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Critical Analysis of Dowry Culture Through the Lens of Dowry-related Laws and Policies in Pakistan

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Abstract: *Dowry, a stark reality, still haunts the larger part of Pakistani society. Whenever a marriage takes place, the burden to provide dowry falls upon the shoulders of the bride's parents. This particular study aims to critically evaluate the laws and policies made by the Pakistani state to curb the menace of dowry culture. The qualitative method with a particular focus on descriptive and explorative analysis was used to explore and describe the intricate issue at hand. For this, various national and international surveys, reports along scholarly articles were thoroughly analyzed to find out the underlying causes and their consequences. Until now, not only limited laws have been enacted to deal with dowry as a criminal offense but also enforcing mechanisms have been absent for the existing laws. The findings of this study implore the adoption of dowry-related laws with efficient rules of business for the sake of effective implementation.*

Key Words: Dowry Culture, Domestic Violence, Intimate Violence, Socio-Economic Burden

Introduction

Marriage is a lifelong commitment between two people where two individuals are brought together in a holy union, it is the beginning of a new journey where both partners share responsibilities, follow common goals, allocate resources, and distribute tasks (Ullah et al., 2020). Many challenges occur in the early period of marital life and the dowry system is a major contributor to such difficulties. Dowry is an ancient and deeply rooted tradition that is considered crucial during the marriage ceremony (Saeed, et al., 2021). Dowry is a discriminatory act against women and it creates a lot of problems for the bride's parents. The majority of the people pay the price of this awful act.

Various scholars gave the concept of dowry, but we found the idea of these scholars concrete and insightful. Dowry mostly consists of property, cash, and material gifts that are given to the groom's kin from the bride's parents on the occasion of marriage (Kumar & Barwa, 2017).

Historical Background

As a practice, Dowry is not a modern concept, if we delve deep into history we can see the essence of dowry in ancient times as a famous custom at marriages. The dowry custom has been observed in different regions of the world from the ancient Babylonian civilization to Renaissance Europe as well as within the Roman and Byzantine empires to China's Song Period (Anderson, S. 2003). Moreover, dowry was a common practice in developing world like European and American societies. In the thirteenth century, it was evident that dowry was also prevalent in England (Kumar R., 2020). Furthermore, in the sixteenth century, the dowry system was influenced by clandestine marriages and the administration of the Catholic Church like in Italy (Sperling, J. 2004). In the 1800s, the scenario was different in Romania in contrast to other countries as brides had control over their dowries after marriage (Jianu, A. 2009). A different pattern of dowry was seen in South Asian countries, along with Mexico, and

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Russian society, where wealth or property given to the bride typically belonged to the groom’s family (Semenova-Tiān-Shanskaia, O. P. 1993).

Dowry, as a tradition was not only limited to Hindus of the sub-continent but Muslims and Christians were also equally involved. Furthermore, this disturbing custom has also had an impact on neighbouring countries like Pakistan, Bangladesh, Nepal, and Afghanistan (Ray N.2016).

Pakistan is an Islamic country and Islam promotes the concept of Meher as a substitute for the practice of dowry. Meher is an amount or valuable item given by a man to his wife as a sincere gesture of commitment, responsibility, and promise of care towards his life partner (UN 2011). The verse from the Quran also endorses this by saying, treat your women fairly particularly regarding their dowries. It teaches husbands to provide Meher to their wives at the time of marriage and if the wives decide to return some of it, without feeling bad the husband can take it (Suran an Nisa 4.4 Quran). However, Dowry is prevalent in Pakistani culture despite being religiously prohibited. The dowry custom is not only limited to the lower strata of society even it is accepted by upper-class and literate individuals and makes it difficult for law enforcement agencies to tackle this problem (Ali, S. 2018). The oppressive practice of dowry is impacting and disrupting every segment of society. In Pakistan, 95% of weddings involve a dowry given by the bride’s

parents. Sixty-nine percent of Pakistanis consider a girl’s marriage to be incomplete without a dowry. The value of dowries has significantly increased recently. Brides from all religions (Muslim, Hindu, and Christian) usually bring a dowry with them (Fakhar. Z, 2020).

