



The Conspiracy Of Silence On Dowry

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Abstract

The term "dowry" is used to describe the gifts given to the groom and his family by the bride's family upon the couple's marriage. These gifts might take the shape of property, money, jewellery, or other forms of wealth. As Haveripeth (2013) puts it, "dowry is an issue as well as a practise in Indian marriage."Originally intended to help a young couple get their feet on the ground, dowry has evolved into an economic agreement in which the bride's financial worth is prioritised above her intrinsic value. The dowry system has spawned numerous major social and economic issues. Social reformers as well as the intelligentsia have been forced to give careful consideration to various facets of the institution of dowry due to many instances of bride burning, harassment, and physical abuse of newlywed women, and various kinds of coercion tactics being used by husbands/in-laws pressuring for more dowry (Sachdeva, 1998).

Keyword: Dowry, Section 498A, cruelty, dowry related violence, dowry death

Introduction

To combat this problem, the government of India passed the "Dowry Prohibition Act" in 1961, which was updated in 1985. Despite this law, dowry is still commonly practised across all socioeconomic lines in India (Grantham, 2002). When the bride's family decides that the money she brought as a dowry wasn't enough, she may be subjected to violence and even torture (Singh, 2005). Since the dowry and related conventions give a suitable pretext for degrading, insulting, and even beating up of women, dowry-related violence

and bride burning (dowry death) are unique to our culture, and not only the husband but also his clan participate together in persecuting the bride (Haveripeth, 2013).

After the nineteenth century, a movement for women's liberation and solidarity began to gain steam. In 1961, after much debate, lawmakers finally outlawed the use of dowry. It was revised again in 1984 and 1986 to make it more effective and deterrent (Sharma 2007:164-165). While the implications of the dowry system might be felt on both the girl's and the boy's sides, it is usually often the girl's side that bears the brunt of the situation while the boy's side escapes unscathed. If the dowry is not paid, the bride may be tortured or even murdered. Most dowry-related fatalities occur when young women, exhausted from constant abuse, take their own lives. Suicide by hanging, poisoning, or burning accounts for the vast majority of these deaths. "Bride burning" occurs when a woman is intentionally set on fire and then her death is covered up as an accident to escape criminal accusations and punishment. Dowry has evolved from a harmless custom into a societal threat that cannot be restored to its former state and must be eliminated from our society.

When a woman marries in India, she enters a new household where she has no control and is physically incapable of retaliating against the coercive tactics or actions of others; as a result, few women have the courage to divorce their husbands on the grounds of frequent mental or physical torture because they have nowhere else to turn (Singh, 2005). Recent research has shown evidence between dowry requests and violent behaviour at home. Suran et al. (2004) in their study "Does Dowry Enhance life for Brides" discovered that in Bangladesh, married women who paid the dowry at marriage "have a greater chance of reporting incidents of domestic violence than those who did not; in fact, settling no dowry is just as safeguarding, if not more so, when it comes of preventing abuse than the lar." According to Gautama and Trivedi, the husband and the mother-in-law of the victim play a key role in arranging and carrying out violence against the bride in the majority of dowry-related violence incidents.

A lack of effective legal remedies against such crimes, the growing urban materialism among the middle and lower sections of society as a whole and

the socially structured standards about dowry (given the inferior status of women and, thus, the low bargaining power of the woman and her parents) all seem to contribute to the problem (Haveripeth, 2013). It is of great worry that dowry harassment and death is one of the usual issues in Indian society (Singh, 2005), since dowry-related violence has been seen as a worldwide phenomena, transcending all types of barriers, and is on the rise in India. In this light, it's important to comprehend the breadth of dowry-related violence and the subsequent struggles of victims to break free from their oppressors.

In recent decades, social reformers of many political persuasions have made ending the practise of dowry a top priority. Despite receiving more attention in the past decade than virtually any other social problem, dowry persists and even thrives in many parts of the world. India's dowry system has been around for quite some time. Looking at the history of women's roles might provide light on the practise of dowry. Women in the Vedic era had a suitable level of education and civilization. Married women were shown respect since marriage was not a social contract but a legal need. The standard was monogamy. The wealthy landowner class practised the dowry system, but solely in the form of presents of personal property. During this time, widow remarriage was also acceptable. Women's health dramatically declined throughout the Epic period. The idea that women are at the heart of every problem and conservative mindset pervaded society at the time. It was also a time when polygamy and polyandry were practised. The writings consistently depict women's status in law as that of a dependant. The widow and her remaining son's wife had significant influence on their unmarried daughter. A woman may be considered a dependant, yet she may still own certain valuables, such as jewels. It was the daughter, not the boy, who inherited the stridhan. There was no proclamation of gender parity in law or society throughout the Sangam era. According to Manu, "a woman must be submissive to her father while she is young, to her husband when she is middle-aged, and to her son when she is old." Never let her go free. Women's right to an education was violated when the practise of early marriage to minors became commonplace. Women have always had a subordinate status in all spheres of society, including the realm of property rights (Jayapalan 2002:12-16).

