



Department of Law

**Daffodil International
University.**

A DISSERTATION

On

A Critical study on the impact of Dowry system in Bangladesh

**A Research Monograph Submitted as Partial Fulfill of Master of Laws
(LLM) Degree**

Course Code: LAW: 814

Submitted to:

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Letter of Transmittal

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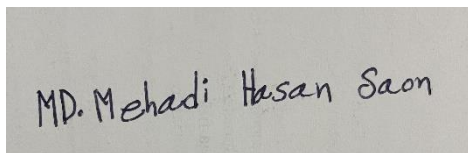
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Faculty of Humanities & Social Sciences **Subject:** Submission of Research Dissertation on “**A Critical study on the impact of Dowry system in Bangladesh**”

Dear Sir,

It is a gratification for me to have the opportunity to submit the research paper on the topic “A Critical study on the impact of Dowry system in Bangladesh” While preparing this research paper, I tried my level best to maintain the required standard. I hope that this dissertation will fulfil your expectations and bring your satisfaction. I therefore pray and hope that you would be kind enough to go through this paper for evaluation. I am always available for any further correction and clarification in any part of this research paper at your convenience.

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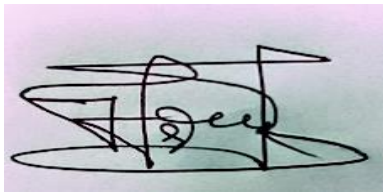
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LETTER OF APPROVAL

This is to certify that the work is done “ ” **A Critical study on the impact of Dowry system in Bangladesh**” ” is a real work done by Md. Mehedi Hasan Saon , ID:0242310008133006, Department of Law, Daffodil International University, done under my supervision in the partial fulfillment for the research work.

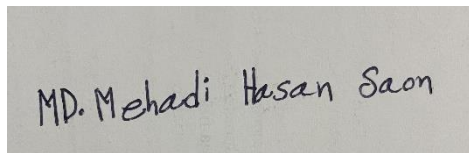
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Declaration

I do hereby declare that the thesis titled “**A Critical study on the impact of Dowry system in Bangladesh**” submitted in fulfillment of the requirements for the Degree of Masters of Laws Department of Law; Daffodil International University.

I further declare that the work reported in this thesis is original and free from plagiarism and it has not been submitted earlier partly or wholly to any other university or institution for any degree or diploma.

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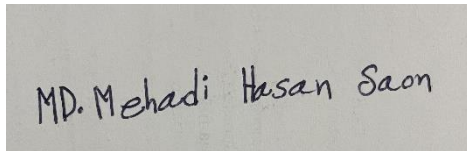
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Acknowledgment

Regardless of anything else, I offer my most significant thanks to the Almighty Allah for His blessings and bearing, without which the satisfaction of this work would never have been possible. I'm committed to my investigation chief, Professor

Dr. Kudrat-E-Khuda Babu

Professor & Head, Department of Law Daffodil International University. His consistent guidance and assistance throughout this endeavor were crucial. he generously provided me with essential insights and resources when I encountered difficulties. I moreover loosen up my earnest appreciation to all my respected teachers at the Department of Law, Daffodil International University, whose data and heading have on a very basic level added to my educational turn of events. Additionally, I owe a debt of gratitude to my beloved family for their unwavering love and support throughout this journey. My constant source of solidarity has been their consolation and understanding.

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Abstract

In Muslim weddings in Bangladesh, dowry and dower play important roles; yet, socio-legal obstacles often make it impossible for women to obtain the dowries that are legally theirs. In this study, I sought to understand the various meanings of dowry, the rationale for the system, and the social issues surrounding dowry. I have some findings and suggestions on how to get rid of it. Laws like the **Dowry Prohibition Act of 2018** aim to outlaw the giving, receiving, or demanding of dowries in order to eliminate these traditions. More adjustments might be needed in order to fully safeguard women's rights and end the exploitation of marriage agreements.

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Chapter one

Introductory Part

1.1 Introduction

The idea of marriage as dana, or presents, has ancient roots that are entwined with the dowry system. In the past, a monetary or golden sacrifice was frequently made in addition to a religious present in kind. The dowry system was once seen as a sign of parental love and support rather than as something that prevented a girl from marrying. Ancient scriptures that make reference to dowries suggest that dowries were mostly connected to royalty and the wealthy, who could afford to flaunt their money. Huge wealth and kingdoms reminiscent of fairy tales, represented by golden carriages and castles brimming with jewels, escorted a beloved daughter to her new residence.

The concept of dowry was central to the Kanyadan ceremony, which was very different from modern conceptions of dowry. Historical data indicates that the dowry system did not exist in earlier times as it does today. Gifts were given to the groom at marriage ceremonies, notably in the case of aristocratic and royal families.¹

1.2 Statement of the Problem

The concept of women's dignity, a fundamental tenet of human rights law, is deeply embedded in various international agreements, to which Bangladesh is committed. Bangladesh, ranked as the 92nd largest sovereign state globally, covers an area of 147,570 square kilometers (56,980 square miles) and stands as the world's 8th most populous country. With a predominantly Muslim population, alongside followers of Hinduism, Buddhism, Christianity, and various ethnic groups, Bangladesh is characterized as an Islamic-oriented nation.

¹ Begum, A. (2014). Dowry in Bangladesh: A search from an international perspective for an effective legal approach to mitigate women's experiences. *Journal of International Women's Studies*, 15(2), 249-267.

Traditionally, Bangladesh has operated within a patriarchal social structure, perpetuating unequal power dynamics, a rigid division of labor, and gender-based roles. An examination of the rising divorce rates in Bangladesh reveals significant concerns. According to an exclusive report by Nahela Nowshin, a reporter for the Daily Prothom Alo newspapers, divorces are occurring at an alarming rate, with one divorce occurring every hour in the city of Dhaka alone. Data compiled by the Bangladesh Bureau of Statistics (BBS) over the past seven years indicates a substantial 34 percent increase in divorce applications nationwide. Notably, over 50,000 divorce applications were filed in the Dhaka North and South City Corporations in the preceding six years, averaging one application per hour. Similarly, Chittagong City Corporation recorded 2,532 divorce applications between January and July of a given year.²

1.3 Research Questions

1. What are the prevailing systems of dowry in Bangladesh?
2. What are the societal impacts of dowry practices?

1.4 Research Objectives

The main objective of this research study is to find the impact of Dowry system. To find this objective I outlined them as follows:

1. To investigate the historical background of dowry.
2. To identify the underlying issues associated with dowry practices.
3. To determine the demographic groups most affected by dowry-related issues.
4. To elucidate women's rights and advocate for their proper recognition and enforcement.

