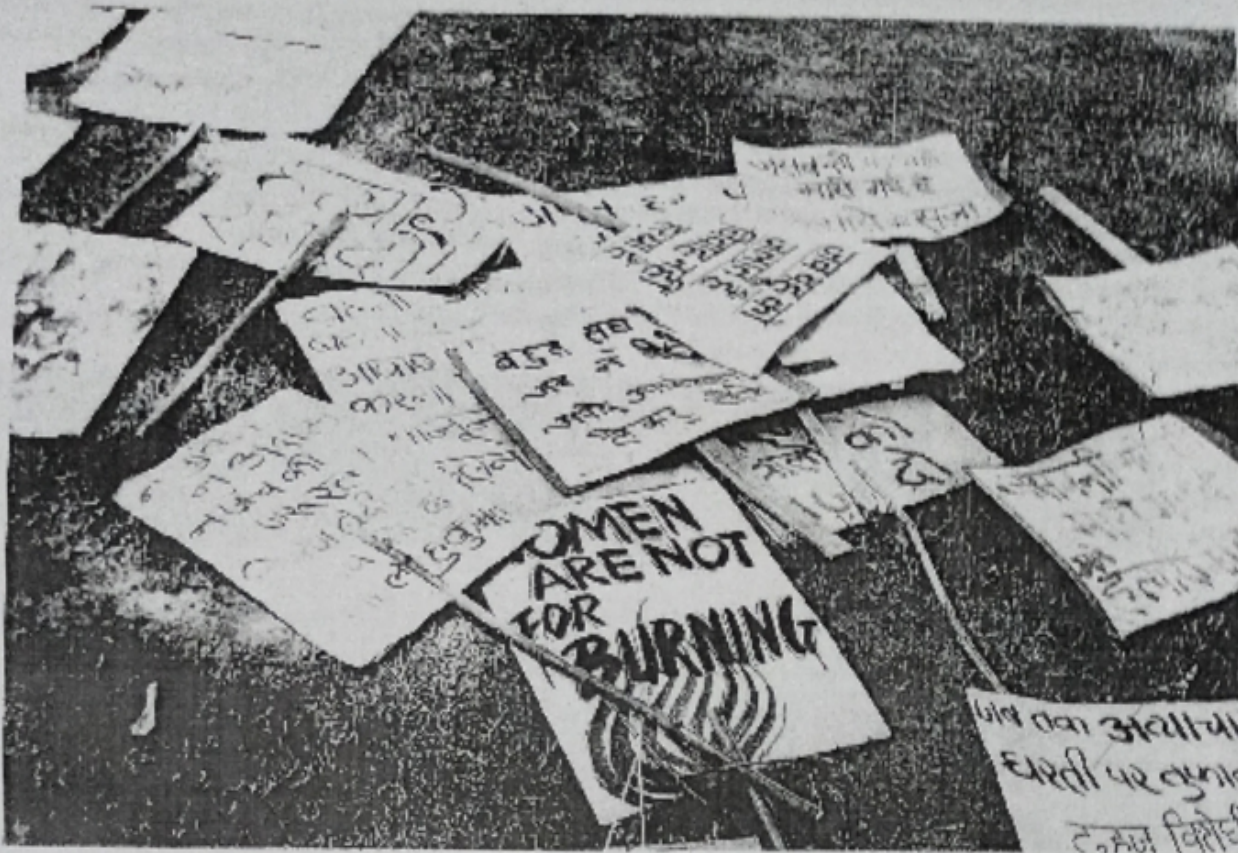


7. The Campaign Against Dowry



Aftermath of a dowry demonstration, Delhi, 1983

I have been working for 10 months on children's classes, adult literacy programmes and health camps, in addition to taking up local issues, in Chembur slums in Bombay.

In the course of working in the slum Pancha Seela Nagar, we were introduced to Malarkodi, a young woman who lived in the slum and was a potential leader among the women.

Some time ago, Malarkodi had run off to Madras with a former boyfriend. Her husband went and brought her back, promising to behave well. But

after that he continued to remind her of her elopement. He used to drink and beat her up. All the neighbours knew this since it was an everyday routine. But this Sunday the routine took a fatal turn. She died.

When I asked some of the men why they had not intervened, their reply was that it was a 'family quarrel.' A step ahead was the reply: 'She was killed by her husband. So why should we interfere?'

I found that almost all men, whatever their class,



battering I left the house and took shelter with a relative. But each time, the faces of my children would haunt me, and I would return the next day or the day after. Sometimes I left with the children, but how long can one stay with a relative with three small children? So I returned. If any relative tried to intervene, he would break off relations with them. With the result that the number of friends who dropped in became less. I was afraid of making new friends (what will they think when they find out my husband beats me?) So I started living in isolation, a social outcaste with a stigma attached to my name.²

Although there are countless incidents of such violence, it is seldom that we see women giving up their oppressive situations and moving out. Partly this is because, in many families (particularly middle class) a woman's life is defined only in the context of a man's. The following statement provides an example: 'I was twelve or thirteen when I was married... don't remember exactly when. He beat me from the very beginning. He used to drink, come home, and beat me. He used to burn me too—and kick me mercilessly. I suffered very badly... He beat me up brutally, it's true; but at least he was there.'³

Over the years, feminists have heard these saddest of words used time and again and have grown to understand their full significance; indeed, it is only by coming across this again and again that women have grown to recognize their own helplessness in view of the daunting situation they face in this country. It is impossible to live in India without being aware of the gruelling hardship people have to face to survive, the paucity of food and clothing, or education, that is part of everyday life. The situation is made more difficult because of the years of conditioning which do not allow a woman to see her husband as anything other than a god. Thus, women will protect men even at the cost of their own lives. The incredible mental cruelty that some families inflict upon their daughters-in-law is tragically revealed in a series of letters published in *Manushi*, written by a young girl who killed herself two months after she was married. The following extract is from her farewell letter to her husband:

My Raja (Lord)

I am going away. Forgive me...

Ever since I came to your house your family has had difficulties. My coming into your house was not auspicious for you. So I am going away. I will make every effort to see that I do not survive, because if I do, not only will my life be ruined, but so will yours. Do not take me to hospital...

I am taking your child along with me in my womb. Forgive me for this too. You had a desire to marry again. Do marry again. You can either burn the clothes I brought in my dowry, or return them to my parents. The clothes which were given to me by your family can be ironed and kept for the new bride...

When the new bride comes, try and listen to what she says, and do not quarrel with her. Even if her relatives do not pay much attention to you, you should try to stay happy. You should ignore these things. Otherwise, her life will be ruined. And if she talks to you privately about anything, never tell anyone else in the house what she says...

Only yours

*Tato*⁴

Tato committed suicide because her husband and his family tortured her for having brought so little with her by way of goods; mocking her and her family for the quality of food at the wedding and presents to the bridegroom's family. We do not know whether her ex-husband took a formal dowry when he remarried, which he did a few months after her suicide, but there is no doubt that in contemporary India families who might not formally ask for or even take dowry, make known their expectation that the bride's family will help maintain a standard of life which the bridegroom's family find mandatory.

The first protests against dowry in the contemporary feminist movement were made by the Progressive Organization of Women in Hyderabad in 1975. Though some of their demonstrations numbered as many as 2000 people, the protests did not grow into a full fledged campaign.

After a lull of around two years, a new movement against dowry started in Delhi. This time it was against violence inflicted upon women for dowries: especially against murder and abetment to suicide. Though there have since been protests against dowry harassment and murder in several parts of India (Punjab, Maharashtra, Karnataka, Gujarat, Madhya Pradesh, Bengal), sustained agitation against dowry and dowry-related crimes has mainly been in Delhi. Among the reasons for this is that Delhi seems to have the highest number of dowry motivated murders of women. In 1979, a Delhi-based feminist group, Stree Sangharsh, made the following analysis of dowry:

As Engels pointed out in his classic work, property relations within the family were mediated through the development of private property, and ques-



