



A Research Monograph
on
**“Dowry Practices and the Effectiveness of the Dowry Prohibition Act,
2018: An Evaluation”**

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Letter of Transmittal

Dr. A. S. M. Tariq Iqbal

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Subject: **Submission of Thesis Report.**

Dear Sir,

This is my pleasure to present my thesis report titled “**Dowry Practices and the Effectiveness of the Dowry Prohibition Act, 2018: An Evaluation**”.

I have tried my level best to prepare the thesis report addressing all the aspects related to the title. I believe that knowledge and experience I gathered during the project period will be helpful in my future professional life. I will be grateful to you at the acceptance of the report. Therefore, I firmly believe that, this report will be able to meet your approval. I would genuinely appreciate to make further corrections where it seems necessary by you. I will be available for defense on this report any time at your convenience.

Thanking you.

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Student's Declaration

I am **Jahidul Hassan Rifat**, ID: LLB2103024012, Batch: 24th, Semester: 9, Department of Law, Sonargaon University (SU) do here by declare that the thesis report on “**Dowry Practices and the Effectiveness of the Dowry Prohibition Act, 2018: An Evalution**” is prepared by me.

I further confirm that the report is original and no part or whole of the report has been submitted to, any university or institution for any degree or any other purpose.

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Supervisors Certificate

To Whom It May Concern

This is to certify that, **Jahidul Hassan Rifat**, ID: LLB2103024012, Batch: 24th, Semester: 9, Department of Law, Sonargaon University (SU) do here by declare that the report on “**Dowry Practices and the Effectiveness of the Dowry Prohibition Act, 2018: An Evaluation**” under my supervision.

He has done his job according to my supervision and guidance. He has tried his best to do this successfully. I think his study will help him in the future to build up his career.

I wish him every success in life.

.....
Dr. A. S. M. Tariq Iqbal
Professor of Law
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I would like to begin by express my sincere gratitude to the Almighty Allah, who makes me competent to complete my thesis report in a very comfortable manner. My gratitude and heart-felt thanks goes to my respected supervisor **Dr. A. S. M. Tariq Iqbal**, Professor of Law, Sonargaon University (SU) who co-operated me all through the times for completing my thesis report. Without the special guideline of whom, it would be impossible on my part to complete my thesis report successfully. I would like to take the opportunity to thank all the workers (respondents) of regarding industries for their willing participation in providing information. I express my deep thankfulness to all the respondents and friends, who helped me to prepare the report.

Table of Contents

Contents:	Page No:
Letter Of Transmittal	<i>i</i>
Declaration	<i>ii</i>
Certification	<i>iii</i>
Acknowledgement	<i>iv</i>
Executive Summary	<i>v</i>

Table of Contents

Chapter-1	3
1.1 Introduction:.....	3
1.2 Statement of Problem:.....	4
1.3 Objectives of the Study:.....	4
1.4 Limitation of the Study:.....	5
1.5 Methodology:.....	5
1.6 Research Question.....	6
1.7 Scope of Studying the Dowry System in Rural Bangladesh:.....	7
Chapter-2	9
Literature Review	9
2.1 Review of Literature:	9
Chapter-3	12
Theoretical Framework	12
Theoretical Framework:.....	12
3.1 Concept of dowry:	12
3.2 Concept of Dower:.....	13
3.3 Violence Caused by Dowry:	14
3.4 Legislative Impact on Dowry:	16
3.5 Rampant Practice of Dowry in Bangladesh:.....	17
3.6 Present status of the Dowry system:.....	18
3.7 Socio-Economic Impact of Dowry:.....	19
3.8 Cognizance & The Trial of The Dowry Offences:.....	20
3.9 Demanding Dowry & Punishment for Dowry:	23
Chapter-4	27
Data Findings and Analysis	27
4.1 The Dowry Prohibition Act, 2018	27
4.2 Definition.....	27
4.3 Offences in the Act.....	28
4.4 New Features	28
4.5 Corresponding Laws in the Subcontinent.....	30
4.6 Law on Violent Offences for Dowry	32
4.7 Rule making.....	33
Chapter-5	34
Conclusion and Recommendations	34
5.1 Findings of the Research.....	34

5.2 Recommendations:.....	35
5.3 Awareness and Prevention Strategies for Eradicating the Dowry System in Rural Bangladesh:	37
5.4 Conclusion:.....	40
.....	42
Bibliography.....	42

Chapter-1

Introduction

1.1 Introduction:

The dowry system, a deeply ingrained social practice, continues to cast its shadow over rural communities in Bangladesh. Rooted in cultural traditions and driven by complex socio-economic dynamics, the dowry system has far-reaching implications that extend beyond the boundaries of marriage. This research embarks on an exploration of the dowry system in rural Bangladesh, delving into its historical origins, socio-cultural significance, prevailing manifestations, and potential avenues for mitigation. By examining the multi-dimensional facets of this practice, this study seeks to contribute to a comprehensive understanding of the dowry system's impact on rural society and lay the groundwork for effective strategies aimed at its eradication.

Rural Bangladesh, with its rich tapestry of traditions and customs, has witnessed the continuity of the dowry system through generations. Embedded within the fabric of familial ties, the dowry system once served as a means of providing security for brides in their new households. However, as societies evolved and dynamics shifted, the practice took on new dimensions, often leading to adverse consequences for women and families. Understanding the dowry system's evolution from its historical roots to its present-day implications is crucial for designing interventions that address its deeply entrenched grip on rural communities.

Beyond its surface manifestations, the dowry system reflects and reinforces gender disparities and unequal power dynamics.¹ The transactional nature of the practice treats women as commodities to be exchanged, perpetuating the notion that their value lies in their financial contributions. Such commodification intertwines with societal norms that dictate the unequal distribution of power and resources between genders, creating a cycle that is challenging to break. This research seeks to unravel these intricate connections between cultural beliefs, gender norms, and the perpetuation of the dowry system.

¹ The dowry system in Bangladesh has evolved from a traditional practice intended to provide financial security for women to a social burden that perpetuates gender inequality, economic hardship, and marital violence (Chowdhury, 2010; Zakaria, 2018).

As rural societies adapt to modern complexities, the dowry system's persistence raises critical questions about its consequences. Marital violence, economic burdens, skewed aspirations, and health implications are among the adverse effects felt by individuals and communities. This study aims to uncover the extent to which these consequences shape the lives of those involved, shedding light on the urgency of addressing the dowry system's underlying causes.

With a comprehensive scope encompassing cultural, economic, legal, and gender dimensions, this research endeavors to contribute valuable insights into the dowry system's complexities in rural Bangladesh. By understanding the historical foundations, analyzing its socio-cultural implications, and evaluating the efficacy of existing interventions, this study aspires to lay the groundwork for transformative change. Ultimately, the research endeavors to offer a roadmap towards creating more equitable societies by dismantling the dowry system's stronghold on rural communities.

1.2 Statement of Problem:

The present discourse aims to address the issue of dowry and dower, focusing on the complexities and challenges associated with these practices. The practice of dowry and non-payment of dower has emerged as significant social phenomena in Muslim communities in Bangladesh, gaining increased prominence following the country's independence. In contemporary times, there is a noticeable trend wherein dowry has assumed a significant role in the institution of marriage. Paradoxically, there has also emerged a prevailing norm that discourages the provision of dower to the wife.² In socioeconomically disadvantaged households, the utilization of the bride's family dowry as a means of alleviating poverty is observed, whereas in affluent households, it serves as a representation of social standing within the purported aristocracy. The objective of this study is to evaluate the dowry scenario in rural regions of Bangladesh.

1.3 Objectives of the Study:

The overall objective of this study is to identify ways and means of dowry system in rural area. The general objectives of this article are given follows:

² Despite the enactment of the Dowry Prohibition Act 1980, dowry-related violence and coercion remain prevalent in both rural and urban areas due to weak enforcement and deep-rooted cultural acceptance (Government of Bangladesh, 2019).

- 1) Sampling and design of reason of dowry problem and its Preventive measures.
- 2) To recognize the major issues, challenges and preventive measures that pose a problem to the socio-cultural progress of rural area of Bangladesh.
- 3) Develop appropriate recommendations to address or mitigate identified problems and challenges of dowry.³

1.4 Limitation of the Study:

Every study has its own problems because there is not enough time or money to do everything. The focus of this study will be on the following:

- 1) The scope of this study has been restricted solely to the rural region of Bangladesh.
- 2) In this research, the data sources exclusively consist of female participants.
- 3) This is my initial comprehensive study; hence I have limited expertise in the field of social research.
- 4) The primary weakness of this study is the significant lack of data about these concerns.
- 5) I am unable to engage in direct verbal communication with the female victims.
- 6) The primary concern of the study revolved around a scarcity of time. Sufficient time is required for the purpose of analysis. Regrettably, I was unable to allocate sufficient time to adequately prepare a comprehensive analysis.
- 7) This investigation was undertaken for the first time. Hence, a primary factor contributing to the limitations of the study was the lack of expertise.

1.5 Methodology:

1.5.1 Nature of the Study:

The research conducted is characterized by a descriptive approach. The study variables were described using a combination of inferential as well as descriptive statistical approaches. Through the utilization of descriptive analysis, a comprehensive exposition was provided, including detailed particulars pertaining to a certain scenario, along with an accurate portrayal of the subject's contextual backdrop. The statistical study gave a detailed examination of the specific relationship among multiple variables. The current study, titled "An Analysis of the

³ Research shows that dowry demands are not limited to economically disadvantaged groups but also persist among affluent families, where it serves as a marker of social status (Akhter, 2019; Dewan, 2022).

Dowry System in Rural Areas of Bangladesh," is characterized by its innovative and explanatory approach. The research employed a survey design to investigate the topic.

1.5.2 Method of the Study:

The research will mostly rely on secondary data obtained from various sources such as case studies, newspapers, articles, books, journals, and the internet.⁴

1.5.3 Study Area:

The research will be carried out across multiple rural regions of Bangladesh, encompassing the local population. In addition, at the secondary level, we have conducted analysis on the paper derived from various cases utilized in the study.



