, power and influence, and acquires a dominance they could never have attained solely as peasants. This influence and income is exclusively his own, unlike the income from land, in which the wife's labour plays a visible role. Since most women continue to work in the peasant economy, while an increasing number of men are gaining access to new jobs and business opportunities, there has been a dramatic increase in the economic and political clout of men.

### Dowry Variations

The contemporary marriage economy reflects this power equation fairly accurately. For instance, the amount of dowry required to get a police officer groom for one's daughter is far more than for making a match with an engineer in a private firm. All those government job holders whose power invites hefty bribes, such as income tax, excise and customs, or IAS officers, are offered the biggest dowries. The going rate for an IAS groom is about Rs 80 lakh in states like Andhra Pradesh. This is viewed more as an investment than as a dowry, because having an IAS officer as a son-in-law means making an alliance with a powerful family, thus gaining access to vast economic opportunities and political influence not available by any other route. The licence-permit-raj in India, for instance, puts enormous power in the hands of bureaucrats to bestow licences for such money-making ventures as sanctioning trade quotas of scarce commodities and getting prime land allotted at dirt cheap prices

to their favourites. The amount of dowry in such cases reflects the amount of power the groom commands. An officer in the postal department will never fetch as high a dowry as an officer in charge of giving licences in the Ministry of Industries, no matter how well-educated or good-looking the former may be. A university teacher, despite all his fancy degrees, will fetch far less dowry than even a low level officer in the public works or excise department.

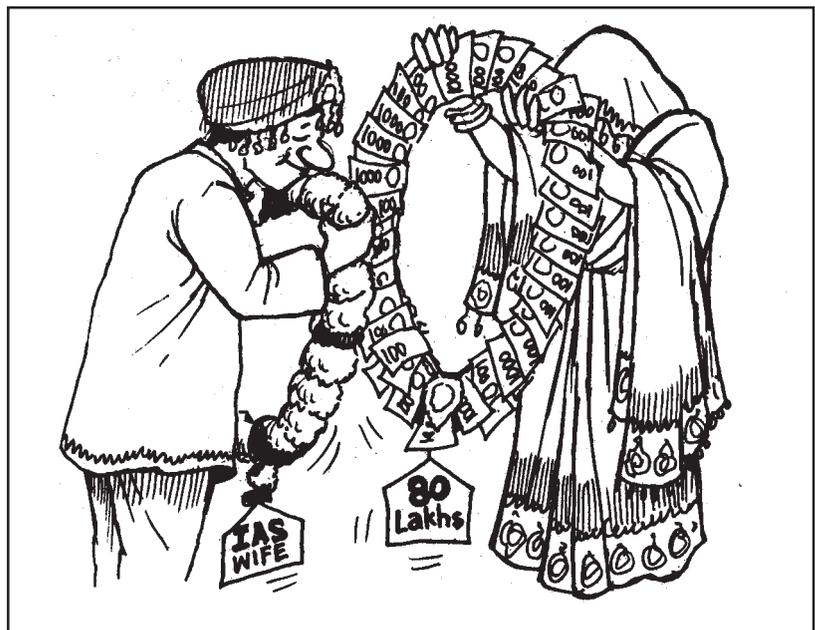
What about women who themselves earn handsome salaries in urban professions? Why does dowry persist even in such marriages? To begin with, very few women are employed in professions which are citadels of power and corruption. Those few are not sought after as brides to the same degree as grooms who have attained such a position. Corruption requires wheeling-and-dealing with a network of other corrupt people. The prospect of a daughter or a daughter-in-law involved in shady deals would frighten families. Most women officers tend to be outside the range of such power games. An IAS officer

would rather marry the daughter of a rich businessman who brings in lakhs as dowry than a woman colleague from his own service, because this assures a far more stable marriage. It is a common joke in India that the marriages of male IAS officers are the most stable because the deal is clear. Men marry money and women marry the three letters: IAS.

