

FEMALE PROPERTY RIGHTS AND DOWRY: A STUDY OF KASHMIR

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ABSTRACT

Marriage payments form an important part of every society. They do not exist in vacuum. They are related to other institutions. According to the functionalist perspective, no practice can survive in society if it does not fulfill the needs of the society. Therefore, it is important to know about the institutional linkages or social anatomy of marriage payments and the kind of functions and dysfunctions they perform. There are various explanations that dowry is given to daughters in lieu of parental property as they are denied of it according to mitakshara law in Hinduism but the case of Muslims is different i.e. they are entitled for parental property rights as per Islamic law. William J. Goody holds the belief that dowry is a sort of pre-mortem inheritance i.e. the female rights in parental property, which is given in the form of dowry on marriages. There are various other explanations to support that dowry is given to daughters in lieu of inheritance rights. The case of Kashmir is different. Females are given rights to the property as per the Islamic rule. It shows no connection with the dowry payments as both dowry and parental property is given to girls. What then makes dowry practice precarious among Shias. The study therefore endeavors to look for other factors responsible for dowry practice other than inheritance rights.

Keywords: Inheritance rights, dowry, marriage, marriage payments.

INTRODUCTION:

Marriage is one of the universal social institutions. It is peremptory for different reasons that have many biological, psychological, and social bases. Among the various reasons of its importance, one of the factors stabilizing the significance of marriage in society is marriage payment. Marriage does not merely allocate rights and duties but it also involves exchange of gifts between parties. Different sociologists have differently defined marriage payments. The concept of marriage payment is like other social concepts, the meaning of which changes according to the changes in socio-cultural context. Tambiah defines marriage payments as “comprising an elaborate series of payments back and forth between the marrying families. The series of gifts extends over a long period of time and persists after marriage” (Tambiah, 1973: 92).

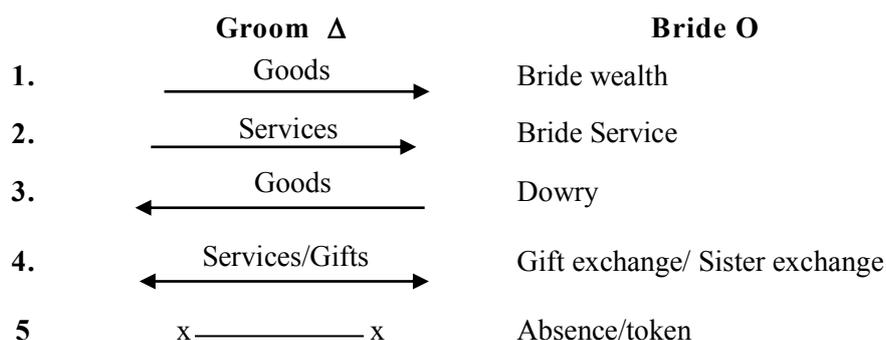
Indian society is a mosaic of many cultures. Different cultures show different ways of social practices, so is the case with marriage payments. Marriage payments have been defined by Comaroff as “Payments which cannot be understood by the cross-cultural comparison of their surface manifestations and their general social correlates, but by first establishing their relations to other organizational elements within encompassing systems” (Comaroff, 1980: 33). Thus marriage payments are interlinked with other elements of the society and, without the involvement of these elements e.g. affinity, descent, sex, age, devolution and rank, ceremonial exchange etc., it is hard to understand the meaning of marriage payments. These elements of society together constitute social structure. Marriage payments form an important part of every society. They do not exist in vacuum. They are related to other institutions. According to the functionalist perspective, no practice can survive in society if it does not fulfill the needs of the society. Therefore, it is important to know about the institutional linkages or social anatomy of marriage payments and the kind of functions and dysfunctions they perform. This study aims at highlighting that payments at the time of marriage have become very important and the reasons are many. Thus just saying that daughters has no inheritance rights or even if they have are not given it is mere cause of dowry practice is wrong. As Shias of Srinagar pay both dowry and parental property to their daughters. William J. Goody holds the same belief that dowry is a sort of pre-mortem inheritance i.e. the female rights in parental property, which is given in the form of dowry on marriages. There are various explanations that dowry is given to daughters in lieu of parental property as they are denied of it according to mitakshara law in Hinduism but the case of Muslims is different i.e. they are entitled for parental property rights as per Islamic law. William J. Goody holds the belief that dowry is a sort of pre-mortem inheritance i.e. the female rights in parental property, which is given in the form of dowry on marriages. There are various other explanations to support that dowry is given to daughters in lieu of inheritance rights. The case of Kashmir is different. Females are given rights to the property as per the Islamic rule. It shows no connection with the dowry payments as both dowry and parental property is given to girls. What then makes dowry practice precarious among Shias. The study therefore endeavors to look for other factors responsible for dowry practice other than inheritance rights.

