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TRENDS

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Indian influence along the border states has slowly wrought changes to the marriage system

Dr. Hari Bansh Jha, Nepal

Apart from her beauty, a nepalese girl in the Terai region needs a fat dowry to get a suitable bridegroom. And there is no end to the mental and physical torture of those who do not or cannot meet the greed of in-laws for tilak, the Nepalese word for dowry. As in India, there are many cases where families torture or kill a bride when she fails to comply with the demand of the groom or her in-laws for a refrigerator, TV, motorcycle or Maruti car.

Terai is a flat area along the largely unregulated border with the Indian states of Uttar Pradesh and Bihar. Accommodating 46 percent of Nepal's population, it is the first area where dowry has become a part of most marriages. One now finds dowry marriages in the capital, Kathmandu, and to a lesser extent in the hill regions.

Formerly in Nepal the main qualification of a girl's winning a

good bridegroom was her skill in homemaking, including painting, embroidery, knitting and basketry. Today education of this sort, though important, does not necessarily ensure her a suitable spouse.

A parallel situation has occurred in Sri Lanka, where in the 1950s, after independence, the Tamil communities sought higher education for their sons. Many mortgaged or sold ancestral farm lands to do so, and when the boy married, tried to recoup the money spent on him. The European system of dowry, already prevalent in India, became common.

The old Hindu scriptures talk about gifts sent with a bride to her marriage, but these gifts, called sthridhan ("woman's gift"), were not a dowry in the sense that it is demanded today. The 2,500-year-old Arthashastra of Kautilya, in its summary of the contemporary law, specifically called these gifts "the property of a woman" and provided restrictions on how and when they could be spent (II.152). In Kautilya's summary of the six forms of marriage, the only bargain is for the purchase of a bride by the bridegroom, not the other way around, and this was called the asura (literally, "not divine") form of marriage. It ranked fourth among the six recognized forms, just above marriage by capture and marriage by taking advantage of a drugged maiden. The older Manu Dharma Shastras mentions eight forms of marriage, with the asura rite as sixth (III.31), in which the bridegroom gives money to the bride's family. A subsequent verse (III.51) warns against this form: "No father who knows the law must take even the smallest gratuity for his daughter; for a man who, through avarice, takes a gratuity is a seller of his offspring." Applied generally to children, this verse would appear to prohibit the taking of dowry for a son.

The Mahabharata mentions the gifts sent with a bride in the form of gold, silver, cows and horses. But nowhere in its 100,000 verses does this epic history of India recount incidents of torture inflicted upon women if they failed to bring adequate presents from their parents. While the current-day dowry is a compulsion and thus a curse for women's dignity, dowry in the past was voluntary in nature, remained under her control and insured her personal security in the marriage.

How things have changed! Now in Nepalese society dowry is a means of increased status for family who receives a fat tilak for the marriage of a son. Even the family who pays a hefty dowry to get a daughter married gets a boost in status. It is not unknown for the guardians of the boy and the girl to collude and give inflated public accounts of tilak to bolster the status of both families.

If a girl's guardian is not in a position to pay tilak in cash and kind, he will do so anyway by taking loans or by disposing of his landed property. Many parents become paupers after paying large dowries for their daughters. And if they are unable to make the agreed upon payment, the marriage may well break down.

There are still some people who neither give tilak nor accept it. This is called aadarsh bibah, "ideal marriage." But the number marrying in this way in the Terai region is rather a few, and declining elsewhere. In fact, many parents who claim to have gone in for such marriages of their sons are found to have extorted from the parents of the girls to the worst extent. Such hypocrites gave the impression they have not received any

tilak. But they have taken it secretly on top of receiving many valuable items, like jewelry, TV, refrigerators, motorcycles, cars, etc.