### Income Gap

Even women professionals are seen as salary earners and no more. Their salaries alone do not bring them at a par with their husbands, because this small flow of money gets pooled in along with the husband's earnings for current consumption. The husband's position is far more solid due to his expected inheritance. He is likely to get in one stroke much more than she is likely to save or earn in a lifetime. In addition, in today's world, most men among the professional or business groups earn far more than do women.

Let us take a concrete example. Pratibha (a pseudonym) is a college lecturer. At the time of her marriage to Vivek she was earning Rs 3,000 a month. Vivek was in business and



earned around Rs 12,000 a month at the time he got married. His business grew fast and within seven years of his marriage he was earning no less than Rs 30,000 to 50,000 per month. In the same period, Pratibha's income increased by no more than Rs 2,500 a month. The fact that the couple stayed at Vivek's family home added to the imbalance. Since theirs was a dowryless wedding, she could call nothing in that house her own, except for her clothes and a few personal items of daily use. Vivek, along with his brother, is going to inherit property worth Rs 60 lakh at current prices. Pratibha is well aware that she will not inherit anything from her father. If her marriage were to break down, her standard of living would fall dramatically because she would have to move out of this house. She has a right to live in it as Vivek's wife, but certainly cannot claim any share in her father-in-law's property in her own right, especially since she did not add anything to it. Legally she is entitled to inherit her husband's share of the property as a widow, if the property has already devolved upon her husband. But most important of all, she is not legally entitled to a share in his lifetime, whether the marriage stays intact or it breaks down, unless Vivek or his father decide to make her a co-sharer, out of generosity or some compulsion such as bypassing land ceiling laws.

### **Disinherited Daughters**

Disinheritance of daughters by their natal family is the crux of the problem. The share women acquire in their marital family's property is not allotted to them in their own right, but comes to them through their husbands. Hence, women inherit more often as widows than as daughters or wives. This is the main reason why the dowry given at the time of a daughter's wedding comes

to be seen as an offering to her in-laws, rather than her exclusive personal property. Through this dowry her parents are buying a share for their daughter in her husband's family property. At the time of her marriage, a woman ceases to be a full member of her natal family without simultaneously gaining full membership in her husband's family with immediate effect. That often accrues to her with time as she proves her loyalty to the interests of her new family. The roots of her insecurity lie in her fragile rights in her natal family.

In most traditional societies, including India, the concept of inheritance differed enormously from the modern, western concept of inheritance which allows a person to will away property to whomever he or she chooses. Traditional societies recognise the rights of each and every member, including the handicapped or crippled, to be at least maintained from, if not exercise control over, the property. Property is primarily seen as a form of kinship wealth, not individual wealth. Several

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**The Hindu Succession Act, however, under the guise of giving women equal rights, has in fact lost them some of these traditional guarantees. The mischief centres around two points: The deliberate inclusion of the provision allowing a person to will away property in whosoever's ... Giving sons a right by birth in Hindu joint family property, while daughters are allowed a nominal and uncertain share in joint family property held by males as coparceners.**

communities in India allowed women the right to inherit parental as well as coparceners.

### **Women in the Modern Economy**

In the coparcenary property, daughters are supposed to get a small and very unequal share, but the law allows even this to be willed away to whoever a person chooses to sign away his property. This provision has been used to force daughters to surrender their rights in favour of brothers. Thus, while sons cannot be disinherited even by the father in the Hindu joint family coparcenary property, there is no similar guarantee for daughters' rights. Thus, our modern inheritance laws have increasingly moved in favour of men and against the interests of women. The few communities which practiced matrilineal inheritance, such as the Nairs in Kerala, have been steadily moving towards patrilineal inheritance. Systems which provided reasonable or adequate protection of women's economic rights have all been road rolled out of existence. Property is today much more heavily concentrated in the hands of men with the modernisation of the Indian economy.

The present day dowry system in India is a result of the disinheritance of women and the desperation of parents to push their daughters out of their homes after marrying them off, no matter how, because failure to do so is considered a severe stigma. Since the woman is being sent as a disinherited dependent, the receiving family must therefore be compensated.