CONCEPTUAL FRAMEWORK:

Sociologists have classified marriage payments broadly into two categories called “Dowry” and “Bride price” or “Bride wealth”. M.N. Srinivas has defined dowry as those gifts (cash and kind) given by the bride’s kin to the groom’s kin including food and travel expenses of *baraties* (Srinivas, 1983: 11). Contrary to dowry, bride price is paid by the groom and his parents to the parents of bride at the time of marriage. The people in Indian society till 19th century practiced both of these payments. Dowry was practiced mainly in north India and bride price was the defining feature of south India (Srinivas, 1983: 8). Under the colonial impact various factors promoted the shift from bride price to dowry viz. increased wealth due to monetization of economy, decrease in female work participation, growing education among male and emulation of higher caste practices by lower caste. With the result that now a days it is dowry, which is practiced all over India.

William J Goody opines that both dowry and bride wealth have their economic functions and they should be viewed in that light. “Dowry can be seen as a type of pre-mortem inheritance to the bride, bride wealth as a transaction between the kin of groom and the kin of bride.” Goody has shown the marriage transactions diagrammatically in the following manner.

Figure 3.1: Marriage transactions



Source: (Goody, 1973: 1)

The above diagram shows that there is transaction of goods or services or both depending upon the type of payment in consideration of marriage. In case of bride wealth, goods *viz.* cattle, cash are transferred from groom’s side to bride’s side. Bride service refers to the services, which are rendered from groom’s side to bride’s side. In case of dowry, goods are transferred from bride’s side to groom’s side, and the case of sister exchange involves both transaction of goods and services from both side.

So far as the prevalence of dowry and bride wealth is concerned, dowry is characteristic of Euro-Asian societies and bride wealth is a feature of African societies (Goody, 1973: 23). African societies are egalitarian in nature i.e. less stratified while as Eurasian societies are complex and stratified. This is the main reason why the nature of payment differs in these two societies. The mode of payment in consideration of marriage is directly linked with the type of society i.e. egalitarian or stratified. The type of payment prevailing in a particular society has its own function. The function of bridewealth in African societies could be explained by comparing bridewealth marriage (*kukwa*) with marriage, which took place without bridewealth (*kubula*). In *kukwa*, children have right to inherit from their father and also husband has absolute control over his wife. Thus husband has both uxorial and genitricial rights. He is entitled to compensation in case of adultery and has complete right to receive or pay bridewealth of his sons and daughters. In case of *kubula*, husband has no genitricial rights and only limited uxorial ones. Children of such marriage have no rights to inherit from father and only take a major share of their mother’s brother’s property if he has no bridewealth children of his own. Thus non-payment of bridewealth means less conjugal bond and more consanguinal control over the bride. Weak conjugal bond often leads to adultery and husband in such a case is not entitled to compensation. Also it is the maternal kin who have rights and obligations regarding the bridewealth of such children (Goody, 1973: 16). In Eurasian societies, the presence of dowry is sustained by the essential social function it serves. Girls are generally denied of inheritance rights in parental property according to the traditional laws. So dowry functions as a sort of compensation to them. On the other hand, in African societies, one of the explanations for the non payment of dowry could be linked with the homoparental inheritance system which means female inherit females and male from males.

As already stated bride wealth is the feature of less stratified African societies. In these societies, girls are economic assets for their families and bride wealth payments are given for the compensation of that loss. At the same time, bride wealth received by parents of the bride is used to obtain a wife for a brother or even for father. Thus, this means that the fund does not remain confined to one place. It circulates at different times and hence also called as circulating fund. This means that in African societies bride price has an economic value (Goody, 1973: 7).

Coming to the Indian context, the bride wealth was prevalent in south India. All caste groups practice it (Srinivas, 1983: 10). But at the onset of the British rule, this practice of brideprice was replaced by dowry payment, to which the upper castes responded first, because brideprice payments were equated with the “sale of girl” which means inferior form of marriage so far as the religious text is concerned. So Britishers legitimized “brahma” form of marriage (dowry marriage) for upper castes and “asura” form of marriage (brideprice marriage) for lower castes (Srinivasan, Padma and Gary, n.d). Thus the custom of bride price, which was universal among south Indian castes, took a new shape i.e. bridewealth was replaced by dowry which became the prevalent practice thereafter. This switch of entire endogamous groups from the bride price to the dowry system in India could be attributed to many factors.

DOWRY:

The term dowry has been defined differently by different social scientists. It may be defined as those payments which are being given or promised to be given by the kin of bride to the bride, bride groom and his kin in consideration of marriage.

The dowry system dates back to at least the ancient Greco-Roman world. It was particularly prevalent in medieval and early Europe and is presently widespread in south Asia. In India, dowry first developed in the Vedic and post-Vedic period in different forms. It was a payment for a hypergamous marriage or a gift to the new couple to get started (Chetty, 2006).