Historical Persecution on Dowry : The dowry system in the Middle Ages took off in a big way during the 13th and 14th centuries. However, a disproportionate rise in dowry demands emerged when marriage within one's own sub caste became the norm. The status of women shifted throughout the final years of Muslim rule. A daughter's birth was a sign of ill luck. Women were discouraged from leaving the house and had no right to an education. Our culture has finally come around to accepting polygamy. Purdah was also widely practised. Although women's access to Stridhan was acknowledged, there was still debate about what exactly constituted Stridhan. The only area in Stridhan where women had exclusive ownership was the area where "free gifts of love" were given. Slowly but surely, the notion that they were co-owners of the land began to take hold. The dowry system flourished under British control and became a nationwide blight. To avoid losing their land to the government, peasant households had to scrape together money any way they could. Therefore, the dowry grew to be seen as an essential source of support for the husband's household. British legal reform, particularly in the area of property rights, rendered women invisible and made them more reliant on males. In the 1850s, a dowry was often used to demonstrate a family's pride in their daughter. During this time, women had no recourse to the law.

After India gained its independence in the contemporary era, many women were ensnared in the web of societal ills like dowry and sati. But social reformers like Raja Ram Mohan Roy, and Mahatma Gandhi committed his life to eradicating practises like dowry, and in 1939, the Sind Deti - Leti Act became the first tangible outcome of their labours. This attempt, unfortunately, was unsuccessful.

However, both Bihar and Andhra Pradesh passed their own statewide dowry bans shortly after gaining independence. "Any property or valued security offered or promised to be given as compensation for marriage," was their definition of dowry. The monetary transaction of dowry exchange has been rendered nonrecordable, bailable, and noncompoundable. These efforts, however, proved fruitless. In 1961, lawmakers in India approved the Dowry Prohibition Act, which made it illegal to pay or receive dowry or to encourage or demand that another person do so. When it became clear that exploitation

and oppression of women could not be stopped, the legislation was revised in 1984 and 1986. To address the issue of dowry-related deaths, the courts enacted Section 498A in 1983 and Section 304-B in 1986. These provisions have given the legislation some bite. The government of India is working to end the dowry system, although the practise is nevertheless common among individuals of all faiths and castes in the country (Sharma 2006: 21–24).

Dowry A Major Social Problem: There has been a disturbing rise in recent years in the number of incidents in which married women have been harassed, tormented, assaulted, or driven to suicide under questionable circumstances. Because of the widespread public perception that dowries cause violence, such acts of cruelty or harassment—and even fatalities—are now often referred to by their colloquial names: dowry harassment , dowry deaths. A victim is often a young lady who is just married. "Bridal torture" and later "Bride Burning" are popular terms now used in the media. The public has a strong reaction to such inhuman deeds and calls for the perpetrator to be punished severely. However, because to legal loopholes, the perpetrator is seldom brought to justice. Sometimes the poor young bride has nowhere else to turn except to end her own miserable life. Bridal torture and burning seems to be an Indian custom, yet rape and physical abuse of young women are widespread worldwide.

When people think about dowry torture and bride burning, one of the first things that comes to mind is how frequent this issue is in our culture. How do so many husbands and in-laws resort to physical force against their new wives? There is a need to create a theoretical framework by developing ideas and theories in order to understand the issue of dowry torture as well as bride burning because dowry related crimes along with other forms of assault on women are a product of social and cultural factors such as types of dowry request, economic status of victims or of interacting families, etc. In this chapter, we make an effort to examine the issue of dowry-related violence and mortality from a sociological perspective (Umar 1994:87).