1.5.4 Unit of Analysis:

The choice of the unit of analysis is a crucial consideration when undertaking study. In order to fulfill the aim of the research, data was gathered from a remote community, focusing on the local population.⁵

1.6 Research Question

- 1) Whether dowry system is a curse of society or not??
- 2) Whether there need more effective laws for prevent dowry system in rural area of Bangladesh or not?
- 3) Whether government should take more effective initiative or not?
- 4) How to raise awareness among the women of rural area in Bangladesh about dowry system?

⁴ The commodification of women through dowry practices reflects and reinforces patriarchal norms that assign women's value based on financial transactions rather than individual rights or dignity (Khan et al., 2014).

⁵ Numerous studies have linked dowry pressures to domestic violence, psychological abuse, and dowry deaths, underscoring the urgent need for effective legal reforms and awareness programs (The Daily Star, 2020; Mohammad Abu Taher et al., 2014).

1.7 Scope of Studying the Dowry System in Rural Bangladesh:

The scope of studying the dowry system in rural areas of Bangladesh is multifaceted and encompasses a wide range of dimensions, including cultural, social, economic, and legal aspects. ⁶This research aims to provide a comprehensive understanding of the dowry system, its impact on rural communities, and potential strategies for mitigation. The scope of this study can be outlined as follows:

1.7.1 Cultural and Societal Dynamics:

Investigating the historical evolution of the dowry system in rural Bangladesh, exploring its roots in cultural traditions and societal norms. Analyzing the role of cultural practices, rituals, and community expectations in perpetuating the dowry system. Examining the influence of gender norms and power dynamics within families and communities on the persistence of dowry-related practices.

1.7.2 Socio-Economic Factors:

Exploring the economic determinants that contribute to the dowry system, such as poverty, land ownership, and socio-economic status. Analyzing the economic implications of dowries on both the bride's and groom's families, and the resulting financial burdens.

1.7.3 Gender Dynamics and Women's Empowerment:

Investigating the impact of the dowry system on gender inequalities, including the commodification of women and the perpetuation of patriarchal norms. Exploring the effects of dowry-related pressures on women's empowerment, education, and economic opportunities in rural areas.

1.7.4 Marital Violence and Health Consequences:

Examining the relationship between the dowry system and marital violence, including emotional abuse, physical violence, and dowry-related deaths. Investigating the reproductive health consequences of dowry-related gender preferences, including skewed sex ratios and their long-term demographic implications.

⁶ Efforts to eradicate dowry in Bangladesh must address not only legal shortcomings but also the socio-economic factors—such as poverty, illiteracy, and lack of women's empowerment—that sustain the practice (Subhan, 1997; Chowdhury, M. A., 2014).

1.7.5 Legal Framework and Enforcement:

Assessing the effectiveness of existing legal provisions, such as the Dowry Prohibition Act, in curbing dowry-related practices in rural areas. Analyzing the challenges and gaps in legal enforcement and the potential for legal reforms to address the dowry system's persistence.⁷

1.7.6 Efforts Towards Eradication:

Evaluating the impact of awareness campaigns, community mobilization, and women's empowerment programs in combating the dowry system. Examining successful case studies and best practices from other regions that have effectively reduced dowry-related practices.

1.7.7 Implications for Policy and Interventions:

Providing policy recommendations based on research findings to address the dowry system's root causes and consequences in rural Bangladesh. Suggesting practical interventions that can be implemented to promote gender equality, empower women, and eliminate dowry-related pressures.

1.7.8 Ethical Considerations and Future Research:

Addressing ethical considerations when conducting research on sensitive topics like the dowry system, ensuring respect for local cultures and communities. Identifying potential areas for future research and studies that can contribute to a deeper understanding of the dowry system's nuances and impact. In conclusion, the scope of studying the dowry system in rural Bangladesh is broad and encompasses various dimensions that influence and are influenced by this practice. This research aims to shed light on the complexities surrounding the dowry system, offer insights into its implications, and provide recommendations for effective interventions towards its eradication.

⁷ A comprehensive approach involving legal reform, public education, community engagement, and economic empowerment of women is essential to breaking the cycle of dowry-related violence and inequality in rural Bangladesh (Zakaria, 2018; TBS Report, 2022).

Chapter-2

Literature Review

2.1 Review of Literature:

Various scholarly investigations have been conducted to examine the phenomenon of the dowry system, both within the domestic context of the country under study and from a comparative viewpoint across several nations. The majority of these research have concentrated on examining the characteristics, origins, and factors contributing to the dowry system.

According to Farouk (1980), the issue of women being unemployed in rural areas can be addressed by implementing three strategies: (a) addressing illiteracy rates in rural areas, (b) introducing labor-intensive technologies that yield high outputs in the rural economy, and (c) eliminating restrictions on women's participation in outside work in rural areas.⁸ According to Naved's (1994) research, the provision of dowry emerged as a significant determinant influencing choices pertaining to the education of female offspring. To a certain degree, it also delineates engagement in savings and credit as well as income-generating endeavors.⁹ According to Rao (1993), there has been a consistent upward trend in the dowries of Bangladesh over the past four decades, with current figures frequently exceeding 50 percent of a household's total assets. The researcher noted that the phenomenon known as a "marriage squeeze," which arises from population expansion and leads to the emergence of bigger cohorts of younger individuals, has had a substantial impact on the increase in dowries. This effect is mostly attributed to the surplus of women in the marriage market.¹⁰ According to Chowdhury (2001), a society's culture often encompasses two distinct categories of values. The central and the peripheral values. Fundamental principles are enduring ideals that exhibit a certain degree of resistance to change. Secondary values refer to those values that are either imposed, imitated, or intentionally generated, or are practiced in response to the demands of a certain time period and are subject to modification. The article titled "Traditional Values Prevail as Education and Contraception Enter Rural Bangladesh" (1997) posited that in Bangladesh and other South Asian nations, the practice of dowry, wherein a prospective bride's family provides cash or valuable assets to the groom's family, has replaced the custom of bride price, where the groom

⁸ Farouk (1980) suggests that addressing rural female unemployment requires tackling illiteracy, introducing labor-intensive technologies, and removing restrictions on women's participation in economic activities.

⁹ Naved (1994) found that dowry plays a significant role in decisions regarding girls' education and influences household savings, credit access, and income-generating activities.

¹⁰ Rao (1993) observed that dowry amounts in Bangladesh have risen steadily over the past forty years, often equaling or exceeding half of a household's total assets, largely due to a demographic "marriage squeeze."

presents gifts to the bride's family.¹¹ Amin and other social scientists ascribe this phenomenon to a disparity in the quantity of eligible men and women, commonly referred to as a "marriage squeeze." According to cultural norms, adolescent females in Bangladesh often enter into marriages with men who are in their thirties. The drop in newborn mortality rates has resulted in a higher proportion of younger females compared to older men. Consequently, parents are compelled to navigate the competitive marriage market by resorting to the practice of providing dowries. The recent rise in dowry payments within the context of Bangladesh has been interpreted as indicative of a growing disparity faced by women in the field of marriage, necessitating their financial contributions towards securing a marital union. In addition, it has been contended that substantial dowries exacerbate the challenges faced by families with daughters, hence exacerbating the scarcity of women available for marriage.¹² According to Edlund (2006), Madam challenges the concept of dowry as a pre-mortem legacy, as proposed by Goody, and instead suggests that it should be seen as a means to compensate for women's limited rights of inheritance, which are not on par with those of males.¹³ According to Goody (1973), Social analysts frequently discuss this phenomenon in ethnographic studies that primarily focus on other topics. However, their explanations have typically been constrained to attributing it to the process known as 'Sanskritization' The concept referred to as "Srinivas' theory" elucidates the phenomenon wherein individuals from lower castes assimilate upper- caste behavioral norms with the intention of attaining elevated social standing. The phenomenon of dowries, which historically served as the prevalent form of marriage transaction among the highest caste (Brahmin), can be attributed to Sanskritization. This concept elucidates the observed transition from bride price to dowry within the other castes, as a result of upwardly mobile individuals imitating this practice.¹⁴ According to Miller (1980), there is evidence that imply that the practice of providing dowry has historically been more widespread in northern India compared to southern India. Furthermore, within the southern region, this custom is more generally observed within the Brahman community in comparison to other social groups. The Indian marriage system is characterized by the practice of arranged weddings, wherein parents of a girl frequently offer a substantial dowry to ensure a suitable husband for her. This is partially motivated by the

¹¹ Chowdhury (2001) distinguishes between core societal values, which are resistant to change, and peripheral values, which are shaped by social pressures and may evolve over time.

¹² Amin (1997) highlights the replacement of bride price with dowry in South Asia, attributing this shift to the demographic imbalance between marriageable men and women.

¹³ Edlund (2006) argues that dowry functions as compensation for women's limited inheritance rights, challenging the idea that dowry is merely a pre-mortem legacy as suggested by Goody (1973).

¹⁴ Goody's (1973) "Sanskritization" theory explains how lower caste groups in South Asia adopted dowry practices from higher castes as a means of social mobility.

desire to prevent the daughter's prolonged reliance on her parents (Krishnaswamy, 1995). Individuals who identify as Muslims and those belonging to tribes with lesser social rank exhibit a decreased propensity to endorse the practice of dowry, in comparison to individuals from other backgrounds.¹⁵ These disparities do not indicate an impending shift in societal dynamics unless there is a concurrent rise in the percentage of individuals belonging to these groups, which is currently not observed. According to Srinivasan (2004). Disputes concerning dowry payments have been associated with a phenomenon commonly referred to as "dowry murders" in media reports, depicting instances where brides are subjected to the act of being set on fire by their husband's ancestors. ¹⁶Therefore, the phenomenon of "dowry" violence does not manifest clearly in the initial expenses incurred during the marriage ceremony, but rather in subsequent demands for more payments made by the groom's family. These demands are accompanied by the husband's persistent mistreatment of the wife, with the intention of coercing bigger transfers.

¹⁵ Miller (1980) found that dowry has historically been more prevalent in northern India and among Brahmin communities, suggesting regional and caste-based variations in the practice.

¹⁶ Srinivasan (2004) highlights that "dowry violence" often emerges after marriage, with additional financial demands leading to severe abuse, including instances of dowry-related killings.