Tilak is customary both among the rich and the poor people in the Terai region. The price of the boy, like that of a commodity or an animal, depends largely on his property, educational background and the nature of his job. In poor families with no educational background, the dowry amount might range between ^{us}\$100 to \$200--an average year's salary in Nepal. But the price of a boy with a secondary level education and some parental property is no less than \$2,000, even if he is jobless. For an employed graduate or post-graduate, the price increases sharply. An engineer costs from \$5,000 to \$7,000. A medical doctor costs up to \$14,000--over and above the usual car, a TV set and several other items. In our country, the dowry deal is conducted in Indian rupees rather than in Nepalese currency.

Bindu Jha, a girl from Janakpur is so disenchanted with the dowry system that in one of her articles in Rising Nepal she wrote, "I'd rather remain a spinster than marry a man who demands dowry. I regard such a person as a beggar--or, respectfully, 'a high-class beggar.' A man who looks for an educated and beautiful wife but at the same time rapaciously seeks money is not educated in the real sense. Rather such a man is wanting to marry a Maruti car, a TV set and a refrigerator--not an

educated woman."

Every year a marriage fair is arranged among the Maithil Brahmins of Nepal and India at a place called Sabhagaachhi, in the Madhubani district of Bihar (India). At the fair the guardians of the girl and boy settle the marriages of their wards. Dowry serves as the primary basis for settling the marriage. Because of the open border between Nepal and India, several Nepalese brahmins also participate in this fair.

People now feel humiliated to attend the fair, as many organizations and even women's groups have protested the dowry system practiced there. In the past, Sabhagaachhi was widely revered among the Maithil Brahmins of Nepal and India. Thousands of boys with a good educational background used to participate in academic debates there. It was then that the guardians of the girls selected suitable boys.

Because of the rise in awareness in recent years, several women of the Terai region of Nepal have

protested the dowry system. One, Daulat Pandey, said, "The girls will have to be united in their fight against the dowry system." "Equal legal right in the parental property can alone reduce the dowry system," says Sumitra Jha. "I oppose the dowry system because I am not capable of paying it," stated Bina Devi. Indrakala Devi observes, "Dowry system will be eliminated once the women challenge this cancer-like disease." The Bageshwari Sewa Samiti organization is working against dowry.

Dr. Banshidhar Mishra, M.P. (CPN-UML), states, "The dowry system has been a serious problem in the country, particularly in the Terai region. The girls and women should be given adequate education to get rid of this problem. Experience has shown that those who educated their daughters did not have to pay dowry." Khushilal Mandal, a senior member of Nepal Sadbhabana Party observes, "The dowry should be banished because it is an injustice against women." Parashu Narayan Chaudhary, President of Terai Development Forum and Vice-President of Rastriya Prajatantra Party states, "The dowry is spreading as a cancerous disease in various parts

of the country."

In their bid to raise social awareness against dowry, certain groups in the Terai region, including producers Mithilak Byatha and Hansha Chalal Pardesh, have made documentary films in Maithili language. The pathetic life of the Maithil women along with dowry-related problems were shown in these films.

Nepal's "Social Customs and Practices Act" prohibits the dowry system. But there is not a single case in which somebody has been punished. Watch-groups should see that the law is implemented. Students, governmental, nongovernmental and international organizations should launch awareness campaigns against dowry. The participation of the women in the decision-making process at home as well as in the administration, political parties, parliament and government might enable the women to get rid of the dowry system. It is equally important that the anti-dowry campaign be related to personal ethics.

Nepal, the only Hindu country in the world, has a unique opportunity to combat the dowry problem, for the practice has not yet infiltrated the entire country. There are economic and social forces driving the increased practice of dowry that do not yield easily to any one approach. However, a beginning step is to convince people that the harassment of brides and their families for dowry is contrary to Hindu tradition and law, and an offense to the spirit of nonviolence. It is Nepal's people who will change dowry laws, not the other way around.

Bageshwari Sewa Samiti, Chhinmasta Road,
Rajbiraj, Saptari District, Nepal