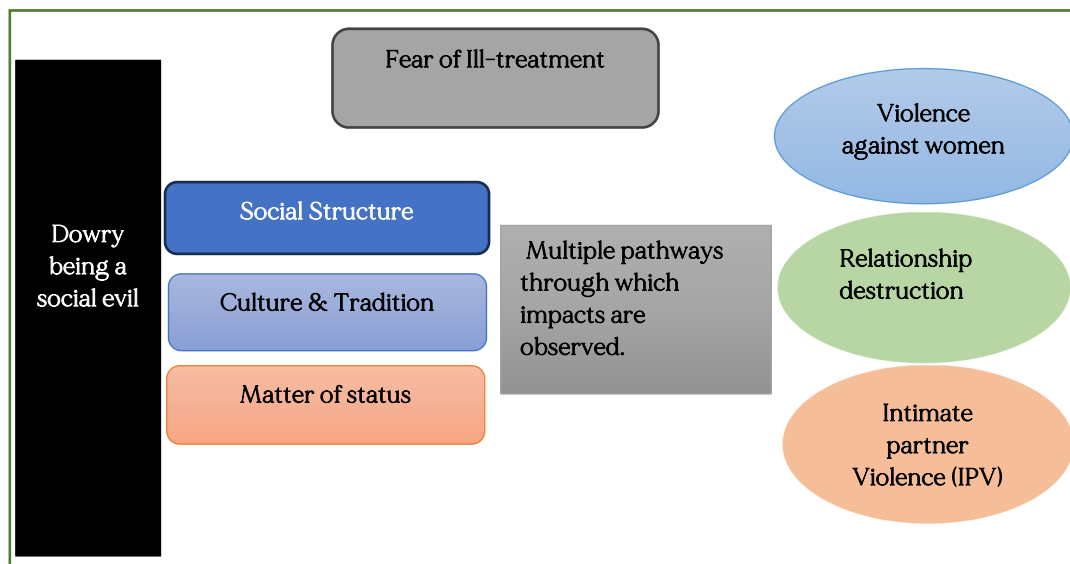
Objectives

Generally, this research aims to demonstrate the various factors contributing to dowry systems and also to understand the correlation between dowry and violence in the case of females in Pakistan. By shedding light on customary forms of abuse on married girls, the study primarily seeks to comprehend the cultural, social, and personal motivations behind the adoption, adherence, and affirmation of dowry practices. The particular focus of this study is to in-depth evaluation of the laws, acts, and rules designed to curb dowry practices.

Methodology

The study utilized a qualitative research design as a methodology. The paper provides insights and data regarding dowry laws and violence in Pakistan, dating back to its inception and up to the present day. The data were gathered from a range of surveys, national and international reports, case studies, and scholarly articles. The articles underwent rigorous evaluation, and the necessary data were presented in the form of paragraphs.

Causes of Dowry



Causes of Dowry Culture

Many factors are attributed as causes of the dowry culture but exploration of different reports and surveys has limited its causes to the following factors:

Social Structure

In some societies, women are seen as an expense to the family. In this societal structure, male offspring are traditionally regarded as superior and the primary earner. As a result, the groom's family demands a dowry, as a compensation payment for accepting this burden.

The results of a survey conducted by Gallup & Gilani in 2021 showed the willingness of 53 percent of respondents in the giving and receiving of a dowry (Nadir, n.d.2024). In another survey undertaken in rural Punjab, Pakistan, 22 households were randomly selected to investigate aspects of dowry and the position of women in society. The findings indicated that a greater dowry, encompassing jewellery, gold, or cash, was correlated with elevated status for women within their in-law families (Makino, M. 2019).

Fear of Ill-Treatment

In Pakistan, it is common for families to offer a dowry to the in-laws of their daughters as a way to protect their daughters from mistreatment in their new household. Unfortunately, there is a prevalent belief that providing dowry will guarantee their daughter's well-being and protect them from discrimination. However, in many cases, the in-laws request dowry from the bride's parents without any sense of shame. They justify their demand by saying that the dowry is for the daughter and that what the parents are giving is solely for their daughter's benefit.

Zahida, a woman from Khyber Pakhtunkhwa, shares her experience in her interview conducted by Daud Khattak and Frud Bezhan, she expressed, "To assemble my dowry package, my father and brothers borrowed money from those in our social circle of associates and familial communities. They tried to fulfil every wish of my in-laws but it was still not enough." Despite more than 15 years of marriage, Zahida continues to face taunts from her husband's family about the dowry. She described it as a terrible tradition (Daud Khattak, FrudBezhan 2021).

Culture & Tradition

Culture refers to the different traditions, practices, and customs that exist in society. Many incidents related to dowry have occurred in the country because people follow (historically accepted norms and traditions) and even these practices cause discomfort. It is essential to note that these traditions are deeply rooted in Pakistani society, and people often follow them without questioning them.

Studies indicate that between 87-97% of households across both rural and urban in contexts Pakistan, not only endorse the dowry culture but are also openly involved in its practice, either to show off their social status or in response to pressure from the groom's side (Ali et al., 2013).

A Matter of Status

In Pakistani society, giving dowry is often viewed as a way to show off one's social status. It's common to measure someone's position in society based on the amount of money spent on their daughter's marriage. Additionally, if the groom belongs to a wealthier and educated family, the dowry amount tends to be higher. This situation creates pressure on both the bride's family, who feel obligated to pay more, and the groom's family, who feel inclined to demand more.

Impacts of Dowry Culture

Gender Discrimination

Dowry imposes a monetary cost on the bride's family. This is a common phenomenon in Pakistani society that parents of a girl child start collecting dowry items soon after her birth. Therefore, they are often considered as a guest in their own houses. Resultantly, they are not taken as equal to their brothers. Hence, they do not receive equal education and treatment compared to their male counterparts. Gender equality is ensured in articles of Pakistan's constitution, such as Article 25 guarantees that every citizen is treated equally by the law and provides with same protection to all regardless of their gender. But the practical side of these rights is lacking and the dowry culture endorses anti-behavior of these articles of the constitution.

Violence against Women

Instances of violence related to dowry are not limited to the husband alone; family members of the husband can also be perpetrators. Silent treatment, isolation, and not taking her as an equal member of the family are

manifestations of this violence. These forms of abuse indicate physical, psychological, or sexual mistreatment (Pandey et al. 2009; Bhattacharya and Singh 2017; Nongrum et al. 2014; Chhabra 2018).

According to research findings, the intensity of violence against women is higher in rural regions (at 42%) compared to urban centres (32%). (Jabeen et al., 2020).

A study conducted in Karachi concluded that dowry transactions do not guarantee any protection against physical, sexual, emotional, or psychological abuse. Despite this reality, they still maintained a belief that the provision of dowry had a positive impact on their marriage. (Ali et al., 2021).

Intimate Partner Violence

Intimate Partner Violence is often linked with dowry customs, which are widespread in many areas of Pakistan. Brides are facing serious consequences like potential harm and death if they are unable to provide the demanded dowry (Rudd 2001).

According to the report of the National Commission for Human Rights (NCHR) 63,000 of violence against the gender have been recorded in the past three years in Pakistan. Moreover, the Ministry of Human Rights reported that eighty percent of cases were related to domestic violence (NCHR, 2023).

A qualitative study was held in Lahore in which 19 women were selected from different zones. It was concluded that females who had love marriages were also victims of Intimate Partner violence due to not meeting the expectation of dowry. (Nasrullah et al., 2015).

Laws on Dowry in Pakistan

Courts in Pakistan consider dowry-related matters under the category of family and civil courts. These Particular laws are the same for the whole country but rules need to be determined by the relevant province. Some of our provinces have made rules but in others, rules are still not clearly defined to implement the dowry laws.

Rules under Dowry Laws at the Provincial Level

Baluchistan

Baluchistan was the first province to respond to the 1976 Act, which provides guidelines on how to deal with confiscated dowry items if their total value exceeds the limit set by the law, as outlined in the Rules. The Family Courts' guidelines specify a list of items that need to be identified and handed over to the Jahez

Khana. Since then, no further laws have been enacted in Baluchistan to address this issue or related problems (THE BALUCHISTAN DOWRY and BRIDAL GIFTS (RESTRICTION) RULES, 1981).

Sindh (only proposed but not enacted)

In August 2017, a draft was introduced by the government of Sindh to curb the dowry practice, although it was not officially passed in the assembly. The Sindh Restriction of Dowry Act 2017 punishes anyone from the groom's side who demands a dowry shall be punished with a one-year prison sentence. The law also prohibits blaming, harassing, or insulting brides for not bringing a dowry, with a six-month punishment for those found guilty of such actions.

Moreover, the proposed law prohibits the display of any property given as a dowry during marriage ceremonies, those who violate this shall be punished with imprisonment for not less than one year. Dowry items or items given as bridal presents are legally the ownership of the bride, and the husband or his family has no claim of ownership of these items as per the law. Additionally, the law limits the parents' dowry contribution to a maximum of 50,000 for their daughter, and no one is allowed to compel them to exceed this limit (Sindh Govt Discusses Limitation on Dowry, 2018)

Khyber Pakhtunkhwa (Prohibition of Ostentatious Displays and Wasteful Expenses) Act 2018

This act claimed that anyone from the bridegroom's family or on their behalf not asked or forced to provide dowry otherwise shall be punished with two months' imprisonment along with a fine not less than three hundred thousand.

(A Bill to prohibit ostentatious, 2018).

Dowry Acts at the Federal level

Dowry and Bridal Gifts (Restriction) Act of 1976

As per the law from 1976, dowry refers to any property given by the bride's parents for the wedding, excluding inheritance. The law restricts the dowry or gifts for the bride or groom to Rs. 5,000. If the husband gifts any property to the wife during the wedding, the law considers it to be legally owned by her. Additionally, the law mandates the registration of all gifts related to the marriage, including dowry and bridal presents. A list of these gifts must be submitted to the Deputy Commissioner within fifteen days by the Registrar. Violating these rules may result in punishments with a

maximum of six months confinement or a ten thousand rupees fine as prescribed by the law.

Reservations/ concerns by the Council of Islamic Ideology (CCI)

The Council of Islamic Ideology assessed the Dowry and Bridal Gifts (Restriction) Act of 1976 which was recommended by the Commission. The Council termed it impractical, as the practice of dowry was deeply ingrained in society. A member of the Council suggested that the decision to pay a dowry should be left to the financial condition of the bride's parents. Furthermore, Due to the presence of the Act, parents mostly use other ways to provide dowry. (10th Report of Muslim Family Laws, Council of Islamic Ideology, 1983).

The Law and Justice Commission of Pakistan Recommended Certain Amendments

The Law and Justice Commission of Pakistan recognized that the Dowry and Bridal Gifts (Restriction) Act of 1976 wasn't consistently followed or strictly enforced. In 1992, after a thorough examination, the Commission proposed several amendments:

The Commission has suggested updating the limits set in 1976 for dowries, bridal gifts, presents, and marriage expenses. They have recommended increasing the fine on dowry from 5000 to 50000 for urban area weddings and 25000 rupees for rural area weddings. Moreover, they have proposed raising the limit of marriage expenses from 2500 to 25000 rupees for urban area weddings and 10000 rupees for village weddings. The proposed amendment stated that the bridegroom or parents should not demand a dowry or gift.

During the Nikkah ceremony, it was recommended for the parents of the couple to prepare a list of dowries. This list was then signed by all witnesses including the Nikah Khawan. This recommendation aimed to improve the existing law and make it more effective by addressing any shortcomings (Prohibiting Excessive Expenditure on Marriage Ceremony and Dowry - PKLJC 59, n.d).

2016 Amendment to the 1976 Act

The amendment bill was introduced in 2016 on the Dowry and Bridal Gifts (Restriction) Act of 1976. Subsections 3 and 4 were added to section 3 of the bill which stated that the groom and anyone from his family shall not demand dowry from the bride's family if they make such demands for dowry shall be punished

with imprisonment not less than 6 months up to 2 year and fine up to 10000. Bill of amendment of XLIII Act of 1976 ("Legal Implications on Dowry System in Pakistan: A Critical Analysis," 2023).

Proposed Amendment (2020)

In 2020, the Pakistani government recommended changes to the Dowry and Bridal Restriction Act of 1976. The aim of the proposed amendment was to put a limit on dowries and encourage parents of brides to report any demands for dowries. The suggested revision proposed a cap on dowries, equivalent to approximately 50 grams of gold. This amount could be used for purchasing bed sheets and clothes for the bride.

It was also proposed parents of both bride and groom shall arrange a list of dowry items during the Nikkah ceremony and write in the specific section of Nikahnama. The Federal Religious Affairs Ministry says all the provincial Governments of Azad Jammu Kashmir, Baluchistan, Gilgit-Baltistan, and Khyber Pakhtunkhwa have endorsed the bill. (Pk, 2020).

Critical Analysis

Notably, the amendment focuses on fines and encourages parents to report if pressured for hefty dowries. However, the question remains: Will these amendments truly combat this social issue? While these amendments narrow the scope of certain practices like "jahas" and exclude "bari" and "walwar" (bride price), they may not be a comprehensive solution. The recent amendment is part of a series of attempts by the Pakistan government since 1964, including moves in 1967, 1976, 1998, 2008, and the Khyber Pakhtunkhwa Dowry, Bridal Gifts, and Marriage Functions Restriction Act (2017).

Despite these efforts, enforcement has been lacking due to loopholes. The recent amendment primarily addresses the monetary aspect of dowries but falls short of a comprehensive legal solution to eradicate this practice. This legislