

# A study on Dowry related Violence in Nepal

Prepared by:  
Subekshya Karki

4/8/2014

## Contents

CHAPTER 1 : INTRODUCTION .....	3
1.1 Background .....	3
1.2 Statement of the Problem .....	4
1.3 Objectives of the Study .....	5
1.4 Limitations of the Study .....	5
1.5 Organization of the Study .....	5
CHAPTER 2 : LITERATURE REVIEW .....	6
CHAPTER 3 : RESEARCH METHODOLOGY .....	9
3.1 Research design.....	9
3.2 Nature and Sources of data.....	9
3.2.1 Library .....	9
3.2.2 Previous research work .....	9
CHAPTER 4 : HISTORY.....	10
CHAPTER 5 : LEGAL PROVISION REGARDING DOWRY IN NEPAL.....	12
5.1 Existing domestic Legal Mechanism .....	12
5.1.1 Social Practices (Reform) Act, 2033 (1976) .....	12
5.1.2 Nepal Interim Constitution, 2007 .....	12
5.1.3 Domestic Violence (Offence and Punishment) Act, 2066 (2009) and Domestic Violence (Offence and Punishment) Rules, 2067 (2010).....	13
5.1.4 Muluki Ain (General Code), 2020.....	13
5.2 International Legal mechanism .....	14
5.2.1 Universal Declaration of Human Rights (UDHR), 1948 .....	14
5.2.2 International Covenant on Civil and Political Rights (ICCPR), 1966.....	14
5.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 ...	15
5.2.4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 .....	15
CHAPTER 6 : DOWRY PRACTICES IN NEPAL .....	17
CHAPTER 7 : FACTORS THAT PERPETUATE DOWRY PRACTICES IN NEPAL.....	19
7.1 Social Factors .....	19
7.2 Educational Factors .....	19

7.3 Economic Factors .....	20
7.4 Legal Factors .....	20
CHAPTER 8 : RISING NUMBER OF DOWRY RELATED VIOLENCE IN NEPAL : An Analysis.....	22
CHAPTER 9 : CONCLUSION .....	27
CHAPTER 10 : RECOMMENDATION.....	28
10.1 Laws and Policies.....	28
10. 2 Public Awareness and Training.....	28
10.3 Role of Media.....	28
10.4 Research .....	29
REFERENCE.....	30

### **List of Figures and Tables**

Figure 1 : Violence against Women.....	23
Figure 2: Dowry related Violence.....	23
Table 1 : Region wise Dowry related Violence .....	24
Table 2 : Geography wise Dowry related Violence.....	25
Table 3 : Dowry related killings .....	25

## **CHAPTER 1 : INTRODUCTION**

### **1.1 Background**

In the current time, Nepali society is facing many problems like Women Rights' Violation, Child Rights Violation, poverty, unemployment, crime, drug peddling, impunity, etc. Among these problems, Violence against Women in the form of domestic violence, rape, sexual abuse, trafficking is on rising trend. One sort of domestic violence faced by the women of Nepal and which is deep rooted in our country is the problem of dowry system. The dowry system is one of the examples of ill- treatment practice to women in our society and has become a culture.

Dowry is the money, goods or estate that bride brings to groom home in her marriage. It was designed to provide newlyweds security and basic needs but its meaning has changed, Dowry is now can be defined as forced financial and material arrangement to be given by the parents of the bride to the parents of the groom as an essential condition of the marriage. It is one of the social evil but still practiced in our society as a culture.<sup>1</sup>

The practice of dowry being pained to grooms with commitment risk of extortion and dowry death, it is made spread in India, Pakistan and Bangladesh and has begun in Nepal (UNICEF, 1999).

Girls and women are discriminated and neglected in every aspects of their life. Earlier their rights were violated after the birth. Nowadays their rights are violated inside their mother's womb. Earlier they were not allowed to go outside their home and were restricted in the four walls of their home whereas nowadays the situation is even worse as they are not even allowed to enter the world and are killed inside their mother's womb. Incidents of sex selection abortion are on rising trend. One obvious reason for the sex selection abortion in Nepal is due to the patriarchal society.

Dowry, a social evil that exists in Nepali society is now connected with the social status and prestige of the family. Even the well-educated families start saving up for their daughter's marriage as soon as she is born. Born of a new baby always adds joys and happiness for every family. But in our society if boy child is born parents, in-laws are happy but if girl child is born

---

<sup>1</sup> <http://amplifyyourvoice.org/u/ashu/2011/04/14/dowry-system-in-nepal>

that happiness turns into sorrow and tension for the family members. The reason many parents don't want to have daughters is because of the dowry they will have to give during her marriage, and the stress they go through due to never ending demands from her in-laws.

The dowry system is responsible to a great extent for child marriage and discrimination against girls. If a girl is married at a tender age, a small amount of dowry will work, but if the girl is educated and qualified, she needs an equal amount of dowry to get a bridegroom of the same status.<sup>2</sup>

The bride parents have to fulfill the demand of groom not just during the marriage ceremony. In many cases, time and again groom family demands dowry in form of cash, motorbike, jewelries, etc. and when their demand are not fulfilled innocent women are mentally, physically tortured and even killed by their in-laws. The cruel side of dowry comes to notice in the public eyes only after an innocent woman lost her life. The incident comes in media and parents complain to police when the torture given by the in-laws are intolerable. Most of the incidents are hidden by the family due to fear of losing prestige in the society.

## **1.2 Statement of the Problem**

Study report on dowry related violence in Nepal is divided into three parts. Firstly, the objective was to know the policies and provision and dowry practices in Nepal, secondly to describe the causes of the phenomenon, and thirdly analyze the areas where women's had mostly faced dowry related violence.

1.2.1 What are the existing national acts and policies and international conventions to control the domestic violence and punish the perpetrators?

1.2.2 What are some of the factors that cause dowry practice in Nepal?

1.2.3 Which part of Nepal is mostly affected by dowry related violence in the year 2012 and 2013?

---

<sup>2</sup> [http://english.ohmynews.com/articleview/article\\_view.asp?no=319188&rel\\_no=1](http://english.ohmynews.com/articleview/article_view.asp?no=319188&rel_no=1)

### **1.3 Objectives of the Study**

The objective of the study is to analyze the rising number of dowry related violence in Nepal. Hence the paper aims to achieve the following specific objectives:

1.3.1 To highlight the existing domestic act and policies and international convention regarding domestic violence in Nepal.