Anti-dowry demonstration, Delhi, 1980

tions of inheritance became paramount. Engels used this to differentiate between middle-class and working-class families, saying that as working-class families did not own private property, inheritance was not important and thus the material basis for women's oppression did not exist in working-class families. In doing this he not only wrongly identified women's oppression by missing the sexual division of labour, the need for reproductive control, the patriarchy, and the existence of female labour power as property under capitalism, but also conflated the question of private property with that of inheritance. While the question of inheritance remains an insight into women's oppression, it is not the sole relationship of private property to this oppression. The example of dowry in India is a clear one of relationship with private property in which this becomes a bridegroom price and is added to the immediate, consumable family capital, used either to further business ventures, to educate younger sons, to buy a promotion, or to furnish a daughter's dowry. In many cases it does

not remain within the immediate family, but becomes someone else's private property.⁸

Further, they suggested that in the present situation the bridegroom husband became a conduit for the transfer of liquid capital, noting that in this case the sale of the bridegroom did not confer right of ownership on the buyer; on the contrary, the transaction was closer to the payment of blood money. In an exhibition on dowry murder they showed that such murders were committed by middle class entrepreneurial families, who killed so that their sons could remarry and amass more wealth.

Though the Mahila Dakshata Samiti was the first women's organization in Delhi's contemporary feminist movement to take up the issue of dowry and dowry harassment, it was Stri Sangharsh whose campaign made dowry murder a household term. The Mahila Dakshata Samiti had organized a demonstration in Delhi and also published a booklet on the issue. On June 1, 1979 Stri Sangharsh organized a demonstration against the death of Tarvinder Kaur, a young woman who lived in Delhi.



A member of the audience telling her story, Delhi, 1980



Parents of dowry victims join women's organizations in demonstrating against the increasing numbers of dowry deaths in the capital, 1981.

saying that her death was murder and that she was killed because her parents could not fulfil the ever-increasing demands of her in-laws. Impetus for this demonstration came, in fact, from the Indraprastha College Women's Committee, formed in 1978, who told Sri Sangharsh of the murder and suggested that they demonstrate. The Indraprastha College Committee, and the Progressive Students' Organisation all marched under the Sri Sangharsh banner, adding both numbers and militancy. The demonstration was widely reported by the national press and in the next few weeks there was a spate of demonstrations against dowry deaths, one of the biggest ones being organised by the Nari Raksha Samiti, on June 12, through the alleys of old Delhi. Each one hit the headlines.

Until this time women's deaths-by-fire had been put down as suicide, and even these suicides were rarely seen as being due to dowry-harassment. No-one (including the police) had ever bothered to investigate them, or even categorize them. And mostly they had been passed off as 'private' affairs which took place within the family and which were no concern of the state. Within weeks, however, feminists reversed the indifference of decades,

linking death-by-fire with dowry harassment, showing that many official 'suicides' were in fact murders. In some cases, victims of dowry murder had often lived long enough to indict their husbands and in-laws of murder (in their dying declarations), but the obligatory police follow-up had been so delayed and so cursory as to yield little or no evidence, such cases were then written off as suicide and the whole matter forgotten.

However, when feminists raised their voices against this situation, insisting that dying declarations be treated as evidence, that police procedures be tightened up, and these murderers be confronted by society, some people did listen, and some joined in the protests as well. The first Sri Sangharsh demonstration had webbed by the time it reached Tarvinder Kaur's in-law's house: not only did neighbours join in with their children, but so did sweepers, domestic workers, and passers by.

On the 30th of June residents of Malsiya Nagar demonstrated against the murder of Kanchan Chopra, another young woman, the previous night. Kanchan had visited her parents on the 29th morning and had said then that she was afraid because her in-laws were demanding more dowry and threatening to kill her if it was

not forthcoming. Her brother went that afternoon to the Mahiya Nagar Police Station to lodge a complaint against her in-laws for dowry harassment, but the police refused to intervene in what they said was a 'family quarrel', and did not register the complaint. That night she died. And the next day the residents of Mahiya Nagar, along with Kanchan's distraught family, surrounded the police station, demanding that they file a charge of murder against her in-laws. When reports of this incident appeared, feminists were encouraged to find that people had been disturbed enough by this issue to take action. This lent momentum to the campaign and very soon after, another group, the Nari Raksha Samiti, demonstrated outside the house of a young man called Narang, whose family had stepped up their demands for dowry on the eve of his marriage to Premlata. Two days before the scheduled wedding, Premlata's family broke off her engagement because of increased dowry demands. They contacted the Nari Raksha Samiti and asked them to stage a demonstration outside the Narang's house, as public denunciation.⁶ This too was remarkable, for normally the scandal accruing from such publicity adheres longer to the girl than to the man, whose sins are in any case blamed on his family, and soon

forgotten. That Premlata and her family were willing to bear this publicity in order to humiliate the Narangs for their unwise raised admiration among women's groups.