1.6 Rationale of the Study:

² Chowdhury, F. D. (2010). Dowry, women, and law in Bangladesh. *International Journal of Law, Policy and the Family*, 24(2), 198-221.

The rationale behind examining the acceptance of dowry encompasses various perspectives, particularly when viewed from a rational standpoint. It's essential to recognize that these points hold validity only within the context of understanding the reasoning behind accepting dowry, rather than serving as excuses for demanding it. It is crucial to approach marriage to unite with a good partner from a respectable family, without harboring any material expectations. Moreover, efforts should be made to alleviate any financial burdens on the prospective bride's family, particularly if they are economically disadvantaged. Gratitude should be extended if the bride's family, of their own volition and without coercion, offers gifts or financial support to their daughter.

It's imperative to emphasize that personal expectations for receiving dowry should be eschewed, and the focus should be on fostering mutual respect and understanding within the marital relationship. It should be stated that the sincerity and purity of a marriage should not be impacted by the financial situation of the bride's family. Additionally, the promise to support a daughter regardless of one's financial situation highlights the significance of parental duty and gender equality.

In the end, the research aims to clarify the nuances of dowry customs while highlighting the value of thankfulness, respect for one another, and gender equality in weddings.

1.6 Significance of the Study:

The dowry system must be removed from our culture because it is strongly linked to women's dignity and well-being. We can help establish an environment where women can live free from the threat of discrimination and torture by addressing this social evil.

According to research, a wife's ownership over her dowry—which is frequently made possible by a bequest—acts as protection against marital abuse and promotes her financial independence. Furthermore, having some authority over the roles of gender and the ownership of property, such as a home or piece of land, can empower women even more in married partnerships. While a bequest dowry cannot guarantee complete safety during a marriage, it has been noted to provide some protection, particularly in patriarchal settings where women suffer structural obstacles.

Bequest dowries act as an important safeguard, highlighting the significance of giving women authority over their property. Some say that it is better for a woman to receive no dowry at all than one that she cannot control. In cases when a bride price is paid, agreements usually come to an end at that point, making women susceptible to having their property legally transferred to their husbands. Their house and financial stability are at risk due to this lack of control. In contrast, women who do not get a dowry are still able to bargain in terms other than money, which increases their agency and autonomy in marriage.

1.7 Scope of the Study:

The study's scope includes an in-depth study of Bangladesh's dowry system, with a particular emphasis on its socio-legal dimensions and ramifications for Muslim marriages. The objective of the study is to look at the historical, cultural, and theological underpinnings of dowry, as well as how it has changed over time and how it is currently used in Bangladeshi culture. It aims at understanding the socioeconomic elements—poverty, illiteracy, gender inequity, and cultural norms—that underpin the dowry practice.

In addition, the study will explore the legislative environment pertaining to dowries, with a focus on the Dowry Prohibition Act of 2018 and its efficacy in mitigating abuses associated to dowries. The differences between Islamic tenets and common dowry traditions will be examined, along with the difficulties women encounter in asserting their legal entitlement to dowries under Shariah and other statutes.

The study will also look into how dowries affect women's rights and wellbeing, including cases of discrimination and violence against women because of dowries. Furthermore, it will evaluate how cultural attitudes and beliefs support the dowry system and investigate reform and intervention options.

The aim of the research is to support ongoing efforts to address this pervasive social issue and offer insightful information about the nuances of Bangladesh's dowry system.

1.8 Limitations of the Study:

Limited Research Knowledge: There might not be enough research experience to fully complete the investigation, which could have an effect on the caliber and scope of the research findings.

Accessibility of Data Sources: Since many authorities might not prioritize or acknowledge the importance of this study's findings, access to data and documents relevant to the study may be limited. This restriction might make it more difficult to get accurate and thorough data.

Academic Curriculum Constraints: The research's breadth and depth are limited because it is carried out in accordance with academic regulations. As such, it could be difficult to guarantee the study's accuracy and effectiveness given these limitations.

Dependency on Secondary Data: The study's main source of knowledge regarding Bangladesh's dowry system is secondary data, which may restrict the portrayal of actual episodes and first-person narratives.

Time Restraints: Regarding the limited amount of time available for research on Bangladesh's dowry system, time constraints may have an impact on the study. This limitation could limit the breadth and depth of the study done in the allotted period.

1.9 Research Methodology

The methodology employed for this research paper is primarily based on secondary data analysis. Various sources, including books, journals, case references, websites, newspapers, published reports, and online resources, have been utilised to gather relevant information and insights.

Ideally, conducting interviews with relevant stakeholders and visiting practical fields would have enhanced the depth and richness of the research findings. However, due to time constraints, it was not feasible to undertake field visits and interviews within frame.

1.10 Literature Review:

The exploration of the reality of dowry, its transformation into a gift, and its portrayal in English literature has been largely neglected in significant research efforts, with only sporadic references found

in articles and essays. The scarcity of available sources, data, and documents has further constrained the depth of research in this area, as many authorities have not prioritised or recognized the importance of this study.

However, certain works have contributed valuable insights to this topic. B. Agarwal's book "Women and Property: Reducing Domestic Violence" provides a clear depiction of women's property rights and the rights of men in women's property, aiding in the understanding of this issue. Additionally, S. Anderson's journal article "Why Dowry Payments Declined with Modernization in Europe but Are Rising in India" offers significant insights into various aspects of the dowry system.

Literary works such as " " have also shed light on the presence of dowry or monetary considerations in marriage within literature. Furthermore, Guy De Maupassant's essay "The Dowry" directly addresses the theme of dowry, providing valuable perspectives.

In addition to these works, numerous critical discussions on women's rights and dowry in various journals, magazines, and articles have been found, although not all are included here due to the unavailability of sources and the need to avoid overwhelming the discussion with excessive detail.

Several studies have focused on the dowry system within the context of Bangladesh and other countries, examining its nature, sources, and causes.³ For instance, Faruk (1980) proposed policies to alleviate remote women's unemployment, while Naved (1994) discovered that dowry influenced decisions about girls' schooling. Over the course of the forty years before that, Rao (1993) saw a consistent increase in dowries in Bangladesh and attributed this to causes including population expansion and the ensuing marriage squeeze. In her discussion of the cultural principles guiding the dowry custom, Chowdhury (2001) made a distinction between central values that are unchangeable and peripheral values that are flexible.