1.3.2 To analyze some factors that perpetuates the dowry practice in Nepal.

1.3.3 To anatomize the region mostly affected by dowry related violence in the year 2012 and 2013 in Nepal.

### **1.4 Limitations of the Study**

This study is carried within a limited period of time. Lack of previous research in the topic has limited the information to further analyze the situation of dowry practices and its consequences in Nepal. Under quantitative data INSEC's data is only used as a primary source to analyze the trend and the areas affected by dowry related violence.

### **1.5 Organization of the Study**

This study is divided into Nine Chapters. The first chapter deals with the background of the study, problem statement, objective of the study, study limitations, and organization of the study. The second chapter focuses on review of related literature to domestic violence in the form of dowry related demand in Nepal. The third chapter is on the research methodologies which includes the research design and source of data. Chapter four is related with the history of dowry practices. Chapter five deal with existing domestic acts and policies and international conventions that has provision related to safeguard women's rights. Chapter six deal on the dowry practices in Nepal. Chapter seven is related with the factors that cause dowry practice in Nepal. Chapter eight is about the situation analysis of the dowry related incidents documented by INSEC in the year 2012 and 2013. Finally, chapter nine is related to the conclusion and chapter ten is recommendation

## **CHAPTER 2 : LITERATURE REVIEW**

It has been said that from the time a daughter is born, parents are concerned with the problem of providing a dowry and that the dowry has become the most important problem facing families. Families that cannot afford to provide substantial dowries are said to be forcing daughters to marry elderly men, married men or illiterate young men to reduce dowry payments (Hayward, 2000).

The giving and taking of dowry as a wedding ritual is said to have become a cultural practice around the mid-nineteenth century (Hayward, 2000) and became accepted widely in recent decades as the Marriage Act, Provision 6 of the Civil Code, which permits payment of a dowry if it is a custom in the community. It has been argued that the dowry system developed initially among high caste, affluent families and that a substantial dowry is perceived as a symbol of high socio-economic status. Even tribes which did not subscribe to this tradition are reported to have adopted the practice, but the most extreme form of the dowry system is reported to be in the Terai in the south, bordering India.<sup>3</sup>

In neighboring country India, 91,202 dowry deaths were reported in the country from January 2001 to December 2012. The highest incidences of dowry deaths are reported in Uttar Pradesh and Bihar, the belt that shares a border with Nepal's southern plains. Their culture, tradition and language are similar, and the dowry practice is just a part of that tradition. The international demarcation makes no difference in this patriarchal regime.<sup>4</sup>

Though the dowry has been restricted by law, it is increasing. All groups, castes, and communities are affected by dowry system one way or another. Those responsible for enforcing laws have also been practicing this system. It is the matter of shame and ills of society to have increasing incidents of VAW, domestic violence and killing of women in the name of the dowry at a time when all citizens are equal constitutionally and women can legally enjoy their parental property on a par with their brother.<sup>5</sup>

---

<sup>3</sup> [http://www.unescapsdd.org/files/documents/SDD\\_pub\\_2530.pdf](http://www.unescapsdd.org/files/documents/SDD_pub_2530.pdf)

<sup>4</sup> <http://trn.gorkhapatraonline.com/index.php/op-ed/4014-give-equal-property-right,-not-dowry-laxmi-punn.html>

<sup>5</sup> Nepal Human Rights Year Book, 2013/Dowry-induced VAW in Rautahat District: Study Report

Marriage has become a pompous affair, and dowry a part of the ceremony. The country's laws do not sanction dowry, and define it as a social crime. Instead of dowry, the Nepali law guarantees the girls equal share to parental property. The frustrating part is that both these provisions are not respected by fellow citizens. Many people, instead of property rights, are giving their daughters hefty dowry.<sup>6</sup>

### ***Pregnant women killed over dowry disputes***

*Radha Mehata, 20 who was seven months pregnant of Chitiha VDC-, Sunsari was killed by her husband Santosh Kumar Mehata, 25 and father-in-law Shiva Ram Mehata, 55, alleging her of not bringing dowry on February 2, 2013. Accused hanged the dead body on the tree after killing. A case was filed against the accused at the District Police Office. The accused was released on general date by District Court on March 8, 2013.*<sup>7</sup>

### ***Attempted murder' over dowry***

*A youth has attempted to kill his second wife, sister-in-law, brother-in-law, mother-in-law and father-in-law by pouring petrol on their bodies saying he was not offered sufficient dowry as per his demand in the wedding ceremony. Mohammad Iliyas, 35, of Mohanpur of Saharasi district, India, attempted to murder his in-laws including his wife Hasina Khatun, 30, while visiting in-laws' families at Rajbiraj Municipality-2 in Saptari district last night. Khatun said she was meted out physical torture frequently for her failure to bring dowry in her marriage and was living in her parents' house. Police has arrested the alleged from Tilathi, the bordering area of Nepal-India in Saptari district.*<sup>8</sup>

### ***Woman kills self under dowry heat***

*A young woman committed suicide in Bhisawa VDC of Parsa on Sunday night upon learning that her parents had mortgaged their house to arrange for the dowry demanded by the family of the man she was to marry. The 22-year-old had mentioned in her suicide note that she could not see her parents lose their house at the cost of her marriage. The victim, who was studying for a*

---

<sup>6</sup> [http://www.gorkhapatra.org.np/rising.detail.php?article\\_id=45558&cat\\_id=7](http://www.gorkhapatra.org.np/rising.detail.php?article_id=45558&cat_id=7)

<sup>7</sup> Nepal Human Rights Yearbook, 2014

<sup>8</sup> <http://www.thehimalayantimes.com/fullNews.php?headline=Man+caught+for+attempted+murder+on+in-laws+for+dowry+&NewsID=329286>

*Master's degree, was to marry the man, a bank manager, from Muzaffarpur in India. According to the neighbours, the woman and her parents were in a state of stress after the family of the groom-to-be made dowry demand that was beyond their means. The woman's father had then put up the house as collateral for a bank loan.<sup>9</sup>*