After some months of campaigning however, several groups began to feel the need for a more direct method of communication with people when raising the issue of dowry. Discussions on this gave rise to the idea of having a street play and some months later Sri Sangharsh gave the first performance of its street play. On *Sankha*, an attack on dowry and dowry murder, based on the lives of two women.

The play proved enormously popular and soon people from all over began to ask the group to visit their locality and perform the play there. For many middle class women who were in the play, this was a first attempt at activist work.

One year after the agitation began, governments started to legislate against dowry murders. In fact in 1978 Charan Singh, then prime minister, had said that measures to stop the 'maltreatment of women for dowry' would be introduced in the next parliamentary session. He made this assurance to a delegation of the Mahila Dakshata Samiti. The Samiti also met the Inspector



Protesting the commercialization of marriage, Delhi, 1980



Taking a break during the Dahej Virodhi Chetna Manch demonstration, Delhi, 1982

General of Police (Delhi), who agreed to set up a standing committee consisting of the Superintendent of Police and a Deputy Superintendent, who would deal with cases of dowry harassment. However it took many years



A mother shows a picture of her dead daughter, date not known

for the anti-dowry cells to begin functioning, and at present they deal mainly with complaints of dowry demand/harassment and not with dowry murders. In practice the anti-dowry cells more often perform the function of marriage counselling bureaux. Given the way most women are treated in India when they lack the 'protection of a man' (be they single, divorced, deserted, or widowed), it is hardly surprising that so many women choose to suffer at the hands of their families rather than of all society. The Mahila Dakshata Samiti, for example, found that the first question confronting them when they spoke to women who were being harassed for more dowry was: if we encourage her to leave her family, where will she live? For if she were to return to her parents' house she would 'endanger' the chance of her (inevitable) younger sister's suitable marriage (presumably because other eligible boys' parents would then fear that the girl's would not fulfil their dowry demands) and no landlord willingly rents to a single woman, for fear of her being a prostitute—or thought to be one. So as most cases of dowry harassment seemed to occur in joint households, the Mahila Dakshata Samiti and other women's organizations found themselves suggesting that the 'young couple' move out and live by themselves.

Many feminists have chafed at having thus to aid in the nuclearisation of the family instead of filing complaints of assault against the people who burned brides for dowry, but they have had few alternatives. Ironically enough, it is easier to prove dowry assault than dowry murder for in death-by-fire there is almost always no evidence to show that it is murder and not suicide or accident. 'Her sari paliya caught fire' 'there was a stove accident in—' The two main kinds of evidence in such cases are a) dying declarations made by the victims when they survive long enough to be rushed to hospital; b) circumstantial evidence: letters, neighbours' testimonies and so on. Dying declarations have frequently been completely ignored by the police, as in the Tarvinder



'Burned her', slogan painted on wall of alleged dowry murderer's house, date not known



Another scene from 'Om Swaha'

Kaur case, where she declared her mother-in-law and sister-in-law had together set fire to her but the police dismissed this declaration and registered a case of suicide. When the police have registered a case of murder against sundry in-laws and husbands on the grounds of a dying declaration, the case has most often been dismissed for insufficient evidence. That the victim's testimony cannot be regarded as sufficient evidence to convict the accused of murder is only fair; what is shocking is that in most cases dying declarations are not treated as sufficient reason for a thorough investigation by the police. The most frequently cited reason for this cavalier attitude of the police is that they were bribed by the murderers to delay investigation or else to ignore evidence. In most cases the victim's parents would arrive too late to offer counter-bribes for the scene for suicide/accident would have already been set. But one is also constrained to ask: would the police recognize evidence when they saw it, in cases of death-by-fire? How many methods of collecting circumstantial evidence do they use? What practice do the police have in building detailed circumstantial cases against dowry murderers—

and what resources do they have to do so? Why haven't they got more investigators, more doctors, more machinery, to build up an adequate case? Why haven't they asked for them?