Anthropological viewpoints, including those put forth by Goody (1973) and Srinivas (2004), have also been taken into account, with talks about how different social groups' dowry customs vary and how upper-caste behavior is adopted. Also, Bloch (2002)⁴ emphasized the negative effects of dowry-related conflicts, such as violent and extortion-related occurrences.

Having been considered, the studied literature provides a variety of perspectives on the intricate historical, cultural, and social aspects of the dowry problem.

1.11 Chapter Outline

The introduction to the thesis was covered in Chapter one.

I covered the complex idea of dowry in Chapter Two, looking at its definition, application, and historical development in many societies and geographical areas.

I covered the dowry system's widespread problem in Bangladesh in chapter three, looking at its many causes as well as its long-standing effects on society.

I covered the various issues arising from Bangladesh's dowry system during chapter four, emphasizing the harm it causes to parents, girls, married women, and society as a whole. I covered the results and recommendations pertaining to Bangladesh's dowry system in chapter five.

³ Islam, M. Z., & Jahan, A. (2015). RIGHT TO PRIVACY: IS IT A FUNDAMENTAL RIGHT IN BANGLADESH CONSTITUTION?. *Journal of Asian and African Social Science and Humanities*, 1(1), 1-7.

⁴ Act no. XXXV of 2018

Conclusion:

Finally, Chapter One concludes by laying out the prior information, societal ramifications, and study goals for an in-depth examination of Bangladesh's dowry system. It highlights the need of tackling the dowry system in light of women's rights and human dignity, highlighting the necessity of legislative changes, public education campaigns, and gender equality programs. Notwithstanding gaps in study expertise and data convenience, the chapter offers insightful information about the intricacies of dowry customs. In overall, it emphasizes how crucial it is to comprehend and deal with the complex problems related to the dowry system in order to advance social justice and gender equality in Bangladeshi society.

Chapter: Two

Meaning and Scope of Dowry

2.1. Meaning and scope of Dowry:

Generally speaking, the term "dowry" refers to the monetary worth of any transaction made as a demand between the bridegroom and her family during or after the marriage. However, the money that the groom gives the bride is referred to as dower and is not considered the dowry in the legal sense. The dowry is the amount of money the bride gives the groom in response to his request. The Dowry Prohibition Act, 2018, section 2, provides the following definition in the context of Bangladesh:

(b) **“Dowry”** means money or any other asset demanded, directly or indirectly, or given or agreed to be given by one party to a marriage to the other party to the marriage, as the consideration for the marriage at the time of, or before, the marriage or during the existence of marital relationship as the precondition of marriage, or on condition of continuing the marriage, but does not include dower or mehr in the case of persons to whom the Muslim Personal Law (Shariat) applies or the presentation given to the either party to a marriage at the time of the marriage by the relatives, friends or well-wishers of the parties to the marriage.⁵

There is the definition of dowry in 2(j) of **Nari O Shishu Nitjatan Domon Ain, 2000**⁶, that extended the scope of dowry, in the following word,

2.2 Dower and Dowry: Understanding the Distinction

In certain regions and usages, dower and dowry are interchangeably used and are perceived to carry the same meaning. In general terms, dowry refers to the property or money that a wife is required to

⁵ Act no. XXXV of 2018

⁶ Act No VIII of Nari O Shishu Nitjatan Domon Ain, 2000

give her husband, whereas dower refers to the money or property that a husband is required to give his wife. However, the variance between these two phrases is frequently overlooked in various situations and cultural contexts.

Among these settings, the term "dowry" refers to any exchange of material or monetary assets between the two families in a marriage. This broader view includes any kind of material or financial assistance given by one spouse to the other during the marriage.

In certain usages and places, the terms "dower" and "dowry" are utilized interchangeably, which emphasizes the flexibility and variety of cultural norms surrounding marriage rituals. Although there are instances in which the distinction between these phrases is important, in other situations they are interpreted more generally as referring to exchanges or financial transactions between the families participating in the marriage process.

According to the Oxford Dictionary:

As "dowry" and the term are frequently used interchangeably, it's possible that the terms don't have distinct meanings. According to the Oxford Dictionary, "dowry" can be defined as "property or money brought by a bride to her husband."

This definition covers the conventional interpretation of dowry, which is any kind of property or financial assets given by the bride and her family to the groom and his family as a condition of marriage. As a result, the word "dowry" in the above definition refers to both the payment a husband gives to his wife, known as dower, and the more general idea of dowry.

In specific African regions:

The term "dowry" refers to the property or money that the husband is expected to give to his wife, especially in certain cultural circumstances. The dowry is an amount of money that represents the husband's promise to his bride to support and care for her during their marriage. In addition to providing the wife with an amount of financial security, it could also be an indication that the husband values the marriage and his obligations to her. Thus, in this particular cultural setting, the dowry is understood to be the payment that the husband makes to his wife, as opposed to the more widely held belief that the dowry is the sum of money that the bride and her family provide to the groom and his family.⁷

In America:

In some cases, particularly within certain cultural communities in America and European countries, the term "**Dowry**" may indeed carry a similar meaning to that in . This interpretation aligns with the broader understanding of dowry as a form of financial provision made as stipulated in the marital contract, by the husband to his wife.

While the concept of dowry is not as prevalent or formalized in Western societies as it may be in certain African or Asian cultures, there are cultural groups within these regions where similar

⁷ <http://www.safirista.com/Diane/blog/african-traditional-marriage-african-dowry>(Last visited on 25,December,2023)

practices exist. In these cases, the dowry serves as a symbolic or tangible expression of the husband's commitment to support his wife and provide for her welfare within the marital relationship.

It's important to note that practices and customs related to marriage, including those concerning dowry, can vary significantly among different cultural groups and communities within America and Europe. Therefore, while the term "dowry" may carry a specific meaning in certain contexts within these regions, its usage and significance can vary widely based on cultural, social, and individual factors.⁸

In Russia:

In Russia, the term "dowry" encompasses the money given by either party involved in the marriage arrangement.⁹ This includes instances where the bride may provide a dowry at the time of marriage, as well as situations where the husband is required to pay a dowry to the wife at the time of dissolution of the marriage.

The dowry payment made by the husband to the wife in Russia is categorized into three types:

1. **Neduniyah:** This refers to the dowry given by the wife earlier, prior to the marriage.
2. **Ketubah:** This denotes the payment made as part of the divorce settlement.