The development of the institution of dowry in the Indian sub-continent is not uniform. Dowry developed in different castes and regions of India in several ways. Commenting on the growth of the institution of dowry in India, Srinivas observes that it is the product of various socio-economic factors like the monetization of economy, growth of education, hypergamy, lesser female work participation, emulation of higher caste practices by lower caste, etc. He has constructed two well accepted modes of dowry: (i) Traditional Dowry and (ii) Modern Dowry.

TRADITIONAL DOWRY:

In Ancient times, marriage was considered to be a ritual sacrifice in which a bride was given to groom along with some gifts called *dakshina*. This practice was seen mostly among Brahmins and other high castes. Dowry was a natural gift given out of affection to the girl who was parting with her parents and the basic intention of the gifts so given was to help the young couple in running a household. These natural gifts were intended as a small sum of capital and goods (kitchen vessels, basic furniture, household items etc.) that would enable the couple to start their new household (Chetty, 2006).

While discussing traditional dowry, two important rites, *stridhan* and *vardakshina*, needs to be discussed. *Stridhan* usually refers to the gifts given to a woman by her natal kin or by her husband at or after the wedding and *dakshina* is a subsidiary gift given to the groom by the parents of bride at marriage. The women's property complex i.e. *stridhan* can be defined in terms of technical *stridhan* and non-technical *stridhan*. Technical *stridhan* includes gifts, which a woman receives from her natal family, husband, relatives, friends etc. It is this *stridhan* that a women exercise dominion independently of her husband. While as non-technical *stridhan* is the property acquired by a woman through the exercise of her labour. Woman has no authority to donate, sell or enjoy independently this part of *stridhan*.

According to a Hindu belief, the marriage associated with the ritual of *stridhanam* is considered to be superior because it involves gifting to a virgin. But *dakshina* and *stridhan*, according to Srinivas, cannot be mixed up with the dowry practice because the latter is integrated with bargain or force, which is not the case with the religious rites (Srinivas, 1983: 12).

Traditional dowry also throws light on the concept of hypergamy. Hypergamy means marriage between a man from the higher social status and a girl from lower status but from same caste or *jati* resulting in asymmetrical flow of gifts from wife givers to wife takers (Klaas, 1972: 98). Kokali Banarjee while defining the features of traditional dowry links it with the event of a marriage between women of inferior rank to a man of superior social rank (Banarjee, 1999: 650). Thus, status is achieved by wife-givers by paying dowry to wife receivers. It is therefore the ethical social and economic reasons, which serve as major instruments in making the custom of dowry rigid in pre-colonial India.

MODERN DOWRY:

Modern dowry is the product of forces let loose by the British rule e.g. education, monetization and introduction to organized sector (Srinivas, 1983: 13). The transition from traditional dowry to modern dowry involves two basic elements.

1. The diminishing use of bride price due to emulation of higher caste practices by lower.
2. Shift from a true dowry to the much more costly groom price.

The traditional dowry varies from modern dowry. The later is characterized by large sums of cash frequently amounting to a few lakhs of rupees, which is transferred along with furniture, gadgetry, costly clothing and jewellery from the bride's kin to the groom's kin (Srinivas, 1983: 11). Modern dowry plays a role of money with which one purchases a groom. The groom's parents instead of demanding jewellery, clothes, domestic utensils, demand for electronic goods, car or cash. In post-colonial India, dowry has become a mechanism for

parents to make money by selling their sons at fairly high price. Srinivas notes.

“Young men, who had salaried jobs and careers in the profession, were sought after as bridegrooms. They were scarce commodities. The parents of the lucky youth demanded cash and such goods as cycles, woolen suits etc. as part of the wedding agreement” (Srinivas, 1983: 11).

Marguerite Roulet while studying Brahman, Gosain, and Chamar families in semi-rural eastern Uttar Pradesh tried to explore the current practice and representation of dowry marriage by its members. He describes the occurrence of dowry in terms of three factors:

- a. *Maang versus Khushi se.*
- b. Modernity versus Tradition.
- c. Trust and Distrust.

These three oppositions represented important frameworks through which people reflected upon the institution of dowry. Dowry has always been considered as a problem, as it is coterminous with demand (*maang*) from groom's side on bride's family. But at the same time marriage gifts are given to bride out of love and affection and are considered to be voluntary gifts or gifts given to bride (*khushi se*). Thus people represent dowry in both ways i.e. *maang* and *khushi se*. This representation gives a discursive construction of dowry, the meaning of which is ambiguous.