Until 1983, dowry-related crimes and other forms of domestic abuse against women were not explicitly addressed in the Indian Penal Code 1860. The husband and his family could face charges for murder, attempted murder, aiding suicide, assault, criminal force, infuriating the modesty of a woman,

wrongful confinement, and destruction of evidence, among other crimes, under the broad provisions of the Indian Penal Code. A hitherto unheard-of crime in Indian law was codified by the Criminal Law Amendment Act of 1983. IPC Chapter XX-A, "of cruelty by wife or relatives of husband," comprises just Section 498-A, which was added to address severe and pervasive cases of dowry solicitation and is punishable by imprisonment for up to three years. The increasing frequency of dowry-related deaths, in spite of the dowry prevention act and section 498-A, has caught the attention of many who are worried about the issue. In 1986, parliament established new legislation on the crime of dowry death by adding section 304-B to the Indian Penal Code (IPC) at the suggestion of the law commission. Such deaths are now punished by a minimum of seven years in jail and a maximum sentence of life in prison (Jaishanker & Ronal 2013:85).

Criminal statutes were changed to include new offences for dowry-related harassment, abuse to married women, and dowry-related murder. Physical, verbal, or emotional abuse, as well as the threat of such abuse, are all covered under the Protection of Women from Domestic Violence Act of 2005. Harassment for monetary reasons, such as a dowry or other immoral demands, is also included. Domestic abuse was codified as a separate crime in the Indian penal code (section 498A) in 1983. Paragraph 498A In 1983, Section-498A was added to India's criminal code (Umar 1994: 205).

The purpose of Section 498A is to address the problem of a husband and in-laws using force to extract a dowry after the couple has wed. Cruelty may either be mental or physical. Umar (1994:186-190) writes, "The language in this section is sufficient to extend to various cases of domestic abuse. Article 304B: (1) If a woman dies from burns or other physical trauma within seven years of her marriage, under suspicious circumstances, and it can be proven that she was exposed to cruelty or harassment by the man she married or any relative for her husband for, or in connection by, any demand for dowry, then her death will be considered a "dowry death," and her husband or relative will be held legally responsible for her death.

Historical of Dowry Demand: There was a significant decline in women's status that began around the turn of the 19th century. The concept of "family"

has long had a central place in Indian culture. Since the Vedic era, when marriage first emerged as a social institution, it has been biased against women. Instead of two individuals, it was seen as a social relationship between two families. The bride's primary role was to support her future husband and his loved ones. There was no doubt in anyone's mind about her joy, anticipation, or satisfaction. Dharma, proja, or propagation, and rati, or marital love, were the three primary goals of a Hindu marriage.

In India, women are targets of violence from the moment they are born. Males are favoured over females. Having a daughter is not something that most people celebrate, least of all the child's parents. On the contrary, the arrival of the baby boy is met with joyous celebration, and the parents get well wishes from all their loved ones. In such situations, females share the responsibility. They desire a boy even though they identify as women first and everyone else second. If they already have a son, they would prefer that all of their subsequent children also be sons. though a well-educated lady has two or more daughters, society treats her as though she were a failure. She suffers from physical and emotional abuse at the hands of her in-laws, among others. After years of abuse from their in-laws and husbands, several women have taken their own lives because they were unable to conceive a son (Baruah 2004:13-14). Women in Indian culture are universally seen as a financial drain on their families and communities. Because sons are favoured over daughters and because of the expensive dowry they need, females are always looked down upon. Nutritional denial, including inadequate nursing and early weaning, lack of or delayed medical treatment, lack of attention leading to emotional deprivation, and insufficient investment of resources are all kinds of deliberate discrimination against female child. All of these have been linked to higher rates of infant death in females.

Position of the Girl Child and Societal Mindset: Even if she has a high-paying, high-status profession, a daughter is never really "settled" until she marries. There is pressure to both calm her down and do so at the appropriate time. Right age has changed throughout time and among different cultures. The appropriate age for today's educated middle class urban daughter starts sometime after she from high school (often around the age of 19). She will be at a severe disadvantage in the marriage market once she reaches the age of

26. This increases the pressure on the groom, who may demand a larger payment as a result. She may still be at a disadvantage because of her age, even if she has more education and a higher-paying job (Reddy 2005:254). In fact, a greater degree of education for a woman may raise the dowry rate rather than decrease or eliminate it, since it indicates that she has been kept unmarried for a longer length of time.

The low importance placed on a woman's education and economic independence in Indian culture is reinforced by the social stigma associated with delaying marriage for a woman into her late teens or early twenties. Women are sometimes urged to further their education if doing so would put them "in the socioeconomic strata of males who may be highly suitable for marriage." In the eyes of the public, a woman who pursues an education for the sake of economic independence is either licentious or arrogant. As a result, her family and in-laws continue to discourage her from working independently and even forbid it. With the introduction of intermediaries and, in certain circumstances, close relatives and acquaintances of the bride's family, the demand or expectation of dowry has entered the marital arrangement (Paul 1986:10).