⁸ Herbert a(1967), hope chest and dowry: American custom?, p.15.

⁹ <http://www.google.com/search?q=dowry+in+marriage++in+ruusia>(12/10/2023)

3. **Tosefet Ketubah:** This includes any additional sum that the couple agreed upon prior to to being married.

These variations bring attention to the complex nature of dowry practices within Russian marriage customs, which involve exchanges of money both during the marriage ceremony and the dissolution of the union.

Southeast Asia:

The money given by a husband to his wife is commonly referred to as the "dowry".¹⁰ In these societies, paying a dowry is typical and is frequently interpreted as a sign of a husband's promise to provide for his bride and guarantee her financial stability during the marriage.

In various societies, the dowry payment can take many different forms and amounts; it might be presents, property, or other assets given by the husband to the wife or her family. Within these communities, this practice, which has deep roots in cultural traditions, may fulfill a variety of social and economic purposes.

It's essential to understand that dowry customs can vary greatly between countries and cultures. As an example, though in some cultures the bride or her family may pay the dowry.

Within the subcontinent of India:

There is a distinct difference between dowry and dower on the Indian subcontinent, especially in nations like Bangladesh, Pakistan, India, and others.

The term "dower," frequently referred to as "Mahr" in Arabic, describes the required payment that a husband must make to his wife as stipulated in the marriage contract. The wife is entitled to this payment, which acts as a form of financial protection for her.

The dower is established and agreed upon at the time of the marriage contract, and its non-payment or failure to fulfill this obligation is considered unlawful and punishable.

However, dowry is strictly prohibited by law in the Indian sub-continent, and its practice is deemed illegal. The **Dowry Prohibition Act of 2018**, enacted in India, criminalizes the giving or receiving of dowry in connection with the marriage, and non-compliance with this law can result in legal consequences.

¹⁰ <http://marrythailady.com> and <http://www.examiner.com/asia-travel-in-national/paying-a-marriage-dowry-thailand> (Last visited on 13/10/13)

Therefore, in the Indian sub-continent, dower is the obligatory payment while dowry is strictly prohibited and punishable under the law.

2.3.1 Customs around marriage and gifts in the Baltic area

In present-day Baltic societies, young couples residing styled after traditions. However, in rural areas, more traditional ceremonies are still commonly observed.

In traditional Baltic courtship practices, young men frequently employ discreet methods to gauge a young woman's receptiveness to a marriage proposal before formally asking for her hand. If indications suggest that the young woman is likely to accept, the suitor will approach the girl's father to seek his approval for the marriage. If the father consents and the young woman indeed accepts the proposal, the wedding plans may proceed.

Notably, in such traditional arrangements, when a young couple obtains the father's blessing for marriage, they typically do not expect to receive any dowry, inheritance, or assistance of any kind from the bride's parents¹¹. This stands in contrast to certain cultural norms where dowries or financial support may be customary.

2.3.2. Scandinavian Wedding Traditions¹²

In the context of seeking a marriage, similar to initiating legal proceedings or conducting a business transaction, individuals often enlisted the assistance

¹¹ http://www.worldweddingtraditions.com/locations/baltic_traditions.html (Last visited on 05/01/2024)

¹² http://www.worldweddingtraditions.com/locations/scandinavian_traditions.htm (Last visited on 08/01/2024)

typically from the groom, and the *heimanfylgia* from the bride's family¹³. These payments were significant elements in sealing the marriage agreement and solidifying the union between the families involved.

2.4 Dowry in Historical Aspects

The system of dowry in India is not a recent phenomenon but has been ingrained in society since ancient times¹⁴. It has evolved alongside the concept of marriage as a practice of giving gifts, known as "dana," which often included both material goods and monetary assets. Dowry was initially perceived as a gesture of love and financial security for the bride, ensuring her well-being upon leaving her parental home¹⁵.

Historically, dowry was primarily associated with kings and the wealthy elite, who could afford extravagant displays of wealth. It was a symbol of status and prosperity, with elaborate gifts such as golden chariots and jewel-filled palaces accompanying the bride to her new home¹⁶. These practices were part of the ritual of "kanyadan," where the bride's family bestowed gifts upon the groom as a symbol of their daughter's marriage.

However, the dowry system as it is known today, characterized by demands for dowry from the groom's family and subsequent financial burdens on the bride's family, was not prevalent in the early periods. It was mainly confined to aristocratic and royal families, where gifts were exchanged between the bride and groom's families as part of marriage customs¹⁷.

The dowry system developed over time, spreading over many social classes and contributing to the abuse and exploitation of brides. Although dowries have historical origins, its modern form deviates from their original purpose and has become a major social problem in Indian society.

2.4.1 Dowry in Medieval Time

¹³ <http://www.vikinganswerlady.com/wedding.shtml>(Last visited on 10/01/2024)

¹⁴ Devadoss, *Hindu Family and Marriage* (Madras: University of Madras, 1979) 3rd edition, 1995, p. 106.

¹⁵ C.B. Mamoria, *Social Problems and Social Disorganization In India*, p. 687.

¹⁶ *Ibid.*, p. 687.

¹⁷ Ram Ahuja, *Indian Social System*, 3rd edition jaipur publication, p. 202.

In times past, the bride's family would provide the dowry as a show of love and concern rather than under duress. However, due to the expectations and demands of the groom's family, the pressure to contribute dowry expanded dramatically during the medieval era of the twentieth century, affluent families paid large dowries to obtain suitable matches for their daughters, as noted by scholars such as M.N. Srinivas.¹⁸

The emergence of the dowry system in medieval times can be attributed to several factors. One significant factor was the prevalence of pre-puberty marriages, where fathers offered attractive incentives to prospective sons-in-law to accept their daughters at a young age. This practice was reinforced by the religious concept of 'Kanyadana,' which involved giving away the daughter in marriage. Over time, Kanyadana became associated with 'Vardakshina,' which referred to the cash or gifts given by the bride's parents to the groom.

Additionally, since daughters were often denied inheritance rights, the practice of dowry became entrenched, especially among the propertied class¹⁹. The expectation of providing dowry contributed to the rigidity of this custom, as it became an integral part of the marriage transaction, with the bride's family expected to provide financial or material offerings to the groom or his family upon marriage.