Tradition and modernity are aspects for representing dowry as an institution according to Roulet. Dowry besides being a social institution is deep rooted in Hindu religious philosophy like *kanyadhan* marriage and the link of dowry with modernity could be explained in terms of dowry being the symbol of prestige (Roulet, 1996: 97-99). Dowry plays a central role in establishing the affinal relationship. Gift exchange between two parties became not only symbolic markers of, but actual instruments in the creation of the ties and obligations. Dowry exchanges thus played a central role in the transformation of a marriage negotiation between families marked by distrust into the creation of a relationship between affines based on trust and mutual obligation (Roulet, 1996: 100). It is again explained by Tambiah that the principal underlying the institution of dowry is the establishment of affinal relationship. The relationship of affinity is established by gift exchange, which persists long after the marriage (Tambiah, 1973: 64). A number of sociologists and social anthropologists have put forward several theories of dowry. One of these is an influential theory presented by Goody and Tambiah. Goody has developed a model, which shows a contrast between African egalitarian societies and Eurasian stratified societies. Goody notes that dowry is part of a familial or conjugal fund, which passes down from holder to heir and usually from parents to the daughter. It is thus part and parcel of the transfer of familial property, but a process of transfer that include women as well as men. Goody calls this transmission of property as diverging devolution (or the women's property complex) (Goody, 1973: 17). Tambiah also favours Goody's views and connects the pattern of devolution with patrilineality which excludes females from ownership of major fixed property. To him, dowry is a sort of pre-mortem inheritance given to the bride at marriage to compensate her share in major fixed property (Upadhyaya, 1990: 30). However, Madan (1975) in his work on Kashmiri *pandits* suggests that dowry can be seen as a substitute for women's lack of rights of inheritance rather than as a compensation for inheritance rights of women. Thus the transmission of property through dowry should not be confused with inheritance (Upadhyaya, 1990: 30).

FEMALE PROPERTY RIGHTS AND DOWRY:

Many theories have been put forward to explain the occurrence of dowry. One of the hypothesis links dowry to the rights held by women and explains it as a premortem bequest made to daughters. Before discussing the bequest theory, it is imperative to know the schools of law among Hindus explaining the inheritance rights of sons and daughters in parental property. There are two laws

1. Mitakshara law
2. Dayabhaga law

The majority of the Hindus, all over India, follow the Mitakshara School whereas Dayabhaga School of law is followed by the Hindus of Bengal. In Mitakshara law, property is distributed in a group of coparceners which can minimally include two persons and maximally some four generations of male who have joint rights to corporate property but need not to be co-resident, while female members are entitled to maintenance which includes residence, food, clothing, medical attention, education etc. (Caroll, 1991: 793). These rights, however, cannot be denied on the grounds that a woman may possess her separate *stridhan* property. Women are not members of the coparacenary under Hindu Mitakshara law and, therefore, they are not entitled to claim rights in coparacenary property (Caroll, 1991: 806). It is this Mitakshara law, which is followed by majority of Indians.

However, in Dayabhaga law, interests in and rights over joint property differ radically from Mitakshara law. In Dayabhaga law, no coparcenary exists between a man and his son: the son acquires no interest at birth in the ancestral property held by his father. He acquires an interest in this property only on the death of his father. The rule of survivorship has no application in Dayabhaga law. The absence of a rule of survivorship in Dayabhaga law meant that a daughter might well figure as an heir to her father's joint family property (Caroll, 1991: 804). The relation between absence / lack of inheritance rights in parental property and dowry has been examined by various anthropologists. While comparing the African and Eurasian societies, William J. Goody and Tambiah attribute the existence of dowry system to the absence of female rights in immovable parental property in traditional laws in Eurasian societies. Parents therefore think to compensate their daughter in the form of dowry. Thus dowry is seen as payments in lieu of women's rights on parental property (Tambiah, 1973: 17). Modern dowry has its roots in traditional system of inheritance laws. In Mitakshara law, which is followed by the majority population of India, women are not the members of coparcenary property. Lucy Caroll explains such exclusion of rights as the main precursor that led to the creation of socially pernicious dowry system with its diverse social evils (Caroll, 1991: 806). Despite the Hindu Succession Act, 1956, which gave equal rights of inheritance to the daughter along with the son, daughters are denied of this right.

Modern Indian dowry system has its roots in traditional system of gift giving like *kanyadhan* (gift of the virgin), *vardakshina* (voluntary gifts given by the bride's father to the groom) and *stridhan* (voluntary gifts given by relatives and friends to the bride) (Klaas, 1972: 37). While relating property rights of female with dowry, the concept of *stridhan* should be focused. Some of the important Hindu sources, which, besides other things, throw light on the women's right to property or *stridhan* which literally means property of wife. The oldest extant statement on *stridhanam* in dharmashastric works is that of Manu. According to Manu, the Hindu law-giver, *stridhan* has been presented as "what was given before nuptial fire (*adhyagni*), what was given on the bridal procession, what was given in token of love and what was received from a brother, a mother or a father, are considered as the six fold (separate) property of a (married) woman (Tambiah, 1973: 85). According to the sources, *stridhan* is of two types: one is maintenance (in money or land given by the husband), and the other anything else like ornaments given to her by her family, husband, in-laws and the friends of her husband (Anonymous, n.d_g).