When two people decide to join their families together in marriage, they go to great lengths to boast about their wealth and social standing. The influence and financial standing of relatives such as brothers, uncles, grandparents, and cousins may make or break marriage talks. It's a clear indicator of the family's wealth and social standing when the groom's family insists that the bride comes from a good family. This increases the possibility of receiving a dowry of a certain size and quality. Like the bride's family, the groom's family flaunts their social and financial standing to suggest that any gift should reflect their elevated position. Although dowry is mostly decided by the conventions of a certain kinship group (www.manushi.in/docs/522.%20Dowryto%20ensure.....pdf), these status descriptors do influence estimates for a specific dowry. Marriage is a significant part of life for women in cultures like India's. Social norms dictate that newlyweds leave their parents' house for good and make their new home with their spouse (Chitrasen 2006: 151–152).

There is widespread social approval of daughters moving from one family to another and changing their social position. Her parents have given her the official advice that she should not leave the home she is entering since a woman receives social status only via marriage and that divorce may be very costly for women. Marriage represents a fresh start for the bride in a whole new community. She not only relocates to an unfamiliar location, but also into the company of individuals she has never met before. Most of the time, the individuals they end up living with are complete strangers whose lifestyle, customs, and even daily routines are vastly different from the women's own. It's possible that the differences may be so great that she'll have to forget all she learned at home and start over from scratch. Since she is now expected to learn much more and much quicker, nearly overnight, the process of learning and adjusting is not always as easy as it was when she was a toddler. The least that can be asked of her, if the marriage is to provide the best that it is capable of providing, is a helping attitude and an awareness of the demands and strains of her new circumstances. However, she often faces prejudice and hostility instead of sympathy. As long as parents gave their daughter a dowry out of love and generosity to help her start a new life with her husband, there was no societal stigma attached to the practice (Veer, 2004:205).

Dowry Related Violence and Other Forms of Harassment: As opposed to popular belief, violence against women is a worldwide problem. Violence against women exists, albeit its form, severity, prevalence, and regulation may change through time and between locations. Many occurrences go undetected in our culture, however, because of cultural norms, indifference, or ignorance. Feticide, the murder of female children, the practice of dowry, murder, the beating of wives, the kidnapping of wives, eve-teasing, and verbal assaults are all direct results of this. Any "aggressive behaviour of a person or individuals, injuring the body or positive esteem or both of another person or persons constitutes human violence," as the definition puts it. When broken down, aggressive behaviour may be defined as forceful action or conduct.

- a) Any male or female offender is simply referred to as "a person."
- b) Doing physical harm in anger involves inflicting pain on the body.

- c) Wanting to be liked or accepted by other people is what we mean when we talk about positive esteem.

Over the last 10 years, there has been a significant emphasis on women. Since women make up more than half of the world's population, they constitute a sizable majority within the group. The irony of destiny is that this minority exists despite the vast majority. Their plight is in harmony with the social system and life partner, and this sad state of affairs is itself an evidence of the low values imposed on women's lives. The plight of women in India is appalling. The social, economic, and political factors of India, as well as the country's cultural and family history, contribute to the oppression of women. Circumstances that whiteprint India from birth to death are responsible for their plight (Jha 1998:107–113). Violence against women has been around for a long time. For as long as anybody can remember, women in Indian culture have been subjected to shame, abuse, and exploitation. There has been no real effort to explain why the government and the people have overlooked the many pieces of data showing that women are highly exploited in our society for so long. Lack of knowledge about the severity of the problem, the widespread acceptance of man's superiority over women, which makes violent acts against women not seen as violent, and the refusal of violence by women one another due to religious values as well as social attitude all contribute to the state of indifference and neglect. Men had imposed laws and norms, therefore it suited them to maintain the stereotype of themselves as the superior race. Even though India has been independent for 65 years, women there still face torture on a regular basis (Giri 2006:179).

When a woman is harassed by her in-laws, it usually starts with insults and threats and ends with physical violence or even murder (Veer 2004: 203). The insults directed towards a daughter-in-law have little to do with substantial requests for money or material objects like video games and televisions. Taunts over the amount and quality of saris she received, the lavishness of the wedding feast, and the generosity of her birth family's gifts throughout festive occasions are much more typical. If the in-laws' sole motivation was greed, they should ask for money, not complain about the amount of saris the bride was given. The goal of this relentless shaming is to break a woman's spirit to the point that she will do whatever it takes to make herself at home with her

in-laws, no matter how demeaning those conditions may be. She has no choice but to prostrate herself before her husband and his family in order to get some semblance of stability in her life.