### **Changing Marriage Patterns**

Before the enactment of the anti-dowry laws, dowry payments were regulated by community norms. The gifts would be put on public display to ensure that the amount of wealth given conformed to the personal

standing of the family as well as to the standards and limits set by the community.

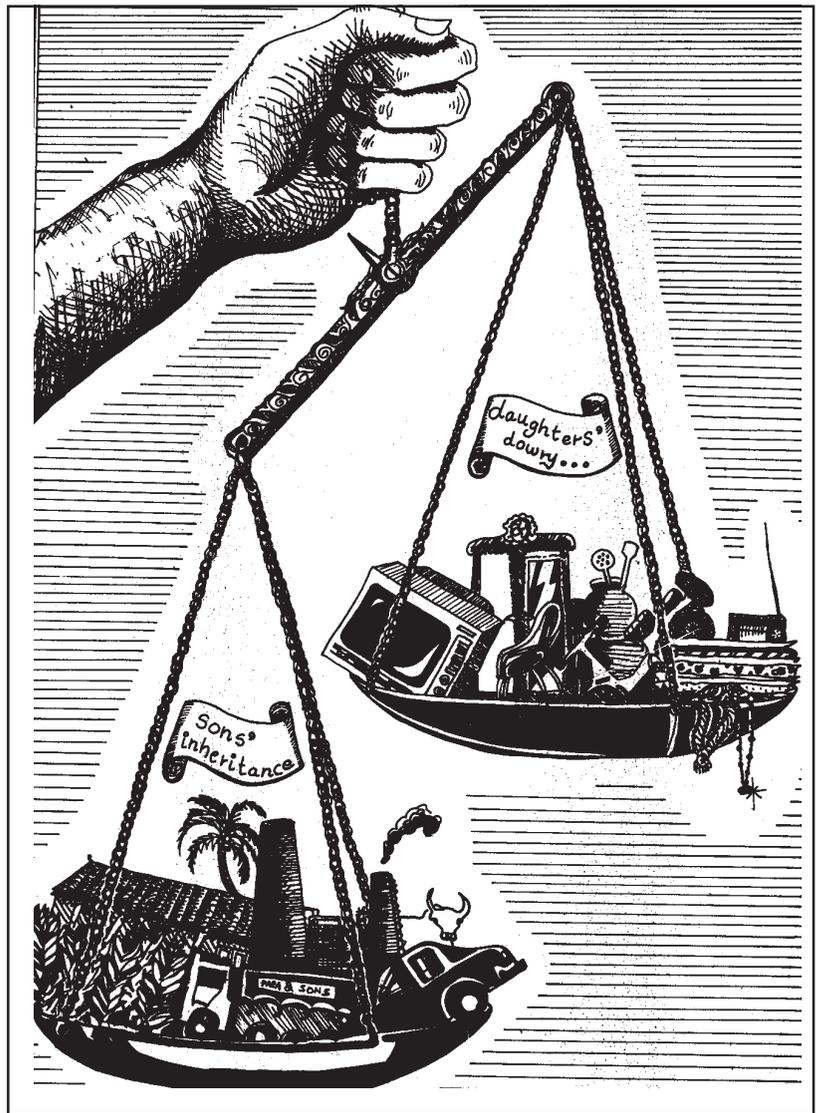
A poor family would often be given a helping hand by better off members of their community to make the payments appropriate to the norms set by the *biradari*. One major purpose of the custom of publicly displaying all that was given to a daughter at the time of marriage was to make sure the community witnessed the transaction. This ensured that the amount given to a daughter was proportionate to her parents' means. Moreover, in case of marriage breakdown, the groom's family could not deny having received all those gifts. Thus, if that portion designated as *stridhan* had to be returned, the community elders who negotiated the terms of separation knew the exact amount that was due to the bride's family. While the Anti-Dowry Act certainly did not succeed in curbing the practice of dowry payments at all, it enabled the transaction to be hidden more easily. Currently, dowry payments are more surreptitious due to the illegality of making them, as well as to the pressure to hide one's wealth from tax authorities. Therefore, it becomes harder for the woman's family to establish what they gave in the face of conflicting claims. Many of the conflicts also result from the bride's family trying to back out of commitments they made at the time of marriage negotiations.