2.4.2 Dowry in Present Time

Today, the institution of marriage has devolved into a marketplace where demands are made and opportunities for accumulation abound. Young men are shamelessly auctioned in this marriage market, with the rate of dowry varying depending on factors such as caste, the groom's achievements, family status, education, employment, wealth, and material possessions²⁰.

In this deplorable state of affairs, girls are treated as commodities to be freely traded, with dowry negotiations conducted openly and directly. Almost every consumer good imaginable, from refrigerators to cars, can be demanded as dowry. Advertisements for sarees, shawls, wristwatches, TVs, and other items regularly appear in newspapers, signaling their inclusion in the dowry.

¹⁸ Supra note 29 p. 203

¹⁹ Vijay Sharma, *Protection to Married Women In Matrimonial Home*, 10th edition, Central law publication, 1982, p. 49.

²⁰ Ibid., p. 50

In many cases, the groom's family presents a list of desired items and shamelessly haggles with the bride's parents to extract the maximum amount of money and valuable gifts as dowry²¹. Marriage has become a means to acquire wealth and social status, with no other social institution being as commercialized as marriage in today's society.

Conclusion:

The scope and historical aspects of dowry, shedding light on its various interpretations and manifestations across different cultures and regions. The chapter elucidates the distinction between dower and dowry, highlighting the fluidity and variability of cultural norms surrounding marriage practices. Furthermore, it explores dowry practices in diverse contexts, ranging from the Baltic region to South East Asia, showcasing the multifaceted nature of this social phenomenon. Through an examination of dowry in historical contexts, from ancient times to the present day, the chapter underscores the evolution of dowry as a social institution and its transformation into a commercialized transaction in contemporary society. Overall, Chapter Two provides a comprehensive overview of dowry, laying the groundwork for a deeper exploration of its impact in subsequent chapters.

²¹ Ibid.,p. 41

Chapter: Three

Dowry System in Bangladesh

3.1 Dowry System in Bangladesh

The practice of dowry in Bangladesh is deeply entrenched in the societal fabric, presenting a significant obstacle to the country's development. The family of the bride bears a heavy financial burden as a result of this harmful custom, which frequently drives them to take drastic means to satisfy the expectations of the groom's family, including taking out loans, selling assets, or even their own homes. Such financial strain threatens the nation's economic advancement in addition to upsetting families.

Dowry is a symbol of gender injustice and exploitation, not only a cultural custom. The widespread use of dowries, in spite of efforts to outlaw them, keeps women in subordination and exposes them to a variety of abuses and mistreatments inside marriages. Many young brides suffer from physical, emotional, psychological, and social neglect in settings where women are viewed more like commodities to be traded than as equal partners in marriage.

The overwhelming majority of dowries in Bangladesh is a reflection of larger social problems like ignorance, inequality, and poverty. It is crucial to combat this detrimental behavior with social awareness campaigns, legal measures, and education. Bangladesh could be able to create a society where marriages are based on mutual respect and dignity rather than material exchange and exploitation by questioning deeply rooted cultural conventions and promoting gender equality.

3.2 Bangladesh's rural dowry system currently functioning

"The Legal and Economic Development Project (LOEP) puts a lot of emphasis on family law, although dowry issues are still a big deal in the area. Mabia has trouble with this issue pertaining to her daughter. It's surprising to learn that even well-educated people want dowries. The gravity of the crisis is demonstrated by statistics from my research, which show that two lakh women

experience abuse related to dowries annually, and one lakh marriages fail as a result of dowry-related problems.

The continuing existence of dowries is frequently linked to societal perceptions of gender roles and educational attainment. The belief that women are less than males is reinforced by the frequent marginalization of women and their lack of access to education. Daughters are consequently frequently seen as financial liabilities and are more susceptible to pressure and violence related to dowries. As demonstrated in the Madhopur case, the issue is made worse by the expectation that dowry will cover a son's educational costs.

Mabia's desire for her youngest daughter to marry after graduating from college and becoming independent is indicative of a growing understanding of the value of women's freedom and empowerment. My research for "Steps Towards Development" emphasizes the connection between women's reliance, their lack of education, and the lax application of the law, all of which support the continuation of the dowry system. Even with G.S.'s level of education, the fact that he avoided interacting with the judiciary emphasizes how difficult it will be to address this social problem.

Essentially, a society ruled by men and with inadequate law enforcement is the reason why dowries are so common. The main objectives of attempts to address this issue should be education, women's empowerment, and the efficient application of the law to stop abuses involving dowries."

3.3 Present situation of Dowry in Bangladesh

Dowry is intricately linked to early marriage and polygamy, particularly in rural areas where patriarchal norms are deeply entrenched. The practice of dowry often leads to the exploitation and oppression of women, hindering their development and autonomy. Many men in villages resort to polygamy in pursuit of dowry, marrying uneducated and unwilling women under pressure from their families. This often results in dissolved or unhappy marriages. According to Janet E. Jackson, Bangladesh has alarmingly high rates of violence against women, with a significant portion of Bangladeshi males justifying and perpetrating violence against their wives. This violence manifests in various forms, including dowry-related violence, acid attacks, rape, and domestic abuse. Despite

international concern and calls for action, the situation remains grim, with women continuing to suffer from pervasive violence.

The dowry system, although not sanctioned by Islamic law, has infiltrated Muslim societies, despite the provision of a dower meant to enhance the status of women. The discrepancy between the protection afforded by dower and the victimization of Muslim women by dowry highlights a concerning trend. In South Asia, dower deaths—in that wives are murdered by their husbands or in-laws—are a horrifyingly prevalent occurrence, feeding a vicious cycle of inequalities and abuse against women.

3.4 Reasons for Dowry

3.4.1 Social Custom and Tradition

It is clear that customs have a big influence on how people behave and think inside a community. They may bear an abundance of moral or legal duties and cover a wide range of facets of life, such as attire, food, and interpersonal relationships.

The custom of giving dowries has its roots in societal practices and traditions. It is guided by the idea that following these traditions helps everyone in the community feel united and like they belong. The reality that dowries have long been given and accepted in families and communities is the main reason why so many people still participate in this practice.

A commitment to tradition can instill a sense of duty and societal pressure, compelling people to engage in customs like dowry exchanges in spite of whatever personal objections they may have. Thus, deviating from these traditions can be difficult because it might be interpreted as a betrayal of social norms or cultural heritage.

The study of customs provides important insights into the dynamics of social connections and how traditions affect both individual behavior and societal standards in the fields of anthropology

and sociology.²² The intricate interactions between culture, tradition, and social shifts can be better understood by taking into account the role that customs play in behaviors such as dowries.