The above mentioned three cases are just the exemplary cases on what is actually happening in our society. These three cases depict the different picture under dowry practice. In the first case, pregnant woman was killed by her family members including her husband. During the time of pregnancy women should be given extra care and love from the family members and in many cases the news of having a baby in a family has reduced the conflict, problems that exist in the family. But the practice of dowry is so deep rooted in our society that all those happiness are set aside. Woman along with her baby that was growing inside her womb was killed in the name of dowry. The values of women are compared with the materials things like jewelries, cars, TV and fridge in our society. Bride burning is one kind of dowry death. The second case represents the incident related to attempted murder by burning bride which is one form of dowry deaths. Fire is used instead of weaponry because it leaves no traceable evidence. In the case of murder, families after killing the daughter-in-law misguide the incident claiming it as a suicide or incident. In the above mentioned case, son-in-law tried to kill his in-laws along with his wife as his dowry demand were not fulfilled. If a bride's family is not in a position to provide dowry, they have to provide it anyhow, either by taking loans or by disposing the landed property. The third case represent an example where going to be bride commits suicide as she was not able to bear the pain her parents are having due to provision of dowry asked by her in-laws. She scarified her as she was not able to see her parents losing their home in cost of her marriage. Even the educated people are not able to fight against this social evil that exists in our society. They either have to accept the fact that they will have to live their entire life with the torture, discrimination in the new family or scarify their life in order not to bear all those torture, beatings.

Most of the incidents related to dowry deaths, beating, and torture are reported from Tarai region however it is not just confined to particular groups, social strata, geographical regions or religions. Gradually it is spreading like wildfire in the mountainous part of the Nepal as well.

---

<sup>9</sup> <http://www.ekantipur.com/2013/08/07/top-story/woman-kills-self-under-dowry-heat/376009.html>

## **CHAPTER 3 : RESEARCH METHODOLOGY**

### **3.1 Research design**

Both qualitative and quantitative methods were used in this study report to analyze the data it has collected. Qualitative data is primarily based on the content analysis of the secondary sources of data whereas quantitative data is based on the primary source of data collected from different parts of Nepal by INSEC.

### **3.2 Nature and Sources of data**

Both primary and secondary data are used for this study report. Primary data is collected by INSEC District Representatives working in all 75 districts of Nepal. Secondary data which were used in the study were collected from the following sources.

#### **3.2.1 Library**

Library was extremely useful source of the study report. Various books related to the topics were used to come up with the analysis of the researcher. However, paucity of the latest books and data sources in library has diverted the researcher in other possible sources of data.

#### **3.2.2 Previous research work**

Although very few previous research/thesis works on similar topics were found, researcher has made an attempt to bring the related and useful content of the work to the benefit of the report. Previous research/thesis works have been a useful assistance in analyzing the data and making assessment.

#### **3.2.3 Internet**

Web sources were another major assistance in bringing this study to this form. Internet was used to refer the books which were not available in library, refer the articles especially the analysis of the writers, refer the latest information regarding the research questions and refer other research works.

## **CHAPTER 4 : HISTORY**

The dowry system originally came into being as a method of fair distribution of parental / ancestral wealth / inheritance amongst the children. Sons, who usually married and stayed with the family, were given lands, houses and other "immobile" wealth. Daughters, who usually married and moved away, were given gold, jewels, cows, horses and other "mobile" wealth. To avoid inbreeding, and to diversify the gene-pool, marriages were often arranged with families outside the immediate vicinity. Mobile wealth was given to the daughters of the family, as it was impossible to remotely manage land holdings in those days. Sons were supposed to create wealth from the land / farms given to them in inheritance. In some communities, some of this wealth was given to the daughter partly during the wedding, and partly during the baby-shower (Shrimanta) of the first-born. Usually, birth of the first child was a sign that the couple had cemented their relationship and would not split up any time soon. The second part of the girl's inheritance was given at that time, to celebrate this understanding, and to give the couple financial help in caring for the new baby.<sup>10</sup>

In medieval and Renaissance Europe, the dowry frequently served not only to enhance the desirability of a woman for marriage but also to build the power and wealth of great families and even to determine the frontiers and policies of states. The use of dowries more or less disappeared in Europe in the 19th and 20th centuries. In some other places, however, dowries grew in popularity at the end of the 20th century, even when declared illegal or otherwise discouraged by governments. In South Asia, for instance, parents of the groom have sometimes demanded compensation for their son's higher education and future earnings, which the bride would ostensibly share.<sup>11</sup>

According to Dumont, a social scientist, the present day cause of dowry as has evolved from the ancient practice where people tried to convert their material wealth into spiritual wealth by performing the religiously meritorious act of 'kanyadan'.

---

<sup>10</sup> <http://pushti-marg.net/bhagwat/dowry.htm>

<sup>11</sup> <http://www.britannica.com/EBchecked/topic/170540/dowry>

The old Hindu scriptures talk about gifts sent with a bride to her marriage, but these gifts, called sthridhan ("woman's gift"), were not a dowry in the sense that it is demanded today. The 2,500-year-old Arthashastra of Kautilya, in its summary of the contemporary law, specifically called these gifts "the property of a woman" and provided restrictions on how and when they could be spent (II.152). In Kautilya's summary of the six forms of marriage, the only bargain is for the purchase of a bride by the bridegroom, not the other way around, and this was called the asura (literally, "not divine") form of marriage. It ranked fourth among the six recognized forms, just above marriage by capture and marriage by taking advantage of a drugged maiden. The older Manu Dharma Shastras mentions eight forms of marriage, with the asura rite as sixth (III.31), in which the bridegroom gives money to the bride's family. A subsequent verse (III.51) warns against this form: "No father who knows the law must take even the smallest gratuity for his daughter; for a man who, through avarice, takes a gratuity is a seller of his offspring." Applied generally to children, this verse would appear to prohibit the taking of dowry for a son.<sup>12</sup>

Dowry in earlier days was voluntary in nature and was given to daughters for her personal security. While in current time, dowry is an obligation and a curse for women dignity. In Nepal, dowry is now associated with social status and prestige. Both families who receive and give a huge amount of dowry get a boost in their status.