Tambiah has linked daughter's rights of inheritance or pre mortem inheritance with *stridhan*.

"The *stridhan* is a woman's exclusive property and may be regarded as a substitute for the right of inheritance. Her, husband and relative-in-law acquire no interest therein" (Tambiah, 1973: 71).

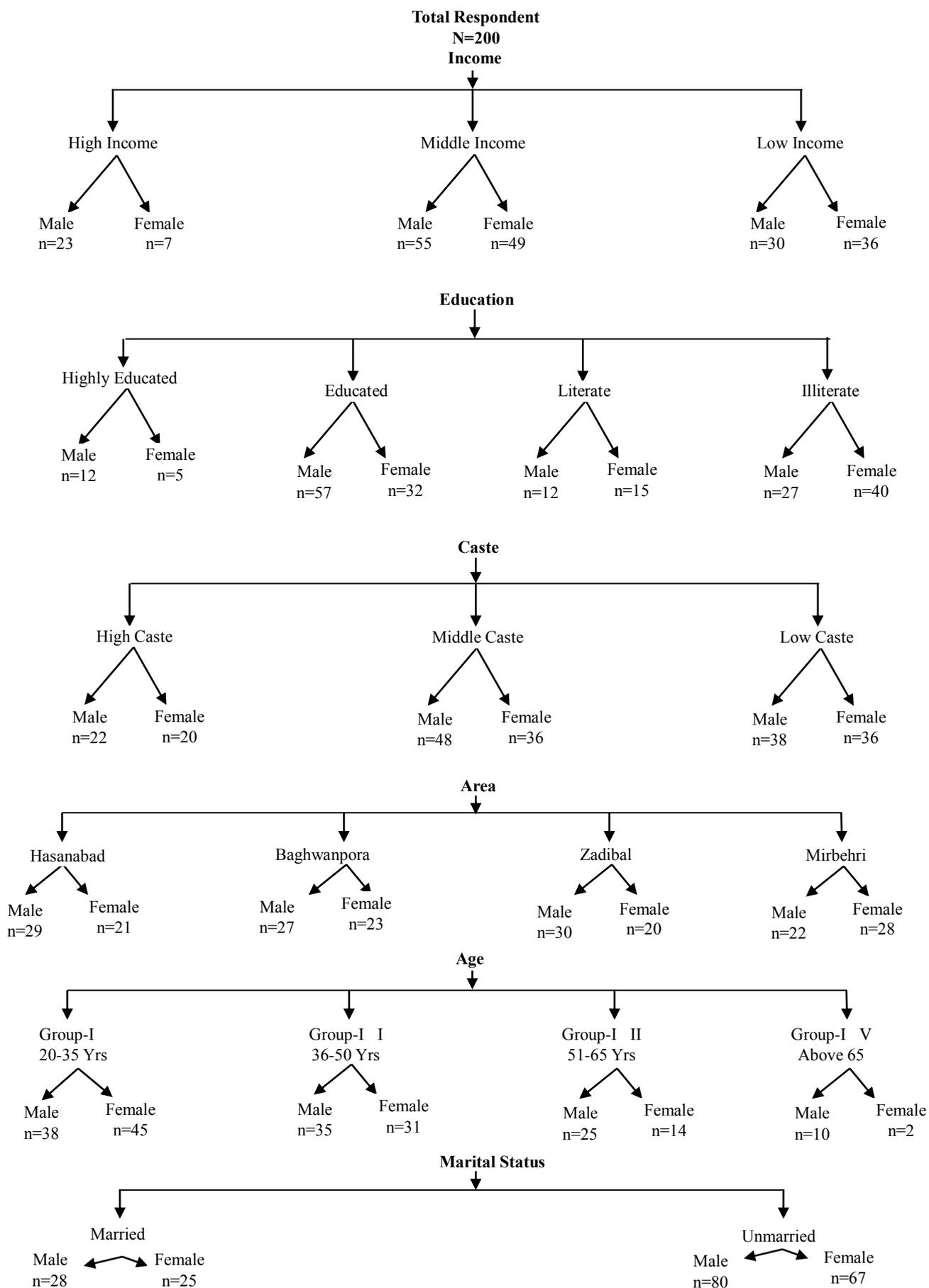
Thus from the above explanations, it is clear that dowry has its link with the traditional system of inheritance laws. Despite the Hindu succession Act of 1956 in which both sons and daughters are equal share-holders in parental property, daughters are denied of their rights.