Chapter-3

Theoretical Framework

Theoretical Framework:

3.1 Concept of dowry:

Dowry refers to the transfer of significant financial resources, including money, jewels, cash, and other material possessions, from the bride's family to the groom's family. According to the Encyclopedia Britannica, the concept of dowry refers to the assets, whether tangible or intangible, that a woman provides to her spouse upon entering into marriage.¹⁷ According to the Encyclopedia Americana (1969), dowry is defined as the transfer of property from the bride's family to the groom or his family as a customary practice during marriage. The term "dowry" refers to any property or assets that a husband acquires as a result of his marriage to his wife or her family. According to the legal framework pertaining to dowry in Bangladesh, the concept of dowry encompasses not just monetary or material exchanges, but also encompasses any form of consideration exchanged in the context of marriage. The contemporary manifestation of dowry in South Asia is widely regarded as a form of abuse. The phenomenon manifests as a motivating factor for a male individual to enter into matrimony with a female counterpart. There exists a prevalent inclination to perceive dowry as a form of payment made by the groom. This concept can be distinguished from the practices of kanyadan or bride riches. Currently, it is customary for the bride's family to provide substantial monetary contributions, valuable jewelry, cash, and various other products to the groom's family. In rural regions characterized by poverty, it is common for dowries to consist of monetary funds, valuable accessories, or domestic items. Matured forms of identical demands are observed in metropolitan places. Certain families may have a propensity for requesting opulent commodities, including but not limited to automobiles, televisions, furnishings, overseas employment opportunities, or the construction of a residence for the prospective groom. The challenges faced by the parents of the bride are not limited to the provision of a dowry at the marriage ceremony. In accordance with tradition, it is customary for the parents of the girl to present a continuous stream of presents to the family of the boy at several festive occasions. When examining affluent households, it appears that dowry talks may not be overtly present. However, the financial expectations of the groom's

¹⁷ The Encyclopedia Britannica defines dowry as the assets—tangible or intangible—provided by a woman to her husband upon marriage.

family are still adequately met, albeit in a different manner. The concept of dowry is present in this context in the guise of gift-giving. When the dowry provided by the bride's family does not meet the expectations of the groom's family, it might result in psychological mistreatment of the bride.¹⁸ According to Monsoor (1999), individuals are willing to endure economic hardships or even take out loans in order to fulfill the expectations set by the groom's family. They would be disinclined to entertain the notion of their daughter remaining unmarried.¹⁹ According to Nusrat Ameen, it is observed that in many instances, the bride's family persists in meeting the requests of their daughter's in-laws, disregarding the fact that a woman cannot get tranquility, let alone affection, by satisfying the financial demands imposed by her in-laws. The imposition of these demands has the potential to result in persistent pestering and harassment, hence exacerbating the detrimental effects on the individual's psychological well-being. In certain instances, the request for dowries may arise subsequent to the conclusion of the matrimonial ceremony. The act of refusing to provide payment may lead to the dissolution of the marital union or even subject the bride to oppressive circumstances resulting in her demise.

3.2 Concept of Dower:

The concept of dower holds a distinctive position within the framework of Islamic law. However, the term "dower" has not been explicitly defined in any of the statutory statutes. In this regard, we might refer to the definitions provided by various legal scholars. The following are the recognized definitions of dower: In the case of Abdul Kadir vs. Salima, Mr. Justice Mahmood provides a definition of dower as follows: "According to the Mo. Law, dower refers to a monetary amount or other assets pledged by the husband to be transferred or bestowed upon the wife as a consideration for the marriage. This holds true even in situations where no specific dower amount is explicitly stipulated or mentioned during the marriage ceremony." The legal framework grants the entitlement to dower to the spouse who is female. As stated by Nasir (2019), the dower refers to a monetary amount or other assets that are obligated to be transferred from the husband to the wife as a consequence of their marriage (p. 46). As per the assertion made by Ameer Ali, a specific amount is provided by the husband as a consideration for the marriage (cited in Monsoor 31). According to Shaukat Mahmood, the

¹⁸ Encyclopedia Americana (1969), dowry refers to the transfer of property from the bride's family to the groom's family as part of customary marriage practices.

¹⁹ Monsoor (1999) highlights that families often endure extreme financial hardship or take loans to meet dowry demands, fearing that daughters may remain unmarried otherwise.

concept of dower can be defined as a monetary amount or other assets that the wife is legally entitled to receive from her husband as a component of the marital agreement (71). As stated by Tyabji, the concept of "Mahr" or dower involves a monetary amount that the husband is obligated to give to the woman upon marriage. This payment can be determined through mutual agreement between the parties involved or may be enforced by legal provisions (as cited in Rashid, p. 82).²⁰ Professor Dr. Taslima Monsoor has provided an exemplary and distinctive elucidation of the concept of dower. The author notes that the Mahr/Dower is a payment made by the husband to his wife. The act of providing a dowry exclusively to the woman serves as a gesture of honor, respect, and commitment on the side of the husband. This practice signifies the husband's genuine intention to enter into the marriage contract with a strong sense of responsibility, obligation, and dedication, rather than merely engaging in the union without any meaningful commitment or effort. Additionally, it serves as a safeguard for unforeseen circumstances, and from a societal perspective, it acts as a restraint on the arbitrary exercise of the husband's unrestricted authority to dissolve the marriage. The husband demonstrates careful consideration prior to initiating divorce proceedings, particularly since he is aware that the entire dower amount would become due and payable immediately upon dissolution of the marriage (46).²¹

3.3 Violence Caused by Dowry:

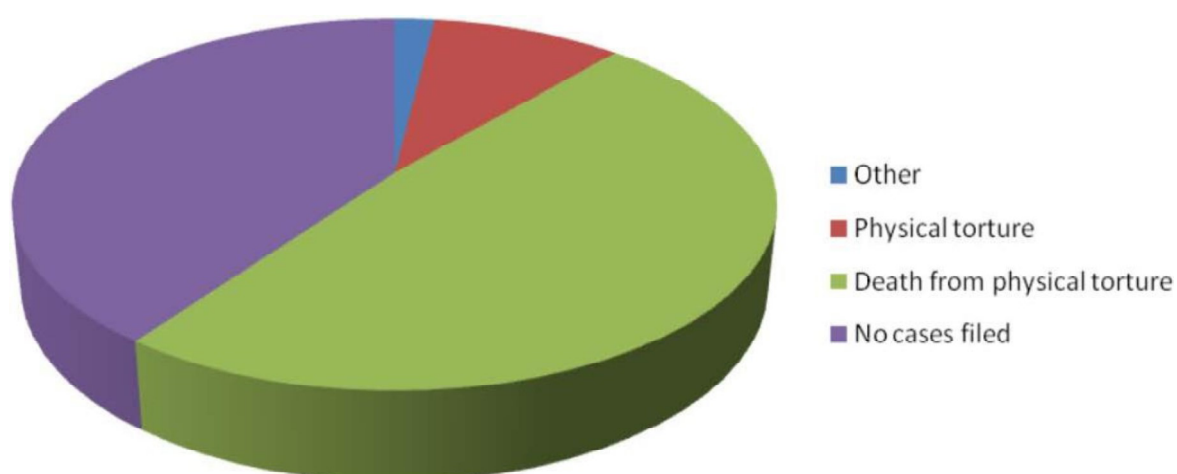
From the early 1970s onwards, there has been a notable association between dowry demands and instances of violence against women, as well as cases of self-inflicted harm leading to suicide among women. According to Jahan (1994), it has been suggested that dowry was the primary factor contributing to the incidence of female suicides between 1980 and 1982.²² According to a study conducted by The Daily Star, it was found that a significant proportion of recorded suicides in the Jhenidhah district during the period of 1991- 1995 were linked to the issue of dowry demands. In the year 2004, a total of 18 women tragically took their own lives as a result of dowry-related pressures, while there were 371 documented incidents of violence associated with dowry. These cases encompassed a range of manifestations, and the media continued to document instances of death and violence stemming from dowry issues

²⁰ In *Abdul Kadir vs. Salima*, the court ruled that dower (Mahr) is an obligatory payment from husband to wife, even if not specified at marriage.

²¹ Professor Dr. Taslima Monsoor explains that dower is not just a financial transaction but a symbol of respect, commitment, and protection for women in marriage.

²² Jahan (1994) documented that dowry-related pressures were a major cause of female suicides in Bangladesh between 1980 and 1982.

(BNWLA: 2004).²³ The prevailing consensus in academic discourse is that acid violence, murder by burning, and other forms of violence against women can be largely attributed to dowry-related demands. The failure to pay or provide an insufficient dowry is frequently cited as a prevalent factor contributing to instances of harassment and divorce (Agarwal, 1994).²⁴ According to a study by The Daily Star, a significant number of divorce cases have been recorded in various courts within the Natore district of Bangladesh during the past five years. The primary factor contributing to these divorces, as stated in the report, is the issue of dowry. The presence of dowry in marital relationships serves as a significant indicator of many forms of psychological abuse, notably the use of divorce as a means of coercion (Roy, 1992). Post-marital demands frequently persist, placing the woman in a position where she may endure both physical and psychological torment due to her parents' incapacity to meet ongoing and supplementary requests. This situation may lead to the dissolution of the marriage through divorce, or alternatively, the husband may opt to enter into another marriage in order to obtain more dowries. According to a news article published on 20 March 1989 in the Ananda Bazar Patrika, the National Association of Marriage Registrars indicated that dowry was identified as the cause for the dissolution of approximately 200,000 marriages annually in Bangladesh (Ghose: 1989).²⁵ Attributing violence against women in Bangladesh solely to dowry may be an oversimplification. Nevertheless, it is indisputable that the issue of dowry demands and disputes surrounding dowry constitute a substantial catalyst for violence against women, exerting a profound impact on a woman's familial ties and her integration into her new family (Scheffer, 1986).



²³ The Bangladesh National Women Lawyers' Association (BNWLA, 2004) reported increasing cases of violence and suicides linked to dowry, including 18 suicides and 371 violent incidents in a single year.

²⁴ Agarwal (1994) established that failure to meet dowry expectations leads to violence, harassment, and even divorce, often with devastating effects on women.