---

<sup>12</sup> <http://www.hinduismtoday.com/modules/smartsection/item.php?itemid=4226>

## **CHAPTER 5 : LEGAL PROVISION REGARDING DOWRY IN NEPAL**

### **5.1 Existing domestic Legal Mechanism**

#### **5.1.1 Social Practices (Reform) Act, 2033 (1976)**

This act is expedient to impose restriction on existing as well as growing competitive pomp and worthless expenses in social practices in order to make reforms. This act prohibits Tikal (property to be given by the bride side to the bride groom side for the reason that the bridegroom accepted to get marriage), Restriction on Daijo (Dowry), Prohibition on bearing other Financial Liability, Restriction on Janta, Restriction on Marriage Feast, and Ban on Exhibition of Daijo, etc. In addition to a set of ornament wearing in body, whosoever intends to give Daijo as per own's rites, rituals and pleasure, may be entitled to give Daijo up to Ten Thousand Rupees ,in maximum. The police shall investigate the case which is punishable pursuant to this Act and after investigation the police shall file the case before the Adjudicating Authority. No case shall be entertained in case if it is not filed within Thirty Five days from the date of cause of action.

The Chief District Officer shall have original jurisdiction to hear and dispose the case pursuant to this Act. The Chief District Officer shall follow the procedure as referred to in Special Court Act, 2059 in the case under this Act.

#### **5.1.2 Nepal Interim Constitution, 2007**

Interim Constitution of Nepal, 2007 has ensured some fundamental Rights to People. The provisions of fundamental rights guaranteed by the constitution has also pave the way for the establishment of acts, rules and regulations for the implementation of such rights through legal means. According to obligations, directive principles and policies stated on Article 20 (1) states no discrimination of any kind shall be made against the women by virtue of sex. Article 20 (2) states every woman shall have the right to reproductive health and reproduction. Article 20 (3) states no woman shall be subjected to physical, mental or any other kind of violence; and such act shall be punishable by law. Article 20 (4) states sons and daughters shall have the equal right to ancestral property.

### **5.1.3 Domestic Violence (Offence and Punishment) Act, 2066 (2009) and Domestic Violence (Offence and Punishment) Rules, 2067 (2010)**

Domestic Violence (Offence and Punishment) Act, 2066 (2009) and Domestic Violence (Offence and Punishment) Rules, 2067 (2010) have been promulgated to stop any kinds of violence against women which can be happened within the home and from the family members and to punish the perpetrators. The act has clearly defined the terms domestic violence, physical harm, mental harm, sexual harm, economic harm, the victim and the perpetrator. Section 2 (i) and 2 (j) of the same act has defined the police station and the court connecting it with section 4, that has directed the filing of complaint in case of domestic violence against women and has explained about the procedure of complaining, filling, the checkup of victims, security measures for the victims. The Interim protection order sec. (6), Proceedings to be held in camera sec. (7), Summary procedure to be Adopted sec. (8), compensation to the victim, service provided at the service center, penalty provisions to the perpetrators and the time limitation for filing the case are some provisions that has been incorporated within the act has explicitly endorsed the rights of women which can be violated in the domestic circumstances from their relatives as defined in the Act. The penalty provision for the perpetrators of victims seems minimum. In exercise of the powers conferred by Section 17 of the act; The Domestic Violence (Offence and Punishment) Rules, 2067 (2010) has been promulgated that has strengthen the implementation mechanism for the rights of women in the domestic ground.

### **5.1.4 Muluki Ain (General Code), 2020**

Muluki Ain, 1910 is the first written act of Nepal. Muluki Ain, 1910 was amended with Muluki Ain, 2020. The provisions enshrined in Muluki Ain (General Code) of Nepal; under the chapters Husband and Wife, partition, women property, hurt/battery, Intention of Sex, rape and incest address the violation which can be occurred against women in different forms that shall be correlated with domestic violation cases. Chapter of “Kutpit (Battery)” prohibits causing hurt or committing grievous hurt by using weapon or by any other means, which is followed by compensation. Chapter on Partition of property, number 4 and 8 provisions have directly emphasized the practice of polygamy exiting in the society. The laws relating to polygamy is prevalent in Muluki Ain especially on the chapter “Marriage” and “Husband and Wife”. Nepal’s

Interim Constitution however accepted the right to equality between men and women and special rights to women as fundamental rights which must be followed by any legislation, plans and policies of the country, but the same practices cannot be found in the society.

## **5.2 International Legal mechanism**

### **5.2.1 Universal Declaration of Human Rights (UDHR), 1948**

Universal Declaration of Human Rights (UDHR) 1948 in its preamble has clearly pronounced about the equality between men and women and assurance of fundamental rights as well as human rights for their social progress. UDHR article 16 explicitly states about the equal rights of men and women to involve in conjugal relation without any discrimination along with their rights to freely choose their spouses. Article 1, 7 and 12 ensure the equality, dignity, equal treatment of law and protection from arbitrary interferences on privacy, family and home of every human being which also signifies to combat any unequal treatment and discriminatory practices happening against women.

### **5.2.2 International Covenant on Civil and Political Rights (ICCPR), 1966**

The International Covenant on Civil and Political Rights, which was opened for signature on December 19, 1966, and entered into force on March 23, 1976, incorporates almost all those civil and political rights proclaimed in the Universal Declaration of Human Rights 1948, including the right to non-discrimination but excluding the right to own property and the right to asylum<sup>13</sup>. Article 2 (1) states that no distinction would be made to enjoy the rights enshrined in the present covenant. Similarly Article 3 ensures the equal rights between men and women, Article 6 (1) confirms the inherent right to life and Article 26 states about the equality before law without any discrimination. The present covenant strongly confirms the equality between men and women enjoying the rights without any distinction as well as protects the right of life of the person. Moreover article 23 recognizes the family as the fundamental group unit of the society and provides the free will of intending spouses for the wedding. It means that free will of the husband and wife is basic criteria for the marriage purpose. Similarly equality of rights of and

---

<sup>13</sup> [http://www.nhrcnepal.org/nhrc\\_new/doc/newsletter/ICCPR%20Study%20Report.pdf](http://www.nhrcnepal.org/nhrc_new/doc/newsletter/ICCPR%20Study%20Report.pdf)

responsibilities of spouses as to marriage, during marriage and its dissolution is ensured by present covenant.