METHODOLOGY:

The present study have conducted my fieldwork during June 2013 to May 2014 .

The methods of data collection were interview, schedule, and observation. Schedule comprised of thirty-five questions each having five responses numbered as 5, 4, 3, 2, and 1. It may be noted here that 5 is represented as SA (strongly agree), 4 as A (agree), 3 as U (undecided), 2 as D (disagree) and 1 as SD (strongly disagree). Questions are related to marriage and marriage payments and associated problems. Non-participant observation technique was used because being a Shia and resident of the same colony, people might have become conscious giving right information and also it might have raised many queries while staying with them.

Sampling method was used to select respondents from the four Shia areas of Srinagar. A sample of 200 respondents was drawn, 50 from each area. Shia population of Srinagar is characterized by heterogeneity and thus the number of respondents taken was not equal. Non-probability judgment and quota sampling technique have been used for this purpose. These respondents were split in terms of socio-demographic variables like income, education, gender, age, area, marital status and caste. The distribution of sample is as follows.



For quantification and analysis of the collected data, the procedure of percentage analysis has been used. Both qualitative and quantitative methods have been used in this study to analyze the data: sometimes, statistical analysis fails to reveal the social reality. The investigator was conscious about the shortcomings of quantitative method, so few case studies were prepared to verify the genuineness of the findings. Many sociologists although are of the opinion that research should integrate quantitative and qualitative methods for getting better results. For this, Myrdal points out “The ideal community should start out from a careful statistical analysis of vital, social, and economic data concerning the individuals and families making up the community being studied. The less measurable data on attitudes, cultural traits, behavior patterns in which social stratification is expressed, and the feeling of social status or toward social status on the part of members of various groups, should then be observed and the results integrated into the framework of statistical knowledge (quoted in Srivastava, 2004: 8).

Case study method has been used to analyze the data qualitatively. The method of exploring and analyzing the life of a social unit: be it a person, a family, an institution or a community is known as case study method (Young, 2004: 247). There are fifteen case studies taken from four Shia populated area of Srinagar. For preparing case studies and genealogies, data have been supplemented with interview (structured and unstructured) and non-participant observation. In present study, schedule is the main method of data collection and case studies and genealogies have been supplemented. After completing the investigation and recording the interviews, the processing of the data was initiated. For the quantitative analysis of 200 respondents, the data was codified. A separate code was assigned to each question and each of the responses and then feeded to the computer. Percentages of the responses were calculated. From tabulated data inferences have been drawn.

FINDINGS:

In the present study, an attempt has been made to see whether Shia Muslims of Srinagar show the same reason for the prevalent practice of dowry. Table 1 depicts whether Shias of Srinagar give dowry to their daughters to compensate their share in parental property or not and table 2 shows whether girls get both parental property and dowry.

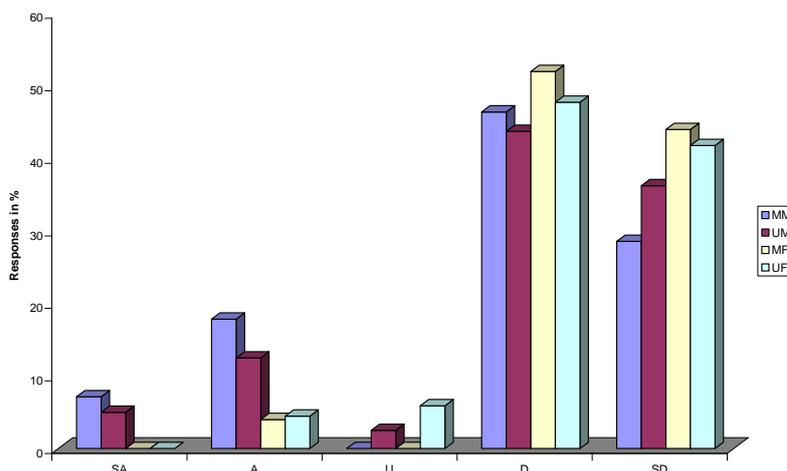
Table 1: People give gifts to their daughters to compensate their share in parental property

	Married Male n=28		Unmarried male n=80		Married female n=25		Unmarried Female n= 67		Total N=200	
SA	2	7.14%	4	5%	0	0%	0	0%	6	3%
A	5	17.85%	10	12.5%	1	4%	3	4.47%	19	9.5%
U	0	0%	2	2.5%	0	0%	4	5.9%	6	3 %
D	13	46.42%	35	43.75%	13	52%	32	47.76%	93	46.5%
SD	8	28.57%	29	36.25%	11	44 %	28	41.79%	76	38%