²⁵ The Daily Star's reporting (various years) has consistently linked dowry demands to increasing cases of marital breakdowns and domestic violence across Bangladesh.

Figure reveals that of reported dowry violence, nearly 40 percent of cases were not lodged (ASK 2002, 83).

3.4 Legislative Impact on Dowry:

Despite being the focus of numerous legislative measures, the practice of dowry continues to persist and is associated with the alarming occurrence of fatalities and acts of physical abuse inflicted upon women (see Figure 1). The data indicates a reversal of a previous decline in fatalities. Specifically, in the year 2011, the number of deaths among women due to dowry increased to 325, which is higher than the figures of 249 in 2010 and 227 in 2009. Furthermore, this number is significantly greater than the recorded 169 deaths in 2002 (Islam, 2012, p. 'Angry Brides'). Additionally, there is the issue of the failure to move to trial in cases of violence related to dowry.²⁶ According to Haq (2012), the Inter Press Service documented a total of 5,331 dowry instances in 2010, which experienced a significant increase to 7,079 cases in 2011. By the first nine months of 2012, the number of recorded dowry cases reached 4,563. According to the Asian Legal Resource Centre, a total of 119 instances of domestic abuse linked to dowry were documented in the initial six months of 2009, resulting in 78 fatalities. Additionally, an Amnesty International report revealed that between January and October 2009, law enforcement authorities received a minimum of 3,413 complaints

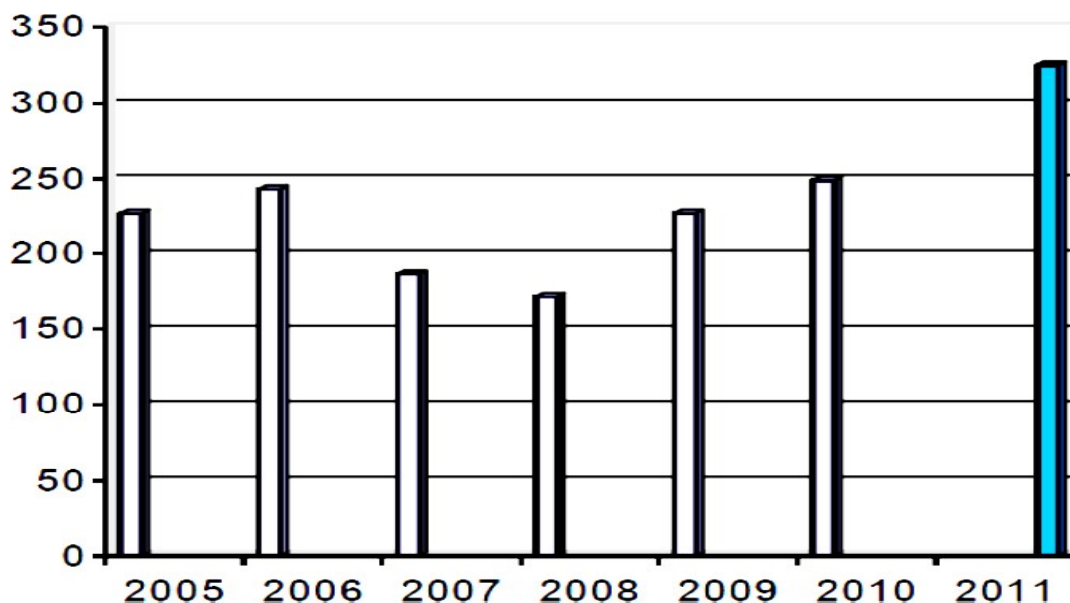


Figure: Dowry Deaths 2005–2011

²⁶ Islam (2012) notes that dowry-related deaths in Bangladesh rose sharply, with 325 deaths reported in 2011 compared to 169 in 2002, underscoring the ineffectiveness of existing legislation.

Regarding physical assault and other forms of mistreatment against women in connection with dowry disputes. According to the IRIN Report, there were an additional 172 cases of murder related to dowry in 2008, and 187 cases in 2007. In 2006, there were a total of 307 incidents of violence related to dowry, resulting in the death of 243 individuals and the torture of 64 individuals, as reported in 'Violence against Women in Bangladesh still high' in 2012. Additionally, there were 227 reported cases of dowry- related killings in 2005, as mentioned in 'Dowry Deaths'. These activities flagrantly disregard the dignity of women and undermine the integrity of marital and familial bonds.

3.5 Rampant Practice of Dowry in Bangladesh:

A survey has revealed that within the vicinity of the respondents, there exists a prevalent custom of dowry exchange, notwithstanding the absence of explicit demands for dowry. Notwithstanding the present circumstances, I have encountered seven instances whereby dowry has been explicitly demanded. This data is sufficient to comprehend the severity of the dowry practice in Bangladesh. The practice of dowry is observed in households across different social strata, with variations in purpose and structure. The practice of dowry in the upper class is sometimes regarded as a manifestation of social rank. In such instances, dowry is provided in the form of furniture, ornaments, and real estate properties. In certain socioeconomic strata, the practice of dowry is observed as a means of generating income for the bridegroom. In this scenario, the dowry is requested as evidence that the husband intends to migrate or engage in small-scale entrepreneurship, among other possibilities. The occurrence of marriages without dowry transactions is exceedingly uncommon. The present-day understanding of dowry bears little resemblance to its original conception. Over the course of history, there has been a shift from voluntary to mandatory practices within the institution of marriage, with certain aspects now considered indispensable and enforced through the coercion of brides. Dowry was not a prevalent practice in Bangladesh until 1970. According to Anderson (151- 174), empirical study has demonstrated that the dowry rate in Bangladesh during the period of 1945-1946 was recorded at 3%. Subsequently, there has been a steady rise in the dowry rate.²⁷ A study conducted in the northern districts of Bangladesh found that around 80 percent of weddings necessitated the provision of dowries. The research completed in 2008 was a collaborative effort between BRAC and the American Population Council.

²⁷ The Dowry Prohibition Act of 1980 in Bangladesh defines dowry in narrow terms, failing to address demands made after marriage, a gap the Indian law amended in 1984.

According to Amin (year), the dowry varied between 20 and 80 percent throughout several districts in Bangladesh. The above figure exhibits empirical data indicating a notable rise in the prevalence of dowry practices within the context of Bangladesh.

According to the chart in:

Year	Dowry Rate %
1945-1960	3%
1960-1975	11%
1975-1990	44%
1990-1996	61%
2003	76%

In the rural regions of Bangladesh, a comprehensive analysis of data spanning from 2001 to 2018 reveals that a total of 5,756 married ladies fell prey to the practice of dowry. Among this group, 3,273 individuals tragically lost their lives due to acts of murder, while 2,250 experienced physical abuse. Additionally, 233 individuals resorted to the extreme measure of taking their own lives. The incidence of dowry-related violence reached its peak in the year 2012, surpassing the levels observed over the preceding 17-year period. The graph illustrates a significant decline in the prevalence of this form of violence, with a sharp fall observed between the years 2012 (35.7%) and 2015 (8.8%). Subsequently, there was a marginal increase observed in the year 2017, followed by a subsequent decline to a rate of 6.2% in 2018. According to a study conducted in 2022, it was found that approximately 50% of instances of violence against women can be attributed to the presence of Bangladesh's dowry system.²⁸

3.6 Present status of the Dowry system:

The institution of marriage is increasingly being characterized by economic elements, as the bride is often evaluated and treated as a financial asset or commodity. The significance of the bride's degree of education or abilities is deemed less significant in comparison to the financial gains acquired by the bridegroom or his family as a result of the marriage deal. The bride is commonly perceived as a commodity or means of transaction and wealth accumulation, rather than being regarded as a human being. The majority of weddings

²⁸ The Dowry Prohibition Act of 1980 in Bangladesh defines dowry in narrow terms, failing to address demands made after marriage, a gap the Indian law amended in 1984.

necessitate the provision of a dowry. The persistence of dowry demands extends beyond the period of marriage. As a consequence, those residing in rural areas experience significant hardships and, in certain instances, marginal and subsistence farmers may even lose their land, exacerbating their plight. Despite a few rare exceptions, the practice of dowry has become an established standard, regardless of personal preferences. A recently published report by the United Nations Development Programme (UNDP) reveals that the dowry system is responsible for fifty percent of the overall instances of violence against women. The elimination of this issue cannot be achieved instantaneously. Due to its direct correlation with poverty, it is noteworthy that approximately half of the population continues to reside below the poverty threshold. Despite the strong prohibition of dowry in Muslim society, the practice continues to persist. As to the teachings of Sura Nisa: 19, it is deemed illegitimate for a husband to accept a dowry from his wife, her father's family, or to make demands for it.²⁹ The social norms prevalent in certain specific geographical regions of the subcontinent have influenced Muslims to engage in such unethical behaviors. In society, demonstrations can also confer an advantageous position for obtaining dowry, which can be seen as a form of rent-seeking behavior. The caste system and hereditary law within the Hindu faith are factors that contribute to the practice of dowry. Nevertheless, the prevalence of corruption and unethical behavior has resulted in the acceptance of this illicit activity throughout society. Many individuals do not perceive this illegal practice as a criminal conduct, but rather view it as a permissible means of amassing money, sometimes referred to as "Halal Ruzi."

3.7 Socio-Economic Impact of Dowry:

The incidence of dowry violence is increasing in correlation with the rise in income and consumerism. The proliferation of consumerism has posed challenges for the nation's economy. Females constitute a majority, comprising over fifty percent of the overall population inside the nation. The necessity for their active engagement in the process of economic development is imperative. However, as a result of the prevalence of violence against women, the nation faces challenges in accessing the full range of services provided by women. When examining the GDP growth rate of Bangladesh over the past thirty-three years, it becomes evident that it has remained very stable, exhibiting a consistent average of approximately 5-5.5%. In contrast, Japan's GDP growth rate over this same period has been significantly higher, averaging around 30-32%. The underlying force driving the prevalent dowry system is, in fact, the idea of

²⁹ The Dowry Prohibition Act of 1980 in Bangladesh defines dowry in narrow terms, failing to address demands made after marriage, a gap the Indian law amended in 1984.

capitalism at action. This suggests that money is merely one metric for assessing happiness. The value of a bride is assessed in monetary terms. The bridegroom fulfills their utility by accepting the dowry. Upon conducting an analysis of the aforementioned process, it becomes evident that the acceptance of dowry results in a positive marginal utility of dowry. It is regrettable that the quality of social welfare is experiencing a decline.

