



Mains Practice Question

Q. You are Abhishek and you went to Jodhpur to attend the wedding of your friend Neeraj. The wedding went very well and all the rituals were properly followed. At the end of the wedding, the father of the bride offered Rs 10 Lakh to Neeraj to buy a car as a dowry. Since Neeraj and his family are very progressive, they are against the practice of dowry, they denied it. They also reminded the father that under the Dowry Prohibition Act, 1961, it is illegal to offer a dowry. But the father insisted that being a father, he has the right to give his money to his daughter and her husband.

- Identify the ethical dilemmas involved in the case.
- What suggestions will you give to your friend Neeraj in this scenario?
- Are legislative solutions effective to solve social issues?

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Approach:

- Briefly highlight the dowry scenario in India and list out stakeholders, their interest and ethical dilemmas.
- Provide possible solutions that Neeraj can opt for along with pros and cons of each. Go with the best alternative that has minimal harm and benefits the most.
- Highlight inefficiency of laws in solving such social issues in India, along with some reasons.
- Also list some measures to improve upon such inefficiency of laws.

a. Dowry is any gift in cash or in kind given to bride's in law at the time of marriage. This has evolved out of the practise of Kanyadaan where the bride's father gives certain resources as the right of daughter in his property. Such a practise reflects strong patriarchy social structure and in modern times despite being banned under Dowry Prohibition Act continues to prevail as a matter of right by bridegroom's side based on social status, employment levels etc.

Stakeholder	Interest	Ethical Dilemma
Bride's Father	Need and compulsion felt by traditional social practices like Kanyadaan being given as dowry, which profess onto him such as social duty.	Fulfilment of traditional social objectives/values Vs accepting new set of norms (Modern social values).
Neeraj & his Family	Being educated they have come to cherish modern values and are against orthodox practices and also abide by law.	Accepting the money Vs compromising their values along with illegal act. Personal relationship with Bride's family Vs Abidance by law.
Abhishek	Help Neeraj to come out of this dilemma. Set good precedence for the society.	Convince Neeraj to accept money Vs Novel solution.
Administration	To uphold ethos and morals of constitution and laws of the land.	Implementation of laws Vs allowing cultural rituals/practices.

b. Facing such a situation Abhishek can furnish following solutions:

Ask Neeraj to accept the money

- **Pros:** Since the bride's father himself is insisting on giving money, there will be less chance from his side invoking the Act against the groom's family.
 - This will also enable him to fulfill his social obligation which he considers necessary.
- **Con:** This is like asking to commit an illegal act and there could be no guarantee that in future if any attrition occurs in marriage that the Act would not be invoked.
 - Also, Neeraj and his family have invested and come to cherish progressive values. This would be a setback and also set precedence over others to easily fall for greed.

Ask Neeraj to not accept money boldly, firmly

- **Pros:** Neeraj and family would be able to take pride in their progressive values. This will set precedence for others too. It will also make sure that they abide by the law.
- **Con:** Here the bride's father may face a situation of social dissonance as in India still traditional orthodox values persuade and influence people and also decide position in social hierarchy. He may be criticised in his social circle and his reputation in social hierarchy may get jeopardised.

Suggestion to Neeraj

- Besides these options asking the bride's father to give the money to his daughter in the form of investment like Fixed Deposit or gift the car to his daughter would be a better alternative as this would not entail infringing the Act.
- Neeraj and his family would absolve from ethical dilemma as they would not be part of any dowry. Besides such money/gift to daughter would help her economic empowerment as these would be solely under her control and disposable at her discretion without dependence on in-laws.
- Also, it would help the bride's father escape social orchestration from orthodoxy elements.

c. Many instances like bridal suicide/death, prevalence of child marriage, domestic violence against women in contemporary times reveal that only Laws do not provide for panacea to socially regressive values. Following reasons can be accounted for such:

- **Disconnect between law making and ground situation:** India being primarily a patriarchal society, such values are deeply ingrained in social structure and are passed on through social institutions like family valuing a boy more than girl. In such scenarios there is a disconnect between what is right or wrong defined by a society and that defined by a law, that is based out of western conception like during social reform movements of 19th century.
- **Ineffective implementation of Laws:** bureaucracy being part of the same society that follows such practices, prevalence of corruption and low conviction rates etc. lowers confidence of the public in such laws and values that they seek to implement.
- **Complex and regressive social and economic conditions:** Poverty, lack of quality employment, faulty education system, media content etc. allows for such practices to continue.

Need

- Inculcating progressive values right from childhood, like changing perception towards girls through academic curriculum changes in school, family, especially mother's role in sensitising children towards women and their role in society.
- Law making and implementation should occur with humane face considering ground reality, like though jail term for child marriage have deterrent effect this could also exacerbate poverty as bread earner is behind the bars. Need is for highlighting their names in databases and monitoring potential areas for future cases.
- Civil Society's role is important both in highlighting as well as sensitising people towards ill-social practices; like women from co-operative society in Andhra Pradesh, assisted by NGOs protested against hooch/liquor sale in their areas to their husbands.

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