Members of the police force also seem to believe that this is a matter that is outside their purview. The policemen escorting a demonstration against a dowry-murderer asked: 'What is this demonstration about?' When told it was to demand police action against a man thought to have murdered his wife for dowry, one policeman said that had he been in our place he would have burnt the accused's shop and his house. He recounted a similar murder in his locality where the community had burnt down the suspected murderer's house. Feminists have been variously advised by policemen and politicians to use 'social pressure' against dowry murderers rather than to take recourse in the law. They have, however, done both. Anti-dowry demonstrations have always been outside the homes or workplaces of dowry-demanders or accused dowry murderers as well as at police stations; the names of both the victims and the accused have always appeared in slogans; neighbourhood groups have been formed to boycott dowry harassers; accused husbands of dowry victims have had their faces blackened (this has happened only once or twice); public meetings have been arranged at which people have pledged neither to give nor to take dowry, and so on. In June 1982 two things happened which showed new developments in the movement against dowry murders: first, on the 3rd of June, the residents of a South Delhi locality got together to protest against the death-by-fire of Bharati Narula, who lived with her in-laws in the same area. Under the auspices of the local Welfare Association, Karmika (a feminist group based in Gulmohar Park), and the Women's Club, volunteers went from house to house mobilizing for a public meeting on June 8th, at which it was decided to a) ostracise Bharati Narula's husband and in-laws; b) send a memorandum to the Prime Minister demanding action in the case; c) provide a list of people willing to help in cases of dowry harassment or murder; d) to have sundry meetings in June in Gulmohar Park to publicise the anti-dowry movement by performing plays and inviting lawyers and policemen to discuss the problem.

Under this kind of pressure the Narulas were arrested and charged with murder, but were released on bail in October. Subsequently, the chief witness against them withdrew her statement.⁷

Though the residents of other areas had some years earlier expressed their disapproval of dowry murder in a more vehement fashion by demonstrating against it, the decision to ostracise this family showed a determination to express disapproval in a more personal and more sustained way. The idea of a list of people to contact in need and to have meetings about dowry problems

showed an inclination for self-education and self-help which had so far been absent in local areas.

Secondly, on the 11th of June women teachers of S.P. Muckerjee College (for women) in Delhi demonstrated against the death-by-fire of one of their colleagues, Shakuntala Arora, on June 5. Shakuntala killed herself because her husband beat her up regularly for not supplementing her dowry sufficiently. The teachers demonstrated outside police commissioner Bajarang Lal's office, demanding that a case of abetment to suicide be registered against Shakuntala's husband, Subhash Arora, a teacher in Hansraj College. Though Bajarang Lal promised swift action, no investigation was conducted into Shakuntala's death. In mid-July the District commissioner of Police, West Delhi, met the teachers of Muckerjee College and told them no case could be registered against Subhash Arora unless he had been seen handing Shakuntala a tin of kerosene and a matchbox. So on July 17 the teachers decided to 'join hands to seek social boycott of Mr Subhash Arora and to curb the vice of dowry before it assumes uncontrollable proportions.' Their first step was to demonstrate outside his house in Multan Nagar. They were joined by many

residents of Multan Nagar, several of whom had seen Arora beating his wife. After this, on July 24, they went to Hansraj College to ask teachers there to press for an investigation of the case, and suggested that a joint action committee be formed of Hansraj College teachers. But Hansraj College teachers were reluctant to take any action, and eventually nothing happened.*

Thus a protest began in the victim's workplace and moved to the neighbourhood she lived in. This may not have been the first workplace protest at the wrongs done to a woman/colleague domestically (that is, in the private family sphere), but it was sufficiently unusual to show another new direction in the movement against dowry deaths. Moreover, like the Gulabhar Park agitation, it showed more sustained effort: attempts to extend the protest, both into the area where she lived and into her husband's workplace. Finally, it was also interesting as a protest against abetment to suicide, not murder. As this incident shows, the evidence required to prove abetment is virtually impossible to collect. This is why feminists demanded that proof that a woman killed herself because of dowry harassment should be considered adequate evidence for a charge of abetment. Naturally this proof would consist of neighbours' and



Mother of a dowry victim calling for police action, Delhi, date not known



'Om Swaha', Delhi 1980

visitors' statements as well as those of the victim herself (letters, etc.).