3.8 Cognizance & The Trial of The Dowry Offences:

Section 7 pertains to the awareness or knowledge of criminal acts. According to the provision, any offense under this Act shall not be tried by a court lower in rank than that of a first-class magistrate. The statutory limitation time for lodging an offense has also been established. The court is restricted from considering any matter unless when presented with a formal complaint. All offenses falling within the purview of Section 8 are characterized by being non-cognizable, non-bailable, and compoundable.

The primary legal dimensions of the Dowry Prohibition Act of 1980 are as follows. The promulgation of this Act was undertaken with the aim of addressing the societal issue of dowry. The primary objective of this strategy is to safeguard and enhance the socio-economic well-being of married women by addressing the negative aspects linked with the dowry system. The perception of a daughter as a financial liability to her family should be avoided. However, it is evident in practical application that numerous shortcomings exist, rendering the Act somewhat ineffective. During the comparative analysis of the aforementioned Act with the Indian Dowry Prohibition Act, the inherent shortcomings of the Act in Bangladesh become evident. Notwithstanding its limitations, it is important to note that the law in isolation is insufficient to address long-standing practices such as dowry. The effectiveness of legislation will be enhanced by increased societal comprehension of the status of women.

This section aims to undertake a comparative analysis between the Indian Dowry Prohibition Act of 1961, together with its subsequent revisions in 1984 and 1986, and the Bangladesh Dowry Prohibition Act of 1980.³⁰ It is evident that while these two Acts have similar provisions, the Bangladesh Act exhibits various flaws in its provisions that could be rectified in accordance with the Indian Act. In order to enhance the efficacy of the Bangladesh Act, the author proposes the following recommendations:

- a) The definition of the dowry be changed.

³⁰ The Dowry Prohibition Act of 1980 in Bangladesh defines dowry in narrow terms, failing to address demands made after marriage, a gap the Indian law amended in 1984.

- b) It be clearly mentioned in the provision who could be a complainant.
- c) The provision of a dowry prohibition officer be included.

It is worth noting that the definitions of dowry in both the Indian and Bangladesh Acts were nearly identical. The 1984 change to the Indian Act entailed the removal of the words 'as consideration for the marriage'. The phrase 'in conjunction with the marriage of the said parties' was used as a replacement. The scope of this Section has been expanded to encompass the quantity or assets provided in relation to the marriage, regardless of whether they are given as consideration for the marriage. According to the provisions outlined in the Bangladesh Act, consideration is interpreted in alignment with the Contract Act. Consequently, it is possible that the term 'dowry' exclusively encompasses those items that are provided or agreed upon as a form of compensation, inducement, or incentive for the formalization of marriage. Any financial or material resources provided subsequent to the marriage could potentially be attributed to undisclosed requests made by the husband or his family. These provisions may serve as a means to sustain the marriage, foster a positive marital bond, prevent marital discord, shield the wife from mistreatment or degradation, and maintain amicable relations with the wife's family. This statement potentially contradicts the intended objectives of the Bangladesh Dowry Prohibition Act of 1980.³¹ The inclusion of the term of dowry in the Bangladesh Act should align with the revisions made in India in 1984.

The Dowry Prohibition Act serves as a significant measure to combat the prevalent dowry system, however it has not effectively curtailed the practice of exchanging gifts and presents, as long as a comprehensive inventory is maintained. The allowable value provides an opportunity to circumvent the limitations outlined in the legislation. One other flaw present in the Act is to the equal liability imposed on both the provider and the taker in relation to the offense outlined in Section 3. In many instances, it is observed that the parents of the bride provide a dowry due to external pressure and, consequently, may endeavor to conceal this act in order to protect the well-being of the bride.

The matter at hand pertains to whether the parents or guardians of the bride, who act as the providers, would consider any gifts or assets exchanged by the parties involved in the marriage, either prior to or following the marriage, to be in the best interest of the bride. If the individual who possesses the item or information in question does not acknowledge their possession, it will be a challenge to substantiate their ownership or involvement.

³¹ The Dowry Prohibition Act of 1980 in Bangladesh defines dowry in narrow terms, failing to address demands made after marriage, a gap the Indian law amended in 1984.

Section 7 of the Bangladesh Act of 1980 lacks explicit provisions regarding the eligibility criteria for complainants. In contrast, the Indian Act stipulates that the Magistrate has the authority to initiate legal proceedings based on a police report or a complaint filed by an aggrieved individual, their parent or relative, a recognized welfare institution, or an organization.

The expansion of its reach has undeniably broadened the opportunities for impacted individuals to seek appropriate and lawful remedies. One crucial aspect to consider is the recognition of non-governmental organizations (NGOs) as eligible complainants. Furthermore, the expansion of public interest litigation has been augmented as a result. It is recommended that Bangladesh consider revising its policies to grant legal recognition to social welfare workers, enabling them to effectively identify, report grievances, and provide support to the judicial system in prosecuting cases related to dowry, a prevalent social issue affecting the impoverished and culturally influenced population of the country. Undoubtedly, this will result in a transformation, as it is evident that individuals belonging to families impacted by dowry may not always initiate legal proceedings due to a variety of unavoidable circumstances.³² The provision of external assistance has the potential to significantly alleviate the frustrations experienced by individuals who silently endure the detrimental effects of dowry-related issues.

The absence of a robust and efficient enforcement mechanism is a significant factor contributing to the ineffectiveness of the Bangladesh Act. This deficiency hinders the timely intervention of authorities non preventing dowry-related tragedies and providing assistance to victims of dowry. Section 8B of the Indian Act encompasses the stipulation pertaining to the designation of a dowry prohibition officer. The duties performed by these officers encompass the oversight of act compliance, the prevention of infractions outlined in Sections 3 and 4, as well as the collection of evidence. It is recommended that the Bangladesh Act incorporate a provision of this nature. The implementation of this adjustment is anticipated to enhance the efficacy of the Act, as the backing of a proficient enforcement agency is important for the effectiveness of any legislation. One of the most egregious manifestations of the dowry system is the act of bride murdering. A homicide occurring under such circumstances is commonly referred to as a 'dowry death'. The Indian Penal Code currently has Section 304B, which was designed to address instances of "dowry death." In the context of Bangladesh, it is evident

³² The Dowry Prohibition Act of 1980 in Bangladesh defines dowry in narrow terms, failing to address demands made after marriage, a gap the Indian law amended in 1984.

that the government has not implemented any measures to address the issue of 'dowry death', a phenomenon that has witnessed a significant rise in both urban and rural regions. Section 6 of the Cruelty to Women (Deterrent Punishment) Ordinance of 1983 stipulates the prescribed penalty for the offense of causing death due to dowry-related cruelty.

3.9 Demanding Dowry & Punishment for Dowry:

The assertion may be readily made that the act of requesting dowry is the most unpleasant aspect of the dowry system. When such requests are made either before or after marriage, they leave women in a significantly vulnerable position. In order to provide protection in this particular scenario, the adoption of Section 3 and Section 4 has been implemented. Both Section 3 and Section 4 hold similar significance as they both address the imposition of penalties and the prohibition and punishment of dowry demands. Both sections 3 and 4 initially dictated the scope and character of the penalty in identical fashion. The major objective of these sections is to provide a preventive function.

Section 3 of the aforementioned Act pertains to the legal consequences associated with the act of providing or receiving dowry. Undoubtedly, this particular rule exhibits a high degree of comprehensiveness, and its inclusion of punitive measures serves as an effective deterrent.

Section 4 of the aforementioned legislation pertains to the imposition of penalties for the conduct of soliciting dowry. This principle is applicable to both the bride and groom in a marriage. In the context of Bangladeshi society, the prevalence of dowry, which refers to the monetary or material demands made by the groom's family from the bride's family, is significantly pronounced. The inclusion of this provision serves as a preventive measure to protect the bride's family from the burdensome pressure associated with dowry demands. In order to comprehend the significance of demand as a criminal act, it is necessary to note that legislative measures have been implemented to criminalize not only the act of providing or receiving dowry or facilitating such actions prior to or during marriage, but also the act of making dowry demands subsequent to the marriage. The resolution of this matter was reached in the legal case of *Abul Bashar Howlader v. The State*, as documented in the D. L. R. 46, 1994, pages 169-172.³³ According to the prosecution's account, Mosammat Feroja Begum entered

³³ *Abul Bashar Howlader v. The State* (1994), the Supreme Court of Bangladesh affirmed that post-marital financial demands, if proven, can fall under Section 4 of the Dowry Prohibition Act.

into a marriage with Abul Basher Howlader on February 6th, 1990, as evidenced by a recorded kabinnama. During the moment of matrimonial union, Feroja's parents presented her husband with several valuable items, including ornaments and household articles, with an estimated price of Taka 1,68,000.00. Following their marriage, Basher exerted pressure on both his wife and her parents to release a specific parcel of land that had been mortgaged to Feroja's father. In 9.8.4, Basher made a request to his wife, Taka, for a sum of 10,000.00 in order to establish a shop at the market place. Feroja declined to comply with the request, at which point Basher subjected her to verbal abuse. When she voiced her objection, Basher and his family physically assaulted her, using their fists, and forcibly expelled her from their shared residence, confiscating all of her personal jewelry in the process. Upon analyzing the case, the Supreme Court determined that if a request for dowry is made subsequent to the marriage ceremony, without any prior agreement, and if this request does not strictly align with the definition of dowry as outlined in Section 2, then the term 'dowry' in Section 4 contradicts the definition itself within the given subject or context. The term 'dowry' as used in section 4 should be interpreted according to its conventional definition, which refers to the property that a woman brings to her husband upon marriage, or vice versa. The assertion that Basher requested a sum of 10,000.00 from his spouse has been substantiated by evidence, establishing it as an unlawful act. Consequently, the conviction and subsequent sentencing of Basher under Section 4 of the relevant legislation can be deemed legally justified.