Traditionally, when marriages were performed within pre-determined *jati*\* and *gotra*\*\* boundaries far fewer economic differences existed

\*An endogamous group now used interchangeably with caste.

\*\*An exogamous sub-division within *jati* whose members ascribe their lineage to a *rishi* (*seer*) by pupilhood or biologically.

\*\*\*Locally based kinship group



between members of the same *jati* in a particular region. Even if certain families possessed more wealth, their standard of living did not vary dramatically in external manifestations. Flaunting one's wealth and trying to be one up within one's *jati* was looked down upon. However, with the emergence of class differentiations within the same *jati*, vast differences have emerged between the day-to-day standard of living of families within the same *biradari*.\*\*\* Consequently we witness an increasing breakdown of community-set norms for dowry

payments. Traditionally, the culture of dowry went hand in hand with hypergamy that is, the practice of marrying one's daughter into families with higher social status and of a higher *gotra* within one's own *jati* and *biradari*. Thus, marrying off daughters provided an opportunity to forge alliances with influential families. However, the transformation of *jatis* into castes and the emergence of enormous class differentiations within the same caste have changed the priorities that go into determining a suitable match. The real or potential earning capacity of the groom has

come to occupy a far more important place in deciding marriage alliances than the traditional notions of social status or higher *gotra* status. Thus, *gotra* and *jati* boundaries have been replaced, especially among the urban based communities, by the modern and far broader category of caste. Higher dowries now go to grooms with a higher earning capacity even if they are of lower social or *gotra* status. Thus, a doctor will command a far higher dowry even though he may be from a poor family of relatively lower ritual status, than someone who is a mere school teacher, no matter how high his *gotra* status.

With the spread of geographic mobility in urban areas, marriages are increasingly being arranged through matrimonial ads and other modern institutions of match making where families largely unknown to each other enter into marriage alliances. This anonymity has contributed a great deal to downgrading the importance of non-economic factors such as “sharafat”, the personal qualities of the groom, and the social respect commanded by the family. All those factors tend to be overshadowed by the economic criteria, provided the match is broadly speaking within the same caste. In the terminology of marriage ads a “respectable” family is one which is well-placed and economically well off, just as a family promising a “decent” marriage is hinting that they will pay a handsome dowry.

Dowry payments are increasingly being viewed as:

1. Gratitude payment to get rid of the unwanted burden of a daughter;
2. An offering made to the groom’s family commensurate with their *izzat*, that is, their social and economic standing;
3. A lingering notion from the tradition of *stridhan* whereby a family feels their daughter should be given her due share in parental property;

however, the payments are given not to her but to the groom’s family and considered as an investment to secure a share for her in her husband’s household property.

The association of dowry payments with *izzat* (respect, honour) acts in two ways. An extravagant dowry acts as a confirmation of the family’s social standing, and enhances their *izzat*. A small dowry is viewed as a social insult both for the receiving and the giving family. That

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considerations of *izzat* are far more important than mere economic considerations is borne out by the fact that much of the conflict between the groom’s and the bride’s family centres around whether the groom’s party was treated with due respect or not. An indication of the importance of *izzat* is that the bride’s family often spends as much money on decorations, shamiana, and other paraphernalia around the marriage feast, as it does on their daughter’s dowry and gifts to her husband and in-laws.