### **5.2.3 International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966**

The International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966 Article 1 (1) ensures the person's right to freely pursue their economic, social and cultural development. Article 3 states about the equal rights of men and women while enjoying economic, social and cultural rights and article 6 states about the right of every individual to work and opportunity to work for gaining his life by work. Its article 1 (1), 3, 5 (2) and 15 (1) (a) provides the right to self-determination, equal right of men and women to the enjoyment of all economic, social and cultural and ensures the cultural rights of every individual. The provisions enshrined in the present article also ensure the equal rights of men and women and do allow free choice on enjoying economic, social and cultural rights. Article 10(2) recalls the state responsibility to provide special protection along with paid leave during and after the child birth. Article 12 further ensures the every person rights to sustain highest level of physical and mental health particularly emphasizes the provision for the reduction of the stillbirth-rate and of infant mortality and for the healthy development of the child.

### **5.2.4 Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979**

The Convention on the Elimination of All Forms of Discrimination against Women (CEDAW) 1979 is the especial convention enacted to address the rights of the women. The preamble of this convention has set large background of necessity of present convention which has aimed to established the equality between rights of men and women as well as overall physical, mental, sociological, economical, psychological and political development of women who have been kept backward in the society due to many social, cultural, economic and religious reasons of the past. Article 1, article 2, article 4, article 6, article 13, article 15 and article 16 of the present convention has explicitly addressed the repeal of discriminatory provisions between men and women enshrined in different legislations, constitution and national mechanisms and promoting and binding state parties for the promulgation of legislation, constitution and mechanism to

provide opportunity, participation and equal rights to the women. Furthermore the present convention has directed towards the safeguard of women rights of property, family life, marital health and any kind of exploitation can be happened legally, socially and economically. CEDAW in its preamble recalls that discrimination against women violates the principles of equality of rights and respect for human dignity, is an obstacle to the participation of women, on equal terms with men, in the political, social, economic and cultural life of their countries, hampers the growth of the prosperity of society and the family and makes more difficult the full development of the potentialities of women in the service of their countries and of humanity.

## **CHAPTER 6 : DOWRY PRACTICES IN NEPAL**

Dowry is an integral part of Nepali weddings regardless of caste, class, geographical location, culture or religion. And it has been a cause of domestic violence across families in Nepal.

Girls are discriminated by their family members in terms of education, food, health and in each and every aspects of life from the time of their birth because one day they have to leave the family and settle in their husband home. From the early days of girls they are taught how to talk, eat and behave as all their actions will be judged by their in-laws after marriage and if they fail to perform as per their expectation, questions arise of their upbringing in front of their parents. Before marriage, they are discriminated by their parents saying that they are not the permanent member of the family. After marriage their in-laws torture, misbehave, beat and in some cases even killed for not meeting their dowry demand and expectations. In both the cases, girls/women are treated as an outsider who doesn't have any say in their home.

Dowry is known as 'Daijo' in Nepali and 'Dahej' in Hindi, Maithali, Vojpuri language. Daijo which is mainly common in Terai Madhesh region, of Nepal is now spreading over other parts of the country instead of being elucidated.

In Nepal approximately 50 to 60 percent of women are facing dowry problem. Mental, social and physical torture is given to a woman, whom she bears quietly alone, not even supported by her husband who promised to be with her in each and every step of life.<sup>14</sup>

Dowry now has become an obligation and comes as a marriage package. In many cases, marriages are confirmed only after fixing the amount to be given to the groom side as a part of dowry. Girls/women are not considered as a primary part of the marriage. Many people take dowry as a primary to bride.

Meera Dhungana, an advocate and women activist says "In case a dowry victim rushes to the police station to seek justice, she is humiliated on the ground that it is a private matter."<sup>15</sup>

---

<sup>14</sup> <http://educationhealthandculture-suraj.blogspot.com/2010/04/dowry-system-in-nepal.html>

<sup>15</sup> <http://trn.gorkhapatraonline.com/index.php/op-ed/4014-give-equal-property-right,-not-dowry-laxmi-punn.html>

Dowry is mostly practiced in the Terai region of Nepal. Apart from having household skill, girls in Terai region needs a fat dowry to get a suitable bridegroom. Since ancient times, the practice of providing cash, jewelries to the bride was there in Nepal because female were denied with the inherited properties. But now laws guarantees the equal property rights to son and daughter. The law which was created to provide equal treatment/behavior to son and daughter in terms of rights to ancestral property has not been able to address the discrimination faced by women. Rather it is creating disputes among the family. We hear number of incidents where father and brother denied providing the share of property to the daughter. Women have to seek justice from the court in order to get their share of property which is really a pitiful situation for a woman. The concept of dowry from the ancient time and now has changed. Earlier bride was given dowry in terms of providing security and having ownership in the new home. Nowadays it is connected with the social status. Often families paying hefty dowry gets a boost in his or her status.

Terai is a flat area along the largely unregulated border with the Indian states of Uttar Pradesh and Bihar. Accommodating 46 percent of Nepal's population, it is the first area where dowry has become a part of most marriages. One now finds dowry marriages in the capital, Kathmandu, and to a lesser extent in the hill regions.<sup>16</sup>

Society Reform Act, 2033 has limited the number of people in the marriage procession to 51 and also put a limit on the dowry. The Act was strictly followed before 1990 and the violators of the act were punished. Dowry is one form of domestic violence in Nepal which is rising in number every year. Dowry tradition often results in the emotional exploitations of the women. When the dowry demands are not met before marriage, groom's family denies marrying the bride and cancel the marriage at the last moment. Even if they are able to meet the dowry demand at the time of marriage, groom's family demand more dowry and when failed to provide it, women are physically and mentally tortured. Domestic violence caused due to the dowry is not reported to the police as many people think it as a personal matter and should not be shared outside.