The law has been a considerable disappointment to feminists. The single judgment which caused women to rejoice was soon reversed, and when they expressed disapprobation at this decision, contempt of court was slapped upon them. Early in November 1983, Justice R.N. Aggarwal of the Delhi High Court reversed the judgement of S.M. Aggarwal in the Session Court, on the death of Sudha Goel. Justice S.M. Aggarwal had found those accused guilty of murder, but Justice R.N. Aggarwal let them off because he said the evidence was inadequate. Women's organizations protested against the acquittal on November 7th, in the High Court compound. A contempt of court petition was filed against three of these organizations, the Janwadi Mahila Samiti, Karmika, and the Mahila Dakshata Samiti, although a larger number had been involved. When asked why only three had been indicted, the petitioners said it was because they only recognized those three, which seems unlikely since the National Federation of Indian Women is an old established and fairly well known organization, and Saheli had been in the news recently. Justices Sachar and Sen, who heard the petition, seemed sympathetic to

the women, for they acquitted Brinda Karath and Subhadra Butalia of the Janwadi Samiti and Karmika respectively. Suman Krishan Kant of the Mahila Dakshata Samiti was held guilty because her defence made various personal digs at the judges.⁹

However legal attitudes to dowry deaths have been changing since then. In December 1983 the Criminal Law (second amendment) Act was passed. It introduced section 498-A to the Indian Penal Code. Under this, cruelty to a wife was made a cognisable, non-bailable offence, punishable by upto three years' imprisonment and a fine. Cruelty was redefined to include mental as well as physical harassment. Secondly, Section 113-A of the Evidence Act was amended so that the court could draw an inference of abetment to suicide. Technically this is called shifting the burden of proof, and thus it lessens the burden upon the complainant. Both these changes in the law relating to suicide were exactly what feminists wanted. Finally, the Act amended Section 174 of the Criminal Procedure Code, making a post mortem examination compulsory on the body of a woman who died within seven years of marriage. Since most dowry deaths occur in the early years of marriage, this too was a welcome amendment. In fact in November 1980, the



'Om Swaha', Delhi, 1980

central government had ordered compulsory investigation and post-mortem in cases of married women dying under unnatural circumstances during the first five years of marriage. And in September 1980 the Haryana Government had ordered the police to register unnatural deaths of married women under Section 302 of the Indian Penal Code, that is, as murder. Cases of suspected abetment to suicide (however indirect) were to be registered under Section 306 of the Indian Penal Code (forced to commit suicide).

In 1985, the Supreme Court reversed the High Court acquittal of the accused in the Sudha Goel case, sentencing her mother-in-law and husband to life-imprisonment, and letting her brother-in-law off for lack of evidence. And in the Hardeep Kaur (Hardeep was a friend of Tarvinder Kaur's who was killed soon after Tarvinder was) case, her mother-in-law was judged guilty by the High Court. In Rajasthan a two judge bench sentenced the two convicted of dowry murder to hanging, again as an 'exemplary punishment'. The sentence, however, is likely to be reversed. Finally, in a case of dowry harassment in Delhi, the magistrate refused bail to the accused, directing the woman to collect those items she brought as dowry.

What is fascinating about the movement against dowry and dowry violence is how it has woven together several different kinds of attitudes towards women in India: from feminist to anti-patriarchal to anti-capitalist to utopian patriarchy. The latter is held largely by men who feel it is their duty as good patriarchy to protect and care for their wives; it is not strong in the women's movement against dowry and dowry-death. Many women active in this movement relate the incidence of dowry murder or suicide to the way capitalism is developing in India, as described by the Sui Sangharsh analysis quoted earlier. On the other hand, most of them see this as an anti-patriarchal issue rather than a feminist one: while protests are mounted against the subordination of young women—and sometimes young men—few would stress the contractual nature of marriage itself or publicly say that they themselves dislike marriage for this reason. This is due more to the kind of gap feminists feel between their aspirations and most women's experience in India; a gap which is also reflected in the difference between the language they use and the language used by politicians, social reformers, etc. In the next section, which is a chronology of the rape agitation, we see this difference most clearly.