**Dowry as *Izzat***

Conversely, one often witnesses cases where some of the few families that defy the custom and go for a dowryless wedding are treated shabbily and insultingly by the bride’s family, who often assume that a groom without a price tag is worthless. The dowry payment negotiations reflect this perception in financial terms fairly accurately. A widower or a man with some disability is unlikely to fetch a



high dowry, no matter what his family or job status. I’ve often heard brides’ families say that when they read a matrimonial ad in the newspaper from a groom’s family saying they would go for a dowryless wedding, the message they read between the lines is that the fellow must have some physical or other defect. The fear of being considered defective and being treated shabbily is one important reason that keeps some grooms’ families from seeking a dowryless wedding. Any family daring to defy the custom is at once advised not to say they don’t want dowry, since they will not be treated with respect (*izzat nahin milegi*). Unfortunately, too many families which have had dowryless weddings for their sons have mostly negative experiences to narrate.

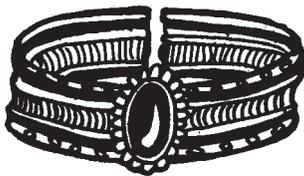
The increase in dowry payments is not primarily due to an increase in greed in society as a whole; after all, those who have to give are balanced out by those who receive, and are often the same families. It has more to do with the sudden and swift increases in cash incomes of a small but significant proportion of the population. Since one of the key determinants of the dowry payment amount is the perceived economic status of the groom’s family, families which seek upward mobility through marriage alliances are usually the ones who pay more exorbitant dowries. However, despite the uproar concerning the growing exorbitancy of dowry payments, the amount that is spent on dowry is usually far less than what the sons inherit.

## Exorbitant Dowries?

Let me illustrate this point with a couple of concrete examples. A lower middle class Punjabi family lives in our neighbourhood; let's call them the Kapoors. They have two daughters and one son. All three are married. Mr. Kapoor worked in a low level government job. Throughout those years, the family lived modestly. After retirement, Mr Kapoor, along with his son, set up a small shop in the front portion of his house, selling daily provisions. Both the daughters got very modest dowries. The net expenditure on the second daughter's wedding, which was fairly recent, was no more than Rs 1 lakh. This included the daughter's trousseau, jewellery, the gifts to in-laws, and the money spent on the reception. Being a lower middle class family, the Kapoors no doubt felt pinched when they had to put together that much cash to marry off the two daughters. They might, therefore, be held up as an example of pressured parents who had to pay supposedly exorbitant dowries to their daughters.

However, their one son is going to inherit at least 30 times what the daughters got by way of a dowry. The tiny plot of land on which their house stands is worth Rs 26 lakh at current market prices. They recently entered into a collaboration with a builder and built four and a half apartments on that small plot, two of which went to the builder. Apart from the two apartments, they retain the basement floor, which has been converted into a shop. One of the apartments has been rented and the other is retained for the use of the family. The son lives with his parents so that he lives virtually free of rent payments and other household costs.

The entire property, household goods, and savings of his parents will pass to him with no share for the daughters. No doubt he will have the responsibility for taking care of his



parents in their old age and for making occasional gifts to his two married sisters and their families. At the moment, however, his father, though in his 70s, is still working and earning, and not yet a liability to the son. Neither is the mother. She provides child care and other support to her daughter-in-law, who works as a school teacher. If anything, the son has a lot of advantages staying with his parents, because if he moved out he would have to start his own household from scratch. The dowry payments and the small flow of post marital gifts to his sisters are thus a small price to pay for the sum he has gained when his sisters do not claim what should legally be their share of the property, at current prices about Rs 9-10 lakh each.

Let me take another case of a wealthier family. My friend Anu was married in 1970. Her father was a rich

businessman and spent about Rs 5 lakh on her wedding, which was considered an excessive amount in those days. She has also continually received expensive gifts from her parents over the years. It is understood that Anu does not get any share of the property which will go to her two younger brothers. This consists of a prospering business worth a few crores plus a palatial house in New Delhi worth at least Rs 2.5 crores. The two sons have been business partners with their father since they grew up and have drawn princely incomes from this family business. They also live in the family house.

The mere Rs 5 lakh that the Khanna family spent in marrying off Anu is considered an undesirable expense; anti-dowry campaigners want such payments abolished. But they do not seem to be as concerned that Anu gets her due inheritance. In neither Anu's case nor in that of the Kapoor family did the daughters get anything near that given to the sons, despite their supposedly exorbitant dowries.