Wife beating and other forms of domestic violence have been linked to the dowry and dowry fatalities (Khanna 2009:156). Almost every feminist movement now prioritises this problem. The demand for a dowry is a common cause of marital violence. Some women who have experienced domestic violence blame their husbands for the incident on the lack of a dowry or an insufficient dowry, respectively. One of the causes of violence is a struggle for financial control, namely over her salary and property. Her unwillingness to contribute to causes other than basic living costs raises the prospect of conflict. Some husbands beat their wives if their wives challenge the man's spending of the family's money on booze instead of necessities. Violence is also a result of extramarital relationships and bigamy. If a wife turns down her husband's sexual advances and blames another woman, he may resort to violence. If a woman in a traditional family group challenges her husband's authority by expressing her own opinions about him, he may respond with violence. Whether as a bystander or an active participant, males have a central role in all acts of violence against women. For instance, in the event of a dowry death, the spouse's mother or sister-in-law may get involved. A second wife or other women may get involved in cases of domestic abuse. As a result, one may go on and on (Kaushik 2007:169-171).

Isolating a woman in a small space is a kind of psychological abuse known as "confinement." Women are often isolated in a room and denied basic necessities like food and water. Harsh language and curses might be considered threats. In certain circumstances, the man may threaten to murder his wife or their children and/or parents in order to coerce the woman into having an abortion. Smacking is a typical kind of verbal abuse, which is a common type of domestic violence. The physical kind of violence usually follows this kind of aggression. Abuse on the physical plane includes slapping, punching, kicking, tossing, and other similar actions. In extreme cases of anger, husbands have been known to do things like pour kerosene on their wives or pour boiling water on them (Kaushik 2007:169-171).

Although domestic violence against women has always been present, the victims of such abuse have traditionally suffered in silence out of shame and guilt. Wife abuse has just been considered a serious societal issue in the past decade. The final expression of the abuse endured by most Indian women is death inside the house. Having one's spouse, the person most relied upon for affection and protection, beat her is one of the most devastating experiences a woman can have (Misra 2006:145).

To call the transfer of wealth and status inside a family a "dowry death" is to grossly oversimplify a very nuanced social phenomenon. Every woman who commits herself or is killed in her own house is one of a million who have been subjected to physical and verbal abuse, economic deprivation, and mental humiliation. As Ram Ahuja has properly pointed out, violence always looms over a woman's sex, and no woman has ever been immune to harassment and humiliation. There is danger on one end of a woman's life and pleasure on the other. Slapping, kicking, shattering bones, and other forms of physical and psychological torment are all on the table. A beating might be somewhat painful or could result in serious injuries requiring hospitalisation or the amputation of limbs. The employment of potentially lethal tools and weapons is also possible. The following types of injuries are considered "grievous" under section 320 of I P C.

1. Emancipation
2. Loss of sight in both eyes permanently
3. Complete deafness in one or both ears
4. Taking something away from a family
5. Complete or partial elimination of a member's or joint's ability to function.
6. Disfigurement of the face or head that cannot be reversed
7. Bone breakage, dislocation, or both
8. Any Severe Wound That May Cause Death

Conclusion

One possible conclusion is that dowry is a societal evil. As long as there is societal pressure to treat girls and boys differently for the sake of marriage, the dowry system will persist. It's tragic that in today's culture, girls are often seen as a financial responsibility to their families. In our society, she belongs to the disadvantaged group. If we trace the dowry system back to its beginnings, we discover that it was unheard of in ancient times. The time of the Vedic women was their apogee. Because females couldn't be successful without being married. As part of the kanyadaan ceremony, the groom would get 'dakshina' in the form of gold coins and cash. It was all done out of pure kindness and love. Smritis and Manu Smritis, written after the Vedic era, depict women as inferior to males. Her entitlement to an education was violated, and she was treated as a liability as a result. Later, when Islamic forces increased in India, women's status deteriorated even more. They were ordered into secrecy. All of her protections were taken away. The only legal entitlement she held on to was stridhan. After the British had conquered India, they began to levy taxation. This meant that women's status had improved even more. Gandhi, Raja Ram Mohan Roy, and other great reformers worked to achieve gender equality.

Therefore, it is one of the most challenging and critical problems facing modern civilization. To effectively address such a multifaceted issue, society as a whole must join forces. It requires simultaneous efforts on many fronts, including the law, society, education, culture, and government. There are several criminal and civil measures in place to curb this occurrence. There are several protests against dowries that are coordinated by grassroots movements. There has been no letup in the prevalence of this harmful practise (Chitrasen 2006:190).

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