---

<sup>16</sup> <http://www.hinduismtoday.com/modules/smartsection/item.php?itemid=4226>

## **CHAPTER 7 : FACTORS THAT PERPETUATE DOWRY PRACTICES IN NEPAL**

### **7.1 Social Factors**

Since daughters in most cases are disinherited by their parents after marriage, their main security lies in strengthening their economic rights in their husband's family. However, if they go 'empty-handed' to their husband's home, how can they expect that they will be treated as equal partners? The dowry is, therefore, in part an 'investment' made by parents to secure a share for their daughter in her husband's family property.<sup>17</sup> Dowry is given to the daughter during marriage as she has to move to her new home and it's difficult to ask for the basic things. Therefore, all the household goods and clothes parents provide their daughters are supposed to help them feel that they have something to call their own in their new home. Another cause of dowry that is found in most of the cases is girls or the guardians have to go in search of bride's groom which increases the value of boys' and decreases the value of girls. Dowry is taken as something related to social prestige in Nepal. Even the educated people and people who do not favor dowry system are not able to stop the dowry to be given/take during the marriage due to social prestige.

### **7.2 Educational Factors**

The fact that education will help to reduce the social problems like dowry is proved wrong by the statistics as the well-educated people are more on giving and taking dowry. We can see the positive relation between education and dowry demand. Higher the level of education of groom, higher will be his dowry demand. Doctors, engineers, bankers are given more dowry in comparison to other people. In a family if one son is doctor he will receive more dowry in comparison to another son who is just an ordinary employee. The parents will give the best education to their sons in order to get good amount of dowry. During the marriage confirmation they will ask dowry amount to meet the expenses that have incurred in educating their sons. They do not think twice in order to invest in their son's education thinking that it is just an investment which will be recovered at the time of the marriage in the form of dowry. In case of girls who receive higher education has to pay more dowry as they have to get married at the

---

<sup>17</sup> Sanjay Kumar Das, A research article on exploration of causes of dowry system in Dhanusa district

older age and so more dowry is asked by the groom's side to order to get married with older girls. Due to this reason many parents does not provide higher level education to their daughters.

### **7.3 Economic Factors**

The economic cause of dowry is associated with the inheritance system. Dowry came into existence to give women economic and financial security after their marriage. The Interim Constitution 2007 states that sons and daughters are equally entitled to ancestral property. The pressure for larger dowries is due to “ the general rise in prices and the current obsession with gold and silver ,the prices of which are rising almost every day” When the groom's family sees the situation of the economy they are tempted to demand dowry from the Bride's family in order to face economic crises. <sup>18</sup>The tradition of dowry is so powerful in the dowry-infested areas that even in the rare cases where young couples fall in love and embark on an 'un-arranged' marriage, they concede that their parents should exchange dowry. In most of the cases, however, the young groom dumps his girl friend and goes to marry someone else arranged by his father with a guarantee of a bigger dowry.<sup>19</sup>

### **7.4 Legal Factors**

Status of women is less in Nepal either by written law and/or by practice. Legal system of Nepal is not strong to protect Women's rights. This is largely because of patriarchal society. Although many national and international laws, acts have been adopted by Nepal to protect Women's rights during recent years, but the situation of Women's rights violation is same and in some cases has increased even more. Society Reform Act, 2033 under article 5 (1) states that Bride groom side shall neither compel bride side to give cash, goods, *Daijo*, donation, gift, fare -well gift for bride or bride groom in connection with or after marriage, Similarly article 5 (2) states that a set of ornament wearing in body, who so ever intends to give *Daijo* as per own's rites, rituals and pleasure, may be entitled to give *Daijo* up to Ten Thousand Rupees, in maximum. Likewise article 8 (1) of the same act states that no more than Fifty one persons including neighbors and relatives other than close relatives shall be invited in marriage feast organized by Bridegroom and bride side. Looking at Social Reform Act, 2033 we can say that in one hand it

---

<sup>18</sup> <http://shseminary.blogspot.com/2010/05/dowry-social-challenge.html>

<sup>19</sup> Sanjay Kumar Das, A research article on exploration of causes of dowry system in Dhanusa district

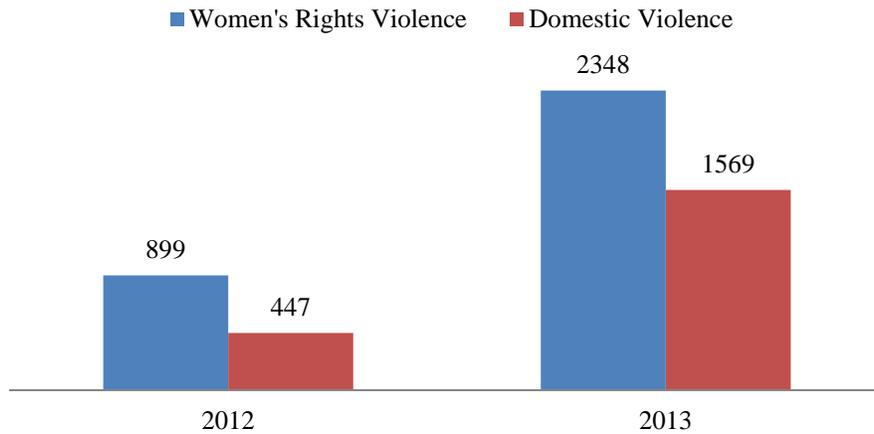
says we can give dowry with our own will upto Rs. 10 thousands but has restricted the number of people participating in the marriage ceremony to 50. The act has not totally prohibited the dowry system but has just limited the practice of dowry. The act itself is contradictory and partially supporting the dowry system.

## **CHAPTER 8 : RISING NUMBER OF DOWRY RELATED VIOLENCE IN NEPAL : An Analysis**

According to Nepal Census Report, 2011 women comprises of 51.50 % of total population of Nepal. Nepalese women have been discriminated since ancient times in all sectors of their life either due to patriarchal society, cultural practices, or by discriminatory laws. State has always looked women as a second class citizen. Discrimination on the basis of social, cultural, economic and legal aspects to women has created a wide range of Violence against Women in Nepal. The number of incidents being reported to the police, seeking justice in the court and published in media against women's rights violence has been increasing every year. In the 21<sup>st</sup> century, our thoughts have been modernized but our attitude, behavior towards women is still traditional and patriarchal.