Complaints about exorbitant dowries gain legitimacy when families



are cash poor, as is the case for most peasant families. Even among the peasantry, the land and other assets which sons inherit are worth much more than daughter's dowries. However, since most agricultural land usually does not yield an amount of cash surplus that matches the sale value of the land, the pressure on parents at the time of a daughter's wedding is enormous. This may also be true for certain salaried employees in urban areas. But even a modestly paid salaried employee will leave his sons much more than what his daughters get. Even if he leaves nothing more than a moderate house, the value of that property would far exceed that given to daughters as dowry.

### **Daughters vs. Wives**

Beginning in the nineteenth century, social reformers in India placed much more emphasis on the maltreatment of women as wives and sought to strengthen their position in their marital homes without strengthening their rights as daughters. We have failed to pay sufficient attention to the fact that women's parents leave them at the mercy of other families and do not think of equipping them financially for their future lives as they do their sons. The disinheritance of women is caused and supported by a culture which does not treat daughters as full members of their natal families. A daughter continuing to stay with her parents after her marriage is considered a social disgrace. An even greater disgrace comes upon a family which fails to marry off their daughter. Even when she is in dire need, her continuing to live in her natal household is dependent on her brother's goodwill.

The Hindu Succession Act provided very little security for the inheritance rights of daughters. However, the rights of wives, especially as widows, are relatively better protected. The husband's

property automatically comes to the widow, unless he has willed it otherwise. Fathers disinheriting daughters is a very common occurrence. But far fewer husbands disinherit their wives, because that is not as socially accepted as the disinheritance of daughters. This has created a peculiar anomaly. The moment a bride enters her marital home, she legally acquires the right to be her husband's heir, even if she has no children. A wife's right has a stronger social sanction than the right of daughters. For instance, if a man dies prematurely, his insurance policy and provident fund would go in favour of his wife unless he has made someone else his nominee. A government pension will also automatically go to his widow. His mother may have been a dependent too, but she could not legally get any part of that money.

Thus, a newly wedded bride affects the interests of all members of her marital family by acquiring the legal right to inherit her husband's share of the family property. Hence, the dowry she brings is not just her individual property but is meant to be added to the family kitty in order that her future right to that family's property, apart from her current maintenance, is assured. However,

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**A newly wedded bride affects the interests of all members of her marital family by acquiring the legal right to inherit her husband's share of the family property. Hence, the dowry she brings is not just her individual property but is meant to be added to the family kitty in order that her future right to that family's property, apart from her current maintenance, is assured.**

since she brings in far less than what she will be entitled to as an inheritor, her legal rights are dreaded. That is why in the early years of her married life a woman is expected to prove her loyalty to her new family in order to be accepted as a full member with rights of inheritance. In such a situation, the rights of young widows, especially if childless, are very vulnerable because they are not likely to have had the chance to be fully absorbed into their marital family, and consequently feel pressured to return to their natal home. There too their rights are not secure. Once they have been married off, they are perceived as someone else's responsibility.

Take the case of Reena who got married to Ashok after a love affair. There was a dowryless wedding. Reena is employed in a multinational company and earns a handsome salary. However, her husband comes from a very wealthy family, whereas she is from an ordinary middle class family. Far from being a burdensome daughter, she helped her parents financially, especially when her father fell ill and required expensive medical treatment. However, when he died the little property he had, including the family house, went to his two sons. This came as a big jolt to Reena because she had insisted on a dowryless wedding, believing she was as good as a son and, therefore, did not want to burden her parents with a dowry. In a few years, her husband died in a road accident and a couple of years later her father-in-law also died. As his property was being divided between his children, she expected to be given the share that would have been her husband's had he been alive. Her in-laws found her demand preposterous because (a) they felt she had not added to the family wealth by bringing a dowry; (b) as a young widow she might remarry and carry away their property into another family; (c) if her own father did not care to provide for her,

why should she expect her in-laws to do so? They were only willing to earmark a portion for their two grandchildren and leave it in a trust for when they became adults. Reena was not able to get any part of that property for herself. In this case Reena was not left destitute because she was earning a good salary. But her father's negation of her inheritance rights, his refusal to treat her as a full member of the family, made her demand for a share in her father-in-law's property appear unreasonable.