3.4.2 False Notion of Social Status

Giving high dowries to demonstrate one's social and economic standing is undoubtedly a frequent practice in some cultures and groups. People who live in countries where prestige and status are prized sometimes feel pressured to spend a lot of money on dowries in order to feel more respected by the community.

This can be a lot of pressure on tribes like the Janis and Rajputs, who value social order and prestige, to arrange extravagant marriages and give their daughters hefty dowries. Families may feel pressured to live up to these guidelines in order to preserve or improve their social standing, even if it involves taking on debt or borrowing money.

Such public shows of riches via dowry expenditures are a type of social signaling that conveys the family's power, wealth, and commitment to customs of hospitality and charity. Sometimes individuals will go to tremendous measures to satisfy dowry expectations, regardless of the financial burden it places on them, out of a desire to maintain tradition and family honor.

The present volume highlights the intricate interactions that occur in societies where dowry practices are still prevalent between individual goals, social factors, and cultural norms. Large dowries can be seen by some as a way to demonstrate wealth and distinction, while others may raise ethical and financial concerns about them, especially if they worsen social injustices or cause financial hardship.²³

²² Ram Ahuja, *Indian Social System* 3rd edition and (Jaipur: Rawat Publications, 1993) p. 204.

²³ Supra note 54.p206

3.4.3. Caste System

The system of castes and the dowry system are closely related, especially in societies where caste-based customs and norms heavily influence marriage arrangements. Wedding within one's caste is highly valued and seen as a matter of social dignity and prestige in many communities. Due to this, caste issues and the dowry system frequently entwine, creating unique dynamics and expectations around marriage customs.

Maintaining caste pride and preserving purity of lineage are of utmost importance to higher caste members. Being married outside of a particular caste might be seen as a violation of these expectations and could result in rejection or social shame. Families may choose providing sizable dowries as inducements for potential grooms from the same caste in order to prevent such repercussions and guarantee that their daughters marry within the caste.

The tradition of providing dowries to ensure intra-caste weddings is a reflection of the profoundly embedded power dynamics and social inequalities found in caste-based communities. Families utilize dowry payments to both meet the hopes and objectives of marriage alliances and to negotiate and uphold the caste systems that are now in place.

Yet it's important to understand that, because it frequently puts financial strain on the bride's family and continues to consider women like commodities in matrimonial deals, this tradition upholds inequality and caste-based prejudice. Additionally, it further entrenches the notion of marriage as a transactional arrangement rather than a union based on mutual respect, love, and compatibility.

Efforts to address the dowry system must therefore consider its intersection with caste dynamics and work towards challenging entrenched caste prejudices while promoting gender equality and autonomy in marital relationships. This involves fostering social awareness, promoting education and economic empowerment among women, and advocating for legal reforms to protect women's rights and dignity within the context of marriage²⁴.

²⁴ Vijay Sharma, *Protection to Married Women In Matrimonial Home*, 4th edition, (Delhi: Deep & Deep Publications, 1994) p. 51.

3.4.4. Desire of the Girls Parent

The desire of a girl's parents to ensure their daughter's happiness and well-being, even if it means providing a heavy dowry, reflects the complex socio-economic dynamics and traditional beliefs prevalent in many societies. In contexts where marriages are often perceived as alliances between families rather than simply unions between individuals, securing a match with a wealthy or socially esteemed family is often seen as advantageous for the bride's future.

The aspiration for a daughter to marry into a financially stable or affluent household stems from concerns about her social status, security, and quality of life after marriage. Parents may believe that by offering a substantial dowry, they can enhance their daughter's prospects of marital happiness, acceptance within her husband's family, and access to material comforts and opportunities.

In many cultures, the exchange of dowry is viewed as a means of establishing social connections, forging alliances, and cementing relationships between families. Therefore, parents may feel compelled to fulfill societal expectations and norms regarding dowry practices, even if it means facing financial strain or debt.

Furthermore, the belief that marrying into a wealthy family will elevate their daughter's social standing and provide her with a more favorable marital environment can drive parents to prioritize the accumulation of dowry resources, sometimes at great personal sacrifice. This desire to secure a promising future for their daughter reflects both parental love and the socio-cultural pressures embedded within the institution of marriage.

However, it's important to recognize the negative implications of this mindset, as it perpetuates the commodification of marriage, reinforces gender inequalities, and exacerbates financial burdens on families, particularly those from disadvantaged backgrounds. Efforts to address the dowry system should involve challenging these ingrained beliefs, promoting gender equity, and advocating for social and economic empowerment initiatives that prioritize the well-being and agency of women in marital relationships²⁵.

²⁵ C.B. Mamoria, *Social Problems and Social Disorganization*, 12th edition, Deep & Deep Publications In India, 1990, p. 687.

3.4.5. Greediness of the Parents of the Boy

The practice of demanding dowry as a means of making easy money reflects a form of greed where individuals prioritize material wealth and financial gain over ethical considerations and the well-being of others. In some households, especially in cultures where dowries are common, the groom's family may take advantage of the institution of marriage to build up fortune, frequently at the expense of the bride's family.²⁶.

These individuals show a disdain for marriage's true intent by asking enormous dowries, seeing it only as a transactional opportunity to profit themselves. The primary objective on making money takes precedence over any consideration for the wellbeing of the bride, which can result in coercive and exploitative behaviors that cause the bride and her family ongoing financial difficulties as well as mental misery.

The reality that the bride is threatened with being abandoned if the dowry demands are not fulfilled further emphasizes how heartless and self-serving this behavior is. This behavior reveals the unequal power dynamics that exist in marital arrangements, when the groom's family has influence over the bride and her family. It also shows a lack of understanding and compassion.

In addition, does this abuse of the dowry system feed negative preconceptions about women being commodities in marriage, but it also helps to maintain gender inequality. It reduces the values of cooperation, mutual respect, and trust—all of which are necessary for happy and successful relationships.

For it to effectively counteract this type of avarice and exploitation, more extensive social interventions are needed, ones that push back against established conventions, advance gender parity, and bolster the laws that defend women's rights. By addressing the underlying reasons of dowry-related practices and advocating for marriage ideals such as honesty, fairness, and dignity, society can strive to create more just and equitable social environments that benefit all parties involved.