3.9.1 According to Section 11 of Nari O Shishu Nirjaaton Daman Ain (2000):

If the husband of a woman or the husband's father, mother, guardian, relative or any other person on behalf of the husband causes the death or attempts to cause the death of the woman for dowry 1 [or causes grievous hurt or simple hurt to the said woman] if the said husband, husband's father, mother, guardian, relative or person-

- (a) Shall be punishable with death for causing death or with imprisonment for life for attempting to cause death and in both cases shall be liable to fine in addition to the said sentence;
- (b) For causing grievous hurt, shall be punishable with rigorous imprisonment for life or with rigorous imprisonment for a term not exceeding five years and with fine in addition to such sentence.³⁴

³⁴ Section 11 of the Nari O Shishu Nirjaton Daman Ain (2000) prescribes punishments ranging from death to imprisonment for causing harm or death to women over dowry disputes.

3.9.2 According to Section 3 of Domestic Violence (2010):

For the purposes of this Act, domestic violence shall mean physical abuse, mental abuse, sexual abuse, or financial harm to any other female or child member of the family by any person in a domestic relationship.

Explanation: In pursuance of this section-

- (a) "Physical abuse" means any act or conduct which harms or is likely to harm the life, health, safety or any part of the body of the aggrieved person and includes forcing or inducing the aggrieved person to commit a criminal act or using force; shall include;
- (b) "Mental torture" shall include the following matters, namely: -
- (c) Verbal abuse, insult, contempt, intimidation or making any remarks which cause emotional harm to the aggrieved person;
- (d) Harassment; or (e) interference with personal freedom ie interference with normal movement, communication or expression of personal wishes or opinions;
- (e) "Sexual harassment" shall include conduct of a sexual nature which causes damage to the dignity, honor or reputation of the victim;
- (f) "Pecuniary loss" shall include the following matters, namely -

3.9.3 According to Section 3 of Dowry Prevention Act, (2018):

Penalty for demanding dowry:

If any party to a marriage demands, directly or indirectly, dowry from other party to the marriage, it shall be an offence under this Act and for that reason, he shall be punished with imprisonment for a term not exceeding 5 (five) years, but not less than 1 (one) year, or with fine not exceeding 50,000 (fifty thousand) Taka, or with both.³⁵

3.9.4 According to Section 4 of Dowry Prevention Act, (2018):

Penalty for giving or taking dowry, etc.:

If any party to a marriage gives or accepts dowry, or abets to give or take dowry, or makes

³⁵ The Dowry Prevention Act, 2018 (Sections 3–5) criminalizes not only demanding, giving, or receiving dowry but also renders any related agreements void, with penalties of up to five years' imprisonment or fines.

agreement for giving or taking dowry, such act shall be an offence and for that reason, he shall be punished with imprisonment for a term not exceeding 5 (five) years, but not less than 1 (one) year, or with fine not exceeding 50,000 (fifty thousand) Taka, or with both.

3.9.5 According to Section 5 of Dowry Prevention Act, (2018):

Agreement on dowry to be void:

For carrying out the purposes of this Act any agreement for giving or taking of dowry shall be void.

36

³⁶ Section 5 of the **Dowry Prevention Act, 2018** of Bangladesh clearly stipulates that any agreement for giving or taking dowry shall be void, reinforcing the legal stance that dowry transactions have no validity under the law.

Chapter-4

Data Findings and Analysis

4.1 The Dowry Prohibition Act, 2018

Bangladesh has enacted a new law for prohibition of a longstanding social evil ‘Dowry’ of this Subcontinent. The new law repealed the previous one titled Dowry Prohibition Act, 1980. The title of the new Dowry Prohibition Act, 2018 officially Joutuk Nirodh Ain, 2018 (hereinafter referred to as ‘the Act’) states that its purpose is to meet up the demands of changing circumstances considering the provisions of the previous law. The Act aims to prohibit giving or taking dowry in marriage or before solemnization or during continuance of the marital relationship. The Act received assent of the president and was published on official gazette on 1 October 2018. It came into force at once.

The new provisions are enacted to take tough stance against dowry system. In our society, dowry system is an age old tool for oppression against women. The dowry system finding its history in ancient Hindu culture has acted for centuries as a root cause for domestic violence.

The law aims to eradicate the mischievous dowry system and functions side by side with other relevant laws. It provides safeguard for women in Bangladesh and corresponds to number of legislations in the Subcontinent. As these countries share common history of culture and legal development, we have focused a bit on the corresponding legislations in both India and Pakistan.³⁷

4.2 Definition

1. Section 2 of the new law came up with an inclusive definition of ‘party’, which was completely absent in the old law. For the purpose of this law, ‘party’ means bride or groom, or their parents or in their absence any legal guardian or any one directly involved in the marriage from either side. The last part makes the definition wider to include any person demanding, giving or taking or making any agreement for dowry.
2. Definition of ‘dowry’ has been made more precise and wide in the new law. If any amount of money or any other property is directly or indirectly, demanded by either party to marriage or given to one party by the other or agreed to be given before marriage or while solemnization or during continuance of the marital relationship; then it is to be called dowry. The definition scrapped the phrase ‘valuable security’ of the previous law and by adding the phrase ‘any other property’ broadened its scope of application.

³⁷ The **Dowry Prohibition Act, 2018** (Joutuk Nirodh Ain, 2018) repealed the earlier **Dowry Prohibition Act, 1980**, introducing stricter provisions to address the persistent social evil of dowry in Bangladesh.

3. Any claim, delivery or agreement to deliver money or property in marriage will be considered as dowry if it is made as a precondition to marriage or on consideration for continuance of the marriage. Somebody might object that it is almost impossible to prove that anything given were a consideration for the marriage for the obvious and simple reason that the giver i.e., the parents who are usually the victims would be reluctant and unwilling to set the law in motion. But the omission of the words “as consideration for the marriage” would make the definition not only wide but also unworkable, for, if these words are omitted, anything given or taken, whether before or after or at the time of marriage by any party, may amount to dowry. So the condition made the definition more reasonable. The definition excludes delivery or transaction in marriage in which the Muslim Personal Law (*Shariyat*) applies to the parties (*mahr/denmahr*). It also kept the presents or gifts made to parties by their nearest and dearest ones beyond the purview of dowry. Moreover, it opened up the maximum limit of five hundred taka for such presents and no such limitation remains there.³⁸

4.3 Offences in the Act

1. Section 3 of the Act says that any direct or indirect demand for dowry by either party from the other will be an offence under the law. Such offence shall be punishable with imprisonment maximum five years but not less than one year or fine not exceeding 50,000 (fifty thousand taka) or with both.³⁹
2. According to section 4 of the Act, if any party to marriage gives or takes or abets in the giving or taking of dowry, or makes an agreement to give or take dowry then it shall constitute an offence. The punishment for such offence shall be imprisonment up to five years but not less than one year or fine not exceeding 50,000 (fifty thousand taka) or with both. New feature of the provisions of punishment in the new law is that the maximum amount of fine is limited below 50,000, which were unlimited in the equivalent sections of the preceding law.

4.4 New Features

³⁸ Section 2 of the **Dowry Prohibition Act, 2018** expands the definition of ‘party’ to include not only the bride and groom but also parents, legal guardians, or anyone directly involved in the marriage from either side.

³⁹ Section 3 of the Act criminalizes any direct or indirect demand for dowry, making it punishable by imprisonment between one and five years, a fine up to fifty thousand taka, or both.

(i) Making an agreement for dowry is also a crime

The new law criminalized the making of any agreement to give or take dowry which was absent in the repealed law. (Sec-4)⁴⁰

(ii) Filing false cases is an offence

The law inserted a new provision in section 6 criminalizing false cases which brought some debate on its impact. It lays down that if any person files or causes to file an action or complaint intending to cause harm to any other person, knowing that he has no just or legal cause under the law, his actions will amount to an offence. Such offence is punishable by imprisonment up to five years or 50,000 (fifty thousand taka) or with both. No minimum term of imprisonment is provided for this offence. Some right groups like Ain O Salish Kendra (ASK) criticized that a law incorporating this kind of provision will discourage undertaking legal measures against dowry tradition.⁴¹ Clarification should be given that a dowry case filed by a woman will not be considered false only because she fails to prove it. According to their view, the new law needs to be amended properly and required protection for the plaintiff needs to be incorporated. However, this section is a check on the increasing number of false cases in Nari- o-Shishu Nirjatan Daman Tribunal abusing the law and using it as a tool to harass people.

(iii) CrPC is applicable in trial procedure

The new law Shifted from the previous provision on trial procedure. Now, the Code of Criminal Procedure, 1898 is fully applicable in investigation, trial, appeal and other proceedings in trying the offences under the law. Section 190 of the CrPC applies to starting of a case. The offences were to be tried by a court Magistrate first class as per the previous law.

(iv) Limitation period is lifted

The new Act lifted the stipulation period from a complaint to be filed within one year of commission of the offence. [sec 7(b), Act, 1980] Now a complaint can be filed on an offence irrespective of the time when it was committed as the Code of Criminal Procedure is applicable now in this regard. The new Act set in motion the well-established principle of criminal jurisprudence that there is no limitation period for filing criminal cases.

⁴⁰ A significant new provision under Section 4 criminalizes not only the act of giving or taking dowry but also the mere agreement to do so, which was absent in the 1980 law.

⁴¹ Section 6 introduces punishment for filing false cases, a controversial addition criticized by rights groups like **Ain o Salish Kendra (ASK)** for potentially discouraging genuine victims from seeking legal redress.

(v) Effect of agreement for Dowry

The Act in section 5 kept intact the earlier provision of being any agreement to give or take dowry void and unenforceable. As already mentioned above, section 4 makes forming any such agreement to give or take dowry an offence under the law which is a new addition.⁴²

(vi) Category of offence

Unlike the previous law, the new Act made offences under the law cognizable. Thus police is empowered to arrest the accused without warrant. The offences are non-bailable as were before. However, the Act recognized the importance of reconciliation in family matters and the offences remained compoundable; so that the parties get opportunity to settle the issue themselves outside courtyard. [Sec- 7]

(vii) Priority of Bangla Text over English one

The new law was passed in Bangla by following the footsteps of recent laws in Bangladesh. However, the Act delegated the government authority to publish an authentic text of the Act in English. [Section 11(1)] In the case of any dispute between the two, the Bangla text will prevail over the English one. However, the government has not published such authentic English text.