### **In Parent's Own Interest**

Secure inheritance rights for daughters are desirable not just from the woman's point of view. Old parents benefit no less from it. In cultures where daughters are routinely disinherited, families are more stringently patrilocal and the responsibility of taking care of old parents falls to the sons, who have to rely on their wives to provide much of the day-to-day care. This leaves old parents at the mercy of someone who is a new entrant to the family and, therefore, does not have the same emotional attachment to her husband's parents. Too often, daughters-in-law consider this an unwanted liability. As a result, mostly those parents who are financially well off and keep their property under their own control, with the subtle threat of disinheritance if they are treated shabbily, are looked after with respect.

Parents who are poor or have made the mistake of handing everything over to their sons in their own lifetime are often treated very shabbily. Apart from the fact that a young bride feels no great inner urge to nurture her husband's parents, there is another reason that makes her resentful of having to serve her husband's parents. She has no right to take care of her own parents in case of need. Her relationship to her natal family is restricted. Her own brothers

would discourage her close association with her parents, lest she begin to harbour the expectation of being given a share of the inheritance.

In my own neighbourhood I witnessed such a case closely. Mrs A's mother lives with her two married sons, with whom she doesn't have a very smooth relationship because their wives resent this old, widowed mother who was naive enough to pass on her meagre assets to her sons, thinking they were going to take care of her. Once they had the house transferred to their name, their widowed mother began to appear totally dispensable. Every time she has a tiff with her daughter-in-law, she approaches her daughter Mrs A for help and requests that she be allowed to come and live with her. But Mrs A feels terribly resentful that her mother remembers her only when in trouble but forgot her at the time she passed on the family property. The old woman is consequently unwanted everywhere.

In cultures where daughters inherit equally or better than sons, where keeping daughters close to the parental family is not looked down upon as it is in many parts of India, and in cultures where daughters are free to take responsibility for their old parents, the latter are much better looked after than when they have to depend on daughters-in-law.

Similarly, conflicts between sisters-in-law are more ferocious in patrilocal families which disinherit daughters. A wife will look upon a husband's sister as a rival, an unwelcome burden, only when she comes as a disinherited daughter herself and her well-being is consequently dependent on her husband's share of the property. The wife is only too eager to cut down on her sister-in-law's fragile rights. Likewise, the mother, sisters and brothers of the groom view a young bride as someone who is going to adversely affect their respective

shares in family property. One of the key criticisms of the dowry system has been that the money goes to the in-laws or husband and that they come to acquire greater control over the money than the bride herself. This often occurs because dowry payments serve the purpose of buying a right for the woman in the husband's family property. If daughters inherited in the same manner as sons, they would enter their marital homes not as dependents but as equal partners. Such a woman could well insist on keeping property in her own name.

There can be no equality in marriage if women enter their marital homes as dependents or as disinherited daughters. Women cannot be strengthened as wives if their parents treat them as burdens and do not equip them to fend for themselves as they do sons. It is absurd to think that a husband can be persuaded to part with half his property in case of a breakdown of the marriage, or that the in-laws would be willing to hand over to a young widowed daughter-in-law the inheritance due to their deceased son, when a woman's own father does not treat her on par with her brothers and does not consider her worthy of being an equal inheritor.

Our struggle ought to focus on equal and inalienable inheritance rights for daughters in parental property, especially the right to live in the parental home as well as the right to take care of her parents in old age. It is only when parents begin to see daughters as worthy of providing them old age security better than sons do, and are in turn willing to provide them the economic security they try to provide for sons, that the culture of women's devaluation can be combated. Merely outlawing dowry without ensuring inheritance rights for women only makes women even more vulnerable. □