Source: Field study, 2013-2014

The attitude of people towards the dowry given to daughter as a compensation for their share in parental property is shown in table 1. One can see in the table that 5% of unmarried males strongly agree that people give gifts to daughters to compensate their share in parental property and 36.25% of unmarried males disagree for the same. Responses of 7.14% of married males strongly agree and that of 28.57% of married males strongly disagree. However 2.5% of unmarried males and 0% of married males did not respond. In case of unmarried females 0% strongly agrees and 41.79% strongly disagree for the above statement while as married females response was 0% and 44% i.e. 0% strongly agree and 44% strongly disagree. However 5.9% of unmarried females and 0% married females response was undecided. In total out of 200 respondents only 3% strongly agree for the above statement and 38% strongly disagree. In the same way 9.5% agree and 46.5% disagree and 3% people responses were undecided. From the above table, it is clear that a daughter is given dowry but not as a compensation of their share in parental property.

Graph 1: People give gifts to their daughter to compensate their share in parental property



SA = Strongly Agree MM = Married Male
 A = Agree UM = Unmarried Male
 U = Undecided MF = Married Female
 D = Disagree UF = Unmarried Female
 SD = Strongly Decided

The graph shows that most of the respondents in all the groups score highest in Disagree (D) and Strongly Disagree (SD) categories. Most of the respondents believe that the gifts given to the daughters are not given as compensation to their share in parental property. The gifts are just paid as dowry to secure her comfortable stay at the new home, where the bride is initiated as a new member of the house and she is going to have relations with the new people (her in-laws).

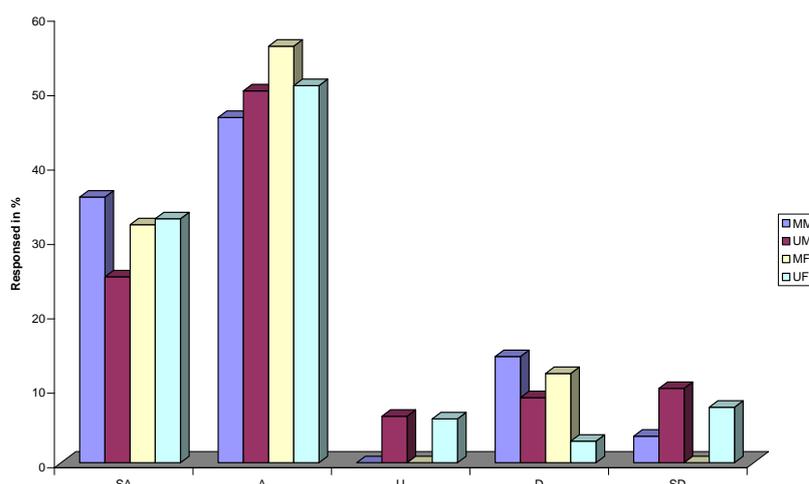
Table 2: Girls get both parental property and dowry

	Married Male n=28		Unmarried male n=80		Married female n=25		Unmarried Female n=67		Total N=200	
SA	10	35.71%	20	25%	8	32%	22	32.83%	60	30%
A	13	46.42%	40	50%	14	56%	34	50.7%	101	50.5%
U	0	0%	5	6.25%	0	0%	4	5.9%	9	4.5 %
D	4	14.28%	7	8.75%	3	12%	2	2.98%	16	8%
SD	1	3.57%	8	10%	0	0%	5	7.46%	14	7%

Source: Field Study, March 2013-March 2014

One can see on table 2 that 25% of unmarried males strongly agree and 10% strongly disagree that girls are given both dowry and parental property, and 35.71% of married males strongly agree and 3.57% strongly disagree with the above statement. In the same way 50% of unmarried males and 46.42% of married males agree and 8.75 % of unmarried males and 14.28% of married males disagree. Likewise among females 32.8% of unmarried and 32% of married strongly agree and 7.46% of unmarried females and 0% of married females strongly disagree and 5.9% of unmarried females and 0% of married females could not decide. Out of total 200 respondents, 30% of the population strongly believes that daughters get both parental property and dowry from their natal home while as 7% strongly disagree, 50.5% agree and 8% disagree while 4.5% respondents were undecided. Results clearly show that daughters are not only given dowry but parental property is also given to them in their lifetime. The things further get clear from the graphical representation of the table below.

Graph 2: Girls get both parental property and dowry



SA = Strongly Agree	MM = Married Male
A = Agree	UM = Unmarried Male
U = Undecided	MF = Married Female
D = Disagree	UF = Unmarried Female
SD = Strongly Decided	

The graph shows that most of the respondents among all the groups score high in Strongly Agree (SA) and Agree (A) categories, affirming the fact that most of them are of the opinion that girls get both dowry and parental property. This is just a representation of no possible linkage between inheritance and dowry in case of Shia's of Srinagar. Results show that majority of the females receive both dowry and parental property among Shias of Srinagar. The study of Goody and Tambiah is important to mention here which upholds that dowry is a sort of pre-mortem inheritance i.e. girls are given dowry as a compensation for the parental property. The case of Shia Muslims in Srinagar is different. Here, in addition to parental property, an adequate quantity of dowry is given to daughters on marriage. This means that inheritance as such has nothing to do with dowry. The study of Lucy Carroll also focuses on the daughter's right of inheritance and states that the emergence of dowry is directly linked with the absence of female rights to property.