4.5 Corresponding Laws in the Subcontinent

1. India

In India, the corresponding law is Dowry Prohibition Act, 1961 (hereinafter referred to as the Act). The Act passed in India is almost similar to that of Bangladesh. However, the Act, 1961 has some amended sections incorporating new provisions. Section 4A of the Act stipulated a ban on advertisement in printing or electric media of giving dowry for marriage.⁴³

Section 7 of the Act said about taking cognizance of the offence. To start a case, cognizance can be taken only on own knowledge or police report or upon complaint by the person aggrieved by the offence or a parent or other relative of such person, or by any recognized welfare institution or organization.

Section 8A introduced an important provision. It shifted the burden of proof of innocence on

⁴² Section 5 of the Act declares that any agreement to give or take dowry is void and unenforceable, reflecting the state's strong disapproval of such practices.

⁴³ In **India**, the **Dowry Prohibition Act, 1961**, with its amendments, shares similarities with the Bangladeshi law but also includes unique provisions such as a ban on dowry advertisements and the appointment of Dowry Prohibition Officers.

the person prosecuted for taking or abetting or demanding dowry. So there is a presumption of commission of offence contrary to the rule of presumption of innocence.

Section 8B created the post of a Dowry Prohibition Officer to supervise compliance of the law, to prevent dowry in marriage and to collect evidences for prosecution of persons accused of dowry related offences.

2. Pakistan

In Pakistan, the relevant law is the Dowry and Bridal Gifts (Restriction) Act, 1976. This Act is passed in an approach different from that of Bangladesh and India. It is more a regulative law than a penal one.⁴⁴

According to section 3 of the Act, the aggregate value of the dowry and presents given to the bride by her parents shall not exceed five thousand Rupees. Similar limitation applies to the aggregate value of the bridal gifts or the presents given by her parents to the bridegroom. No dowry or bridal presents may be given before or after six months of the solemnization of nikah (marriage).

The Act also puts limitation on presents given to bride or groom to be not exceeding one hundred rupees. It also put restriction on High ranking govt. officials to receive any presents in his marriage or his son's or daughter's marriage other than from his relations (khandan).

Like the provision in the Indian law, all property given as dowry and bridal gifts to the bride shall vest absolutely in bride. [Section 5]

Section 7 puts parents of both parties to marriage under obligation to display all dowry, bridal gifts and presents during rukhsarti ceremony so that it becomes visible to all the persons attending the occasion.

Section 8 says that a list of all presents and gifts as well as dowry given or received in connection with marriage shall be furnished to Registrar by the parents of the parties along with the details of expenditure incurred on the marriage. The Registrar shall cause them to be sent to Deputy Commissioner within fifteen days.

Section 9 is the penal section. It says that, for contravening any of the provisions of the Act or Rules made, one shall be punishable with imprisonment for term which may extend to six months or with fine up to ten thousand rupees, or with both. An offence punishable under this

⁴⁴ The **Dowry and Bridal Gifts (Restriction) Act, 1976** of **Pakistan** takes a regulatory approach by placing monetary caps on dowry and gifts, rather than a purely penal one.

Act shall be tried only by a Family Court and cognizance can only be taken upon complaint in writing made by, or under the authority of the Deputy Commissioner within nine months from the date of nikah.

4.6 Law on Violent Offences for Dowry

It is important to note that the present law of Bangladesh covers only the giving, taking or demanding dowry. It does not include the violent offences committed for or regarding dowry. Any offence of causing hurt or grievous hurt or even causing death for dowry is covered by Nari-O-Shishu-Nirjatan-Daman-Ain, 2000.⁴⁵

Section 11 of the Ain, 2000 laid down the penal provision if anyone from the husband's side causes or attempts to cause death of a woman for dowry. In the case of causing death, the convict shall be punishable by death sentence only and for attempts on life by rigorous imprisonment for life. This only punishment has been criticized widely and created problem for judges in administering justice. Recently, a Division Bench of the High Court Division issued a rule regarding this section, among others, as to why it should not be declared unconstitutional.

Law also talked about punishment for causing hurt or grievous hurt. For causing hurt, punishment is maximum imprisonment up to three years but minimum one year. For inflicting grievous hurt, punishment is rigorous imprisonment for life or imprisonment up to twelve years but not less than five years.

Section 3(b) of the Protection of Women from Domestic Violence Act, 2005 in defining 'domestic violence' incorporated any conduct, commission or omission of the respondent that harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security.

However, in INDIA, a new section 304B has been inserted in the Indian Penal Code titled "Dowry death". According to this section, death of woman will be treated as 'Dowry death' if her death is caused by burns or injury or she dies an unnatural death and it transpires from the evidences that she was subjected to cruelty or harassment relating to demand for dowry. In such a case, her husband or his relatives will be deemed to have caused the death. Punishment for such offence is imprisonment for life.

⁴⁵ In **Bangladesh**, violent offences related to dowry, such as physical harm or death, are covered under the **Nari-o-Shishu Nirjatan Daman Ain, 2000**, with severe penalties including capital punishment.

Section 113B of the Indian Evidence Act said that if it is found that soon before the ‘Dowry death’ of a woman, she was subjected to cruelty or harassment for or in connection with dowry by any person; the court shall presume that such person has caused the ‘dowry death’.⁴⁶

Another new section 498A in the Indian Penal Code talks about punishment for cruelty to women by husband or his relative demanding any property or valuable security (i.e. dowry). The offence is punishable by imprisonment up to three years with fine.⁴⁷

4.7 Rule making

Section 9 of The Dowry Prohibition Act, 2018 delegated the government to promulgate rules for carrying out the purposes of the Act. However, no such Rules has been published yet. The Rules need to be published for facilitating proper application of the law and explaining the issues like ‘presents’, ‘capacity to file a complaint’.

In India, the Dowry Prohibition Rules, 1985 promulgated as per mandate of the Act speaks about a list of presents to be maintained by the bride and bridegroom of the presents made to them respectively.⁴⁸

⁴⁶ Section 113B of the **Indian Evidence Act** creates a legal presumption of dowry death if evidence shows harassment for dowry occurred shortly before the woman’s unnatural death.

⁴⁷ Section 498A of the **Indian Penal Code** criminalizes cruelty by a husband or his relatives relating to dowry demands, with punishment extending to three years’ imprisonment.

⁴⁸ In **India**, the **Dowry Prohibition Rules, 1985** require that a list of presents given to the bride and groom be maintained, a measure aimed at distinguishing legitimate gifts from dowry.

Chapter-5

Conclusion and Recommendations

5.1 Findings of the Research

1. Previous research has indicated that the practice of dowry is influenced by various factors, including religious observance, educational attainment, and financial circumstances. It is noteworthy that individuals who adhere to religious beliefs exhibit a notable tendency to abstain from participating in the practice of dowry.
2. Additionally, it has been observed that responders falling within the nine and ten categories were exempted from paying dowry. Simultaneously, it has been shown that individuals with higher financial stability exhibit a relatively lower propensity to engage in dowry practices.
3. In relation to the concept of dower, it has been observed that a significant proportion, specifically over one third, of the respondents lack any understanding or awareness of dower. Furthermore, it is worth noting that there is a lack of significant distinction between school- educated women and uneducated women in terms of their lack of knowledge regarding the concept of dower. Furthermore, it has been observed that nearly all of the 19 wives freed their husbands from the obligation to pay the outstanding dower amount.⁴⁹
4. In the legal domain, it has been observed that the Dowry Prohibition Act of 1980 exhibits several gaps or deficiencies. In relation to the concept of dower, there is a limited number of legislative provisions.⁵⁰
5. In the examination of a case study on dower, it has been observed that the court adheres rigorously to the principle that "documentary evidence takes precedence over oral evidence." Furthermore, there is evidence to suggest that certain unscrupulous men and their families are using the hallowed Wasul ideals.

⁴⁹ The concept of **dower (mahr)** under Muslim personal law remains poorly understood by many women, highlighting a pressing need for legal literacy and public education on women's financial rights within marriage.

⁵⁰ The **Dowry Prohibition Act, 1980** exhibited substantial gaps, particularly in its limited scope and enforcement, which were addressed through the enactment of the **Dowry Prohibition Act, 2018**, introducing stricter penalties and broader definitions.

5.2 Recommendations:

Some recommendations are provided as follows to prevent dowry system in Bangladesh:

- i) In order to effectively address the issue of the dowry system, it is imperative to implement comprehensive measures that encompass all levels of society, ranging from the grassroots to the upper echelons. Therefore, it is imperative to implement measures in both rural and urban areas. Gram Sarkars has the potential to actively participate in the development and welfare of rural areas. It is imperative to promote the active involvement of women in politics at both the grassroots and national levels, based on their individual capabilities rather than relying on a quota system, which can undermine their dignity.⁵¹
- ii) In order to effectively oppose violence against women and address the detrimental effects of the dowry system, it is imperative to recognize and treat all women as equal human beings. This approach necessitates the consideration of seven key factors within any movement aimed at preventing the perpetuation of this harmful practice. Taking into consideration many factors, this discussion highlights several key elements that contribute to the overall improvement of societal conditions. These factors include: a) addressing the issue of hunger and its impact on individuals, b) implementing legal measures to enforce desired outcomes, c) fostering social awareness within the community, d) promoting education that is rooted in knowledge and understanding, e) empowering women to actively participate in various spheres of society, f) encouraging active involvement in decision-making processes at the familial level, and g) ensuring the presence of social justice within the broader societal framework.
- iii) A potential avenue for addressing the issue of dowry prevention involves the establishment of a self-governing advocacy group that offers legal assistance and promotes awareness. While it is well acknowledged that prevention is more effective than treatment, it is important to consider the provision of legal assistance for victims of dowry-related issues. In such cases, certain steps can be implemented to address their needs.