3.4.6. Other Reasons

²⁶ Ibid,p.687

These points bring attention to a number of reasons that are responsible for the predominance of dowries in some societies:

1. **Parental Emotions and Sense of Obligation:** The giving of dowries is frequently motivated by a sense of parental duty and obligation to protect their daughter and make sure she is safe and secure in her married home. To be able to assist their daughter start her new family and maintain herself financially, parents may feel obliged to give dowry.
2. **Want for Gold jewelry:** Women possess a cultural preference for gold jewelry, and dowry transactions give them a quick and easy way to get their hands on them. The giving and accepting of dowries as part of marriage arrangements can be motivated by this desire for gold jewels.
3. **Black Money and Unaccounted Wealth:** The accessibility of black money and unaccounted earnings among the upper class can occasionally promote dowry trades. This unreported income could be utilized to pay for ostentatious marriages or dowry demands, thereby sustaining the dowry custom.
4. **Property Rights and Inheritance:** In patriarchal nations, where women may have restricted inheritance rights, dowries are frequently seen as a means of ensuring that the daughter gets her fair part of the father's assets. Parents may attempt, if indirectly, to guarantee their daughter's rightful inheritance and financial stability by providing a dowry.²⁷.

Poverty:

²⁷ Ibid., p. 688.

In Bangladesh, the amount of dowry customs is mostly influenced by poverty. Families under financial difficulties are forced to turn to dowry trades in order to ensure the marriages and future health of their daughters. The pressure is increased by socioeconomic differences because poor families find it difficult to meet their basic necessities and believe that dowry payments are essential to finding good mates. Richer families, on the opposite hand, might demand huge dowries in order to preserve their social standing, which would put further financial hardship on the less fortunate. This cycle demonstrates how poverty fuels the need for and supply of dowries, maintaining a detrimental custom ingrained in cultural standards.

Illiteracy:

The negative effects of dowries continue in Bangladesh largely due to illiteracy. People who lack knowledge are less aware of the negative effects of dowries, which makes them more susceptible to manipulation and abuse. Furthermore, especially in areas with high illiteracy rates, illiteracy maintains social norms supporting dowries and traditional gender roles. The situation is made worse by the limited economic options resulting from illiteracy, which traps people in cycles of poverty where dowry payments become onerous. Fighting illiteracy is essential to questioning societal norms, giving people the trust they need to stand up for their rights, and ending the pervasive cycle of dowry-related exploitation.

Narrow Mentality:

The system of dowry in Bangladesh is mostly maintained by the narrow and impoverished mindset that permeates society. The practice is maintained by deeply rooted customs and beliefs that continue to exist without question. People are afraid of being shunned and are under social pressure to fit in, which keeps them from challenging the behavior. Moreover, the cycle of dowry is perpetuated by a lack of compassion for the predicament of women and other underprivileged groups. This limited perspective reinforces the practice of dowry's establishment in society and impedes efforts to end its detrimental effects by placing self-interest and social status above resolving the unfairness and pain caused by it.

Negative attitude:

The Bengali wedding system is largely maintained by male dominance and negative views against women. Since gender inequality is rooted in the idea that males are superior, women are marginalized and treated more like commodities whose value is determined solely by their financial worth. Because of their patriarchal power, men are able to set the terms of marriage, including the requirement for a dowry. This position of power is further reinforced by cultural norms that place a strong emphasis on male inheritance, which defend dowries as a way to protect the groom's family's financial interests. Likewise, socialization processes reinforce views of male superiority, normalizing discrimination and violence against women as well as the need for dowries as a means of exerting control over them.

Lack of women's Education:

In Bangladesh, the dowry system is largely sustained by a lack of education, especially among women. People who have access to education, particularly women, may not be aware of their rights or the exploitative nature of dowry demands. This lack of awareness fuels the cycle of dowry. Furthermore, unskilled women remain to be financially reliant, which leaves them open to dowry pressure and perpetuates the idea that women are liabilities on the economy. Despite education, traditional views determining women's responsibilities remain unquestioned, thus legitimizing dowries. Furthermore, an absence of education encourages dowries as a way to gain social approval and perpetuates negative gender stereotypes and societal conventions. To question these traditions and lower the predominance of dowries, education is important.

Lack of decision making power of women's in family

The system of dowry in Bangladesh persists largely because women in patriarchal household structures lack the authority to make decisions. In these economies, choices about marriage and dowries are disproportionately made by male family members. The perpetuation of dowries as a way to ensure marriage and uphold familial status and the mistreatment of women are made possible by this uneven power relationship. In order to prevent conflict and maintain social norms, women are further pressured to comply with dowry demands due to social expectations and established gender

roles. Their fragility is increased by their financial dependence because they are powerless to negotiate or refuse dowry demands. This cycle of abuse and tyranny is sustained by cultural norms that uphold women's subservient status.

Narrow thinking:

Different settings have various perceptions of dowries, which reflects the influence of social dynamics, economic conditions, and cultural standards. In cities, dowries are frequently seen as a way to improve one's status and prestige, which encourages families to provide big dowries in order to get advantageous marriage matches. The custom of viewing dowries as a customary requirement in rural villages comes from long-standing cultural practices that view daughters as financial liabilities who must be made whole before they leave. Furthermore, the idea that teaching girls is useless in rural areas of poverty perpetuates gender inequality by discouraging parents from funding their education and extending poverty cycles.

Some time bridegroom wants money:

Occasionally, prospective husbands wait to get married because they want to use the dowry to invest in their business or ensure their financial future. Furthermore, in rural areas, older or less attractive women may be expected to give prospective husbands higher dowries, which would reinforce gender inequality and financial pressures.

Culture:

In Bangladeshi culture, brides are expected to deliver gifts, including cash ones, to their new houses as part of the dower ceremony. This practice is frequently the result of societal corruption and dependence on husbands' money, which support the dowry system.

Conclusion:

In Bangladesh, the tradition of dowries is still ingrained in society standards, which upholds gender inequity, exploitation, and financial hardship on families. The dowry system endures in spite of efforts to end it because of things like a lack of education, cultural prejudice, and uneven power structures within families. Comprehensive approaches that place a high priority on empowering women through education, legal reforms, and confronting deeply rooted cultural norms are needed to address the dowry system. Bangladesh can work to create a society where marriages are based on equality, respect, and dignity rather than material exchange and exploitation by promoting gender equality and fighting for societal reform.