The figure given below shows the number of victims recorded by INSEC in the year 2012 and 2013 under Women's rights violence. A total of 899 victims have been documented by INSEC under Women's Rights Violence in the year 2012. The number of victims of Women's Rights Violence almost tripled in the year 2013 as per INSEC documentation. The nature of Women's Rights Violence includes domestic violence, polygamy, rape, rape attempt, sexual abuse, trafficking, abortion, witchcraft allegation, lack of pre and post-partum service. One kind of Women Rights Violence and which comprises more than 50 % of the total women right's violence victims are the victims of domestic violence. INSEC recorded a total of 447 victims of domestic violence in the year 2012 and the number of victims increased to 1569 in the year 2013. Domestic violence in the form of beatings, killings, eviction from home, dowry related beatings, deaths are documented by INSEC. Violence against women in the form of domestic violence is an alarming issue in Nepal. Despite having specific laws related to domestic violence increasing number of victims of domestic violence is matter of concern for all.

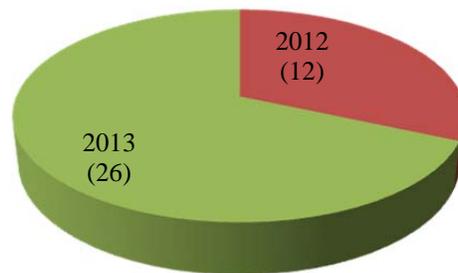
**Figure 1 : Violence against Women**



*Source: INSEC Human Rights Year Book, 2013 & 2014*

Dowry which is practiced in Nepal since ancient time has now become a reason for domestic violence in many parts of Nepal. INSEC documented 12 victims of dowry in the year 2012 and the number increased to 26 in the year 2013. Women are physically, mentally tortured, verbally abused, beaten to death, set on fire, killed due to dowry related violence.

**Figure 2: Dowry related Violence**



*Laxmi Mandal, 21, of Launiya VDC-5 of Saptari was beaten up by her husband Shreeram Mandal on September 9, 2012 demanding dowries. She was treated at Sagarmatha Zonal Hospital. The victim had signed in the white paper on June 19, 2012 when Shreeram, who frequently beat her up, promised not to repeat such incidents in future .However, the victim said accused began to beat her up demanding motorcycle and furniture from the victim's maternal home. The victim lodged a complaint at Women and Children cell of District Police Office on*

September 10, 2012. Laxmi has filed an application demanding inherited property from her husband on October 8. Source: Human Rights Year Book, 2013

The above mentioned case is a representative case of dowry related violence faced by Nepali women. Women are often beaten by their husband whom they treat as a god. The situation of women is such a painful that they have to live with the person who behaves with them inhumanly. The reasons why many women suffer the pain and are not able to fight against the violence are the cultural values, economic dependency. Police in many cases does not registered the cases of dowry related violence saying it as a personal matter and even if they registered most of the cases are resolved with the mutual agreement between the victim and accused. Victim is given false hope by the perpetrator of not repeating the same act. But in reality they are even more tortured than before alleging them of spreading the personal matters outside the home.

As per INSEC documentation, a total of 38 women from 12 districts of Nepal have faced dowry related violence in the year 2012 and 2013. All five development regions except far-western has been affected by the dowry culture and practices. Eastern region has highest number of dowry victims in 2012 (6). In 2013, eastern and mid-western have same number of dowry victims' i.e 11. In the western region, one dowry victim was documented from Lamjung district in 2013. In 2012, Saptari district recorded highest number of dowry victim (3) whereas in 2013, Surkhet district has the highest number of dowry victims (10).

<b>Region</b>	<b>District</b>	<b>2012</b>	<b>2013</b>
Eastern	Morang	2	8
	Saptari	3	2
	Siraha	1	
	Terathum		1
<b>Total</b>		<b>6</b>	<b>11</b>
Mid	Rautahat	1	
	Sarlahi	1	
	Sindhuli	1	
	Dhanusa		3
<b>Total</b>		<b>3</b>	<b>3</b>
Western	Lamjung		1
Mid-Western	Banke	1	1
	Surkhet	1	10
	Humla	1	
<b>Total</b>		<b>3</b>	<b>11</b>
<b>Grand Total</b>		<b>12</b>	<b>26</b>

Dowry related violence is spread in every part of the country. Dowry related violence that was earlier reported and seen in the Terai belt of Nepal has now spread in other parts of the country.

Among total 12 victims of dowry documented by INSEC in the year 2012, 10 victims were from Terai region, one from hill region (Surkhet) and one from mountain region (Humla). Dowry victims increased in hill and Terai region in the year 2013.

In 2013, INSEC documented 12 victims from hill

region and 14 victims from Terai region of Nepal. One case INSEC documented from mountain region in 2012 under dowry was related to beating of wife by her husband. *Sushila Sahi, 30 of Pyuish VDC-7 of Humla was beaten by her husband after consuming alcohol by wooden stick on charge of not bringing dowry. Victim didn't lodge a complaint due to fear of her husband.*

Women are not just physically, mentally tortured, beaten or abused due to dowry related factors.

They are even killed by their in-laws when dowry demands are not met. INSEC recorded a total of 10 cases of dowry deaths, five each in year 2012 and 2013. In 2012 all five dowry deaths was from mid region whereas the coverage of dowry deaths in 2013 spread to eastern and mid-western region along with the mid region. 10 women from five districts were killed as a result of dowry related violence. All five districts belong to Terai belt.

*The family of Riva Devi Yadav, 20, of Gopalpur VDC-1, Dhanusa complained that her husband Sanjay Yadav, 24,*

*had poisoned her to death on July 2, 2013 for not bringing enough dowries. The victim died while undergoing treatment on July 1, 2013 in Siligudhi of India. The deceased's natal family accused Sanjay and his family members of torturing her mentally and physically. Postmortem of the body was performed on July 5 at Janakpur Zonal Hospital. The victim's side lodged a complaint at District Police Office on July, 2013. The accused Sanjaya was arrested on the same day by the police. He was remanded in custody by the court order on July 10, 2013. The case remained pending until the end of this year.*

Year	Mountain	Hill	Terai
2012	1	1	10
2013		12	14
<b>Total</b>	<b>1</b>	<b>13</b>	<b>24</b>

Districts	2012	2013
Sunsari		1
Dhanusa	1	2
Parsa	3	
Rautahat	1	1
Banke		1
<b>Total</b>	<b>5</b>	<b>5</b>

The above case represents an incident of dowry killings. When Rita married Sanjay, she never thought her married life would soon curve into a circle of violence. She was tortured mentally and physically for not bringing the dowry and when the demands are not fulfilled she was murdered by her in-laws. Rita's parents had never thought that marrying her daughter with Sanjay would one day take away the life of their daughter. From the time of the birth, girls are protected by father, after marriage by their husband and at the old age by their sons. Women are not allowed to stay out of the home; they have to seek permission to take any step, decision in their own life. They are protected by the male members of the family in each step of their life. They are taught that they are weak and need protection from male members either due to cultural values or security reason. But despite of providing protection and security, many women are being the victim of domestic violence perpetuated by male members of the family. Women are not safe inside their home as everyday they have to bear physical and mental torture given by their in-laws due to not fulfilling dowry demands.