DISCUSSION:

Among the Shias of Srinagar, the inheritance right is given to girls and they have right to receive it as per the Islamic rule. But then what makes dowry practice precarious among Shias? There are other factors responsible for its growth, other than inheritance rights. The case of Gulam Hasan on of the respondent who has given both parental property as well as dowry to his daughters supports the above evidence. The case of Hasan Ali also mentions equality of sons and daughters in relation to the parental property and so far as dowry is concerned, it is a social obligation. Thus, dowry and inheritance rights of females among Shias are two different modalities and there is no connection between the two. The findings counter some of the explanations attributed to the practice of dowry. Dowry is explained in terms of compensation for the lack of inheritance rights of women in parental property among Hindus. Since women are denied property rights in traditional laws, so they are given dowry as compensation on marriage but the practice of dowry among the Muslims is difficult to explain in terms of absence of female inheritance rights in parental property. In Muslim law, a woman is granted rights in parental property. Among the Shias, dowry is given along with the inheritance rights of women as enshrined in Islamic laws. Shias believe that women property rights and dowry are two different modalities i.e. dowry is not the compensation because women receive their property rights in their lifetime. Among the 200 respondents, 80% agree that both dowry and parental property is given to girls. Thus in Kashmir, among the Shias, dowry is an accepted and expected practice. There are various factors for the perpetuation of this practice. However, the major factors that promote dowry payments are the maintenance of social status and social prestige. Whether rich or poor, high caste or low caste, people give dowry in order to maintain their social standing in the society. Although, there may not be a direct demand, but parents of bride are supposed to pay gifts to groom's family. It has become a norm or social obligation and Inferior status of women among Shias in J&K and other parts of India. In the marriage market, female has a lower status than their male counterparts. No matter whether the girl is beautiful or educated, she has to pay dowry, which signifies her lower status in the society.

CONCLUSION:

The findings counter some of the explanations attributed to the practice of dowry. Dowry is explained in terms of compensation for the lack of inheritance rights of women in parental property among Hindus. Since women are denied property rights in traditional laws, so they are given dowry as compensation on marriage but the practice of dowry among the Muslims is difficult to explain in terms of absence of female inheritance rights in parental property. In Muslim law, a women is granted rights in parental property. Among the Shias, dowry is given along with the inheritance rights of women as enshrined in Islamic laws. Shias believe that women property rights and dowry are two different modalities i.e. dowry is not the compensation because women receive their property rights in their lifetime. Among the 200 respondents, 80% agree that both dowry and parental property is given to girls. Among the Shia Muslims of Srinagar, both dowry and *mehr* is practiced. But the actual payment of *mehr* doesnot takes place. Although no marriage is complete without fixing *mehr*, what is equally noticeable is that there is not a single marriage without some marriage payments or exchange of gifts. The findings show that not only dowry demands have increased, but “dowry is inevitable”. Parents of would be bride felt that their daughters could not get married without dowry. Islam forbids the practice of dowry and prefers marriages to be simple. Instead of opposition to the practice of dowry and pride in simple marriage celebration, the Shia Muslims are involved in favoring dowry with grand marriage celebration. A common perception among the respondents was that the family *izzat* (honour) is linked with a proper wedding: the more lavish the wedding feasts and decorations, the more honour and status. Dowry is not only just a transfer of wealth in the form of cash and kind from the bride’s family to groom’s family, but seen also as way to increase the social status of family in the community at large. Phenomenon of dowry is so complex that it cannot be monocausal instead various factors play their role in the institutionalization of dowry practice. Different sociologists and social anthropologists have attempted to explain the causes and consequences of dowry in different societies in their own terms. In Kashmir, among the Shias, dowry is an accepted and expected practice. There are various factors for the perpetuation of this practice. However, the major factors that promote dowry payments are as follows.

1. Maintenance of social status and social prestige. Whether rich or poor, high caste or low caste, people give dowry in order to maintain their social standing in the society. Although, there may not be a direct demand, but parents of bride are supposed to pay gifts to groom’s family. It has become a norm or social obligation.
2. Inferior status of women among Shias in J&K and other parts of India. In the marriage market, female has a lower status than their male counterparts. No matter whether the girl is beautiful or educated, she has to pay dowry, which signifies her lower status in the society.

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