Chapter: Four

Dowry problems in Bangladesh

4. Problems of Effect Dowry

Even though the dowry system has historically fulfilled some useful purposes, it has come under fire for having negative impacts on both society and the individual. It is now widely denounced as a social evil and a major burden for brides' families, even though it once offered opportunities for families to improve their social standing through expand feasts and material displays, form alliances with families of similar status, protect family property, secure favorable matches for daughters, and provide some degree of financial security for brides. Social reformers, politicians, and educators vehemently oppose dowry payments, viewing them as an unhealthy societal feature that leads to various problems. These problems can be categorized into four main areas: those affecting parents, girls, married women, and others in society. Despite its entrenched cultural significance, the dowry system's negative consequences have prompted calls for reform and social change²⁸.

4.1 Parental issues

4.1.1 Parents' Emotional Disorders, Psychological Issues, and Social Maladjustment

once perhaps perceived as beneficial, has now become a stain on the fabric of Bangladesh's social fabric. What was once merely accepted by the groom's party is now demanded, placing an immense burden on the parents of daughters. The looming specter of dowry begins from the birth of a girl and becomes a consuming concern for parents, particularly

²⁸ NandiniRao and V.V. PrakasaRao, Marriage, *The Family And Women In India*, 13th edition, (Delhi: Heritage Publishers, 1982) p. 62.

those with multiple daughters. This perpetual worry over arranging marriages leads to emotional turmoil, psychological strain, and social upheaval within families²⁹.

²⁹ Supra note 44, p. 208.

4.1.2 Psychological Suppression of the Girls Problems

In contemporary times, the criteria for acceptance by a prospective groom have expanded beyond personal qualities to include financial considerations. Even if a girl is highly educated, cultured, and accomplished, she may be rejected solely because her parents cannot afford a large dowry. This phenomenon has become prevalent, leading to heartbreaking scenarios where engagements are abruptly broken off if a better offer from a wealthier family comes along.³⁰ Such incidents not only affect the parents but also leave the girl in a state of shock and disappointment³¹.

4.1.3 Suicide

Suicide, whether driven by societal pressure or personal anguish, is a tragic outcome of the dowry system. The burden of dowry demands can lead young women to feel hopeless and insecure, ultimately pushing some towards taking their own lives. Additionally, the breakdown of engagements due to dowry disputes can leave girls emotionally scarred and vulnerable to suicidal thoughts³².

Moreover, the dowry system perpetuates other harmful practices such as child marriage and unequal unions. Parents may resort to marrying off their daughters at a young age to avoid higher dowry demands in the future. This can result in girls being wed to unsuitable partners, including elderly men or those with addictions, further exacerbating their vulnerability and compromising their well-being³³.

Furthermore, the economic strain imposed by exorbitant dowry payments contributes to the cycle of poverty in Bangladesh. With millions of people already struggling to meet their basic needs, the financial burden of dowry only serves to deepen their hardship and perpetuate socio-economic inequalities³⁴.

³⁰ Supra note 44, p. 115.

³¹ C.B. Mamoria, *Social Problems and Social Disorganization In India*, p. 690.

³² Patricia Bayer, et al. "Suicide," *Encyclopedia Americana* vol.25 (Danbury: Grolier Incorporated, 1998) p. 857.

³³ Supra44, P. 210.

³⁴ Ibid.p.857

4.2 Other Problems

4.2.1 Child Marriage

Child marriages will result from the desire for dowries. A better qualified and educated husband is required for an educated girl. This calls for a larger dowry. Consequently, parents would rather their children marry young than wait until later in life and pay a larger dowry.

Conclusion:

Families and individuals in Bangladesh continue to face severe social, psychological, and financial difficulties as a result of the dowry system. The adverse impacts of dowries are extensive, ranging from the psychological pressure and mental anguish that parents endure to the tragic outcomes that girls and married women must deal with. In addition to sustaining prejudice and inequalities based on gender, the practice also fuels dangerous customs like child marriage and uneven partnerships. Furthermore, the financial strain that dowry payments place on people deepens the cycle of poverty and socioeconomic inequality for a large number of families. In some rural regions, dowry payments continue even though they are prohibited, which has terrible implications for women and their families. Extensive approaches are needed to address these problems, including social awareness campaigns, legal changes, and empowerment programs designed to upend long-standing cultural norms and advance gender equality. Bangladesh can only become a society whose marriages are founded on equality, respect, and dignity rather than money exchanges and exploitation if it makes a concentrated effort.

Chapter: Five

Findings, Suggestions and Conclusion

5.1 Findings

1. As stated in the conjugal contract, the husband is required to provide his wife dower, sometimes referred to as "Mahr" in Arabic. It isn't the same as dowry, which is forbidden. The **Dowry Prohibition Act 2018** punishes nonpayment of dower.
2. Even though it is illegal since 1961, taking a dowry from the bride's family before to marriage still occurs. Brides frequently experience harassment, abuse, and misery when the dowry sum is either deemed insufficient or withheld.
3. Dowry is seen as a social offense that harms the community. The Bangladeshi Dowry Prohibition Act forbids the payment of dowries or the demand for them, and it carries fines and jail time .
4. a maximum of five years. To address this issue, the legislation was amended in 1983, 1995, and 2000.

5.2 Suggestions

1. The dowry system is illegal and goes with the gender equality concept. To stop this practice, there need to be a greater understanding of the law and stricter enforcement.
2. For the **Dowry Prohibition Act of 2018** to effectively tackle dowry-related issues, modifications and increased efficacy are needed.
3. Once a man asks for a dowry, women should decline the proposal while trying to inform women of their rights under the **Dowry Prohibition Act of 2018**.

5.3 Conclusion

In Bangladesh, a preference for male offspring over female children is frequently a result of dowry customs. Due mostly to Muslim immigration, the dowry system has grown in popularity in Bangladesh's rural areas and is perceived as a sort of insurance or shield against divorce. A variety of factors, including poverty, illiteracy, limited perspectives, hostility toward women, and reliance on husbands for financial assistance, contribute to the predominance of dowries.

Grooms may ask for dowries in order to invest in companies or raise their standard of living. Furthermore, brides could be expected to give bigger dowry if they are thought to be less attractive or marry later in life. Bride burning is one type of dowry-related violence that occurs when brides bring less than expected or don't meet the demands of the groom's family.

Although laws against dowry exist, enforcement remains challenging, particularly for underprivileged victims who lack the resources to navigate the legal system. Changing societal attitudes toward gender equality, coupled with strict law enforcement, is necessary to address the dowry issue effectively. Public awareness campaigns and community initiatives are also crucial in combating this deeply ingrained social problem.

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