When women do not feel safe at their home, they seek help from the state side in hope to access justice. But the way to receive justice is a long process in Nepal. In many cases, their complaints are not registered by police thinking it as a small domestic dispute. Although Nepal has made many progressive steps to protect and promote the Women's rights, still there are many loopholes in it. The cases filed on charge of dowry come under Domestic Violence Act.. It has a provision of punishment with an imprisonment of upto three years and or a fine. For the violence related to dowry, victim must file a complaint within three months of the offence/incident. Under Domestic Violence Act, if a victim who has lodged complaint needs immediate protection during the preliminary investigation, a court may issue orders to the victim to make arrangements to live separately. The act doesn't talk about the detention of the perpetrator during the investigation due to which victim might be more vulnerable to the violence upon lodging a complaint.

## **CHAPTER 9 : CONCLUSION**

Among many forms of domestic violence against women, dowry requirements are used as another pretext for considering the daughters as a burden and daughter –in law as a source of return on investment. Despite being educated, considering dowry as illegal by law, dowry related violence has not been eradicated, on the contrary, it is rapidly increasing and spreading all over the country. Although this study is based on limited data, conclusion can be drawn that dowry which was earlier practice to provide economic support to the daughter has now become a fashion and culture. Statistics related to dowry based violence and crime are not available in Nepal. Also due to socio-cultural norms and values, victims who are suffering from the dowry based violence are silent and do not lodge complaint in Police due to which it is difficult to collect and document the data on dowry victims . The numbers of dowry victims are increasing day by day and due to awareness some women are filing complaint and seeking for justice. However, women receiving justice are very rare.

Dowry has affected all caste, class, religion, culture and geographical areas. Social, education, economic and legal is some of the factors prevailing the dowry practice in Nepal. The consequences of dowry related violence are physical, mental torture, verbal abuse, eviction from home, suicide, deaths.

It is true that a social problem like dowry is alarming in Nepal. Legal provision alone cannot restrict the dowry problems. What we need to change is the attitude and behavior of the community towards the girls and women. Girls and women should be treated equally in all aspects of their life. Laws are also needed to be implemented and evaluated strictly.

## **CHAPTER 10 : RECOMMENDATION**

### **10.1 Laws and Policies**

Domestic Violence (Offence and Punishment) Act, 2009 and Domestic Violence (Offense and Punishment) Rules, 2010 came into force to stop any kinds of violence against women perpetrated within home and by family members. If we look closely at the present Act on Domestic Violence, we find several gaps and challenges. Therefore, government should amend the Domestic Violence Act specifically to assure the personal safety of the victim. Police should be given the power to detain the perpetrator during the investigation. Police should be made responsible for collecting evidence and prosecuting the perpetrator. Severe forms of domestic violence should be considered as a crime not just as violence.

### **10.2 Public Awareness and Training**

Women should be more aware of their legal rights. Despite having several laws for women's rights very few women know it. Hence there is more need for the awareness campaigns and training for the empowerment of women's rights. State in collaboration with civil societies should launch public awareness campaigns and trainings in different parts of the country targeting all groups of people regarding the provision of dowry related laws.

### **10.3 Role of Media**

In the today's world, communication plays a vital and effective role to change the society. Compared to past year, there has been improved and increase in reporting related to dowry violence. News, articles, stories related to violence caused by dowry related demands are covered in the media. However, news, articles and stories like women fighting against the dowry culture, dowry related violence, and crimes are hardly reported. Likewise, very few informative stories are published targeting women to inform them about their legal rights. Media can be used as a powerful tool to aware people about the harmful practices like dowry. As large number of people can be targeted by media and as they have high influencing power, news, stories that portrays the positive and motivating factors for other people in the society should be covered and shared by media in large numbers.

#### **10.4 Research**

Domestic violence in the form of dowry demands is on rising trend in Nepal. However, if we search for the data and research reports, we hardly find good documents. Still the victims of dowry related violence are not able to share their problems openly because of the culture and prestige in the society. Systematic documentation and a research reports are necessary to portray the real picture of dowry related violence in Nepal. With the presence of systematic documents we will be able to convince policy makers of both the prevalence of violence and its serious implications on women's rights violence.

## REFERENCE

Burns Violence Survivors-Nepal, 2011, A situational analysis in on Acid and Burns Violence in Nepal

Convention on the Elimination of All Forms of Discrimination against Women (CEDAW), 1979

Domestic Violence (Crime and Punishment) Act, 2066 (2009)

Domestic Violence (Crime and Punishment) Rules, 2067 (2010)

INSEC, 2013, *Human Rights Year Book*

INSEC, 2014, *Human Rights Year Book*

International Covenant on Civil and Political Rights (ICCPR), 1966

International Covenant on Economic, Social and Cultural Rights (ICESCR), 1966

Interim Constitution of Nepal, 2007

Muluki Ain (General Code), 2020

Sanjay Kumar Das, 2008, *A final research article on exploration of causes of dowry system in Dhanusa District*

Sarojini Sharma, 2007, A research report on Domestic violence in Nepali society: Root Cause and Consequences

Social Practices (Reform) Act, 2033 (1976)

Universal Declaration of Human Rights (UDHR), 1948

<http://amplifyyourvoice.org/u/ashu/2011/04/14/dowry-system-in-nepal>

[http://www.gorkhapatra.org.np/rising.detail.php?article\\_id=45558&cat\\_id=7](http://www.gorkhapatra.org.np/rising.detail.php?article_id=45558&cat_id=7)

<http://www.hinduismtoday.com/modules/smartsection/item.php?itemid=4226>