⁵¹ The empowerment of **Gram Sarkars** and the increased political participation of women can create localized resistance to dowry practices, fostering a grassroots-level transformation in social attitudes.

- iv) In the secondary level social science textbook, it may be appropriate to incorporate a chapter addressing the anti-dowry system. This would serve to educate adolescents about the detrimental nature of this societal practice.
- v) In order to enhance women's awareness of their fundamental rights pertaining to gender discrimination and income inequality, it is imperative to establish local community-based organizations, leverage media platforms, and facilitate policy-level advocacy efforts. By doing so, women can be empowered to recognize that they are not subordinate to men, similar to the character Nora in Henrik Ibsen's play "A Doll's House." It is imperative for all political parties to together initiate a concerted effort against the practice of dowry, thereby advocating for its eradication from a unified platform. The division of a movement may not necessarily yield superior outcomes.⁵²
- vi) The active participation of local government agencies inside this country can contribute to the eradication of the dowry system. Consequently, organizations have the ability to initiate targeted initiatives aimed at raising awareness about the dowry system.
- vii) The efficacy of government legislation in deterring the practice of dowry is limited. The practice of dowry is considered a societal ailment. Therefore, societal mobilization is necessary. In order to effectively implement substantial anti-dowry policies, it is imperative to ensure that individuals are adequately incentivized. The collective collaboration of education professionals, financial institutions, governmental authorities, members of local governance, civil organizations, and all individuals within society is vital.
- viii) Individuals from diverse segments of society, including politicians, academics, esteemed cultural and media figures, public officials, civil society organizations, non-governmental organizations, and religious leaders such as Imams from various mosques, can collectively contribute as influential agents. Media support programs, including as those found in cinema, radio, television, newspaper, and web sites, can play a significant role in effectively advocating against the practice of arranged dowry.

⁵² Local community-based organizations, together with media platforms, can play a critical role in raising awareness of women's rights and encouraging gender equality, inspired by literary examples such as **Nora in Henrik Ibsen's *A Doll's House***.

- ix) The prevalence of dowry-related abuse in Bangladesh is undeniably significant, with a concurrent rise in both dowry demands and associated violence. In order to counteract this malevolent power, it is imperative for women to achieve self-sufficiency and acquire a comprehensive education rooted in knowledge. Women should not rely on males, and if they do not receive the appropriate recognition, the institution of marriage may not be promoted.
- x) An imperative component for addressing the dowry system through social interventions is the development and execution of a comprehensive action plan. There is a need to enhance the opportunities for female employment in both rural and urban regions.
- xi) In rural areas and among individuals with low socioeconomic status, the prevalence of marriage registration is significantly limited. Furthermore, it is worth noting that dower is not acquired in a satisfactory manner usually. Consequently, the dissolution of marriage based on dowry is a rather straightforward process. In order to eradicate this inhumane practice, it is imperative to enforce marriage registration and establish regulations that ensure the wife receives full dower upon marriage.
- xii) Collaborative endeavors and the initiation of a social movement aimed at combatting the practice of dowry have the potential to contribute towards the attainment of the desired objective. It is imperative for society to recognize dowry abuse as a criminal offense. Both the act of providing a dowry and the act of receiving a dowry can be regarded as unlawful and abhorrent behaviors.

5.3 Awareness and Prevention Strategies for Eradicating the Dowry System in Rural Bangladesh:

The process of eliminating the dowry system in rural Bangladesh necessitates a comprehensive strategy that covers various components, including raising awareness through campaigns, engaging the community, implementing policy reforms, and initiating empowerment initiatives. The process of overcoming deeply rooted cultural conventions and shifting society attitudes requires a collective endeavor that empowers individuals, questions conventional behaviors, and cultivates gender equality.⁵³

⁵³ The collective involvement of political parties, religious leaders, civil society organizations, and the media is necessary to create a unified national movement against dowry.

This section delineates fundamental tactics aimed at enhancing awareness and mitigating the persistence of the dowry system:

5.3.1 Comprehensive Awareness Campaigns:

Awareness campaigns have the potential to significantly impact societal perceptions and beliefs around the dowry system, by effectively confronting prevailing myths and prejudices. By utilizing mass media, community events, and internet platforms, these campaigns have the potential to disseminate knowledge to individuals regarding the detrimental consequences of dowry-related behaviors on families, the well-being of women, and the advancement of society. The communication should underscore the significance of egalitarianism within marital unions and advocate for alternative practices to the dowry system.⁵⁴

5.3.2 Community Mobilization and Sensitization:

The involvement of community leaders, religious figures, and local influencers is crucial in order to bring about meaningful change from within. Community-engaged dialogues and seminars have the potential to foster inclusive and constructive conversations regarding the ramifications of the dowry system, and its inherent contradiction with principles of fairness and equality. By enlisting esteemed individuals of the community as proponents for transformation, the communication acquires credibility and extends its influence.⁵⁵

5.3.3 Women's Empowerment Initiatives:

The provision of education, occupational training, and income-generating possibilities has the potential to transform the societal roles of women, granting them greater agency and influence within their families and communities. The enhancement of women's economic autonomy poses a challenge to the perception of women as financial liabilities and diminishes the dependence on dowries as a prerequisite for marriage. These activities additionally foster a sense of agency and autonomy, empowering women to make well-informed choices regarding their future prospects.

⁵⁴ UN Women (2012). "Handbook for National Action Plans on Violence Against Women." United Nations Entity for Gender Equality and the Empowerment of Women.

⁵⁵ Panday, P.K. (2008). "Representation Without Participation: Quotas for Women in Bangladesh." *International Political Science Review*, 29(4), 489–512.

5.3.4 Legal Reforms and Strict Enforcement:

It is crucial to enhance the existing legal framework in order to effectively tackle dowry-related activities. Policy reforms should incorporate rigorous measures to address the issue of dowry demands and harassment. Equally significant is the steadfast implementation of these regulations, emphasizing the augmentation of sanctions for individuals who contravene them. This unequivocally conveys the stance that societal and legal institutions would not condone dowry-related customs.⁵⁶

5.3.5 Education for Change:

The incorporation of educational programs within educational institutions, such as schools and universities, is an opportunity to confront and dismantle prejudices while fostering a generation that upholds principles of equality and mutual respect within interpersonal relationships. Through the cultivation of critical thinking skills and the encouragement of challenging established norms, education has the potential to initiate a cascading impact of transformation within familial and communal contexts.

5.3.6 Counseling and Support Services:

The provision of counseling services to individuals and families experiencing issues linked to dowry can create a secure environment for the expression of grievances and the exploration of potential resolutions. These services have the potential to enhance people's ability to withstand familial and communal pressure to engage in the practice of dowry.

5.3.7 Collaborative Partnerships:

The establishment of collaboration across governmental institutions, non-governmental groups, and community-based organizations is necessary in order to achieve a cohesive and synchronized approach. Through the consolidation of resources, specialized knowledge, and interconnected networks, these collaborative partnerships have the potential to significantly enhance the effectiveness of awareness campaigns, policy advocacy efforts, and intervention initiatives.

⁵⁶ Goonesekere, S. (2004). "Violence, Law, and Women's Rights in South Asia." Sage Publications.

5.4 Conclusion:

The examination of the dowry system in rural Bangladesh unveils a multifaceted fabric of cultural customs, socio-economic determinants, gender dynamics, and legal complexities. The present investigation has provided a comprehensive understanding of the complex characteristics of the dowry system, including insights into its historical development, socio-cultural consequences, prevalence, and prospective strategies for its elimination. The situations elucidated in this study highlight the concrete ramifications of the dowry system on both individuals and communities, as well as the many approaches being utilized to combat its endurance.⁵⁷

In the context of rural communities, the intricate interplay between tradition and progress necessitates a careful examination of the detrimental ramifications associated with the practice of dowry. The act of commodifying women and upholding patriarchal norms maintains gender inequity. The financial burden it imposes on households exacerbates the condition of poverty and has the potential to result in economic devastation. Marital violence, which stems from conflicts connected to dowry, significantly impacts the well-being of women. Furthermore, the disproportionate inclination towards male progeny exacerbates gender imbalances, presenting significant demographic issues in the long run.⁵⁸

Various initiatives are currently being undertaken to eliminate the practice of dowry. The objective of legal reforms, such as the Dowry Prohibition Act, is to restrict the practice of dowry. However, despite these efforts, there are still challenges in effectively implementing these reforms due to the enduring influence of cultural norms. Awareness campaigns, community mobilization, and activities aimed at empowering women present promising opportunities for altering perceptions and questioning established customs. The instances of individuals who have challenged societal norms provide as compelling illustrations of the profound influence of resilience and personal growth.⁵⁹

This study not only explores the intricacies of the dowry system but also indicates a potential

⁵⁷ Anderson, S. (2007). "The Economics of Dowry and Brideprice." *Journal of Economic Perspectives*, 21(4), 151–174.

⁵⁸ Naved, R.T., & Persson, L.A. (2005). "Factors Associated with Spousal Physical Violence Against Women in Bangladesh." *Studies in Family Planning*, 36(4), 289–300.

⁵⁹ Schuler, S.R., Hashemi, S.M. (1994). "Credit Programs, Women's Empowerment, and Contraceptive Use in Rural Bangladesh." *Studies in Family Planning*, 25(2), 65–76.

path for transformation. The desire for societal transformation is evident in the accounts of individuals who imagine a community liberated from the burdens imposed by dowry-related expectations. The breakdown of the dowry system's stranglehold can be achieved through collaborative efforts that are grounded in cultural sensitivity and customized to address the specific requirements of rural communities.

In summary, the enduring presence of the dowry system in rural Bangladesh is a complex dilemma that requires a comprehensive remedy. By recognizing the historical foundations, confronting the fundamental gender inequalities, advocating for economic empowerment, and facilitating legal enforcement, a trajectory can be established towards a future characterized by more equity. The endeavor to eliminate the practice of dowry serves as evidence of the determination displayed by individuals and communities in their quest for a societal framework that prioritizes principles such as respect, equality, and collective ambitions.⁶⁰

⁶⁰ Kabeer, N. (1999). "Resources, Agency, Achievements: Reflections on the Measurement of Women's Empowerment." *Development and Change*, 30(3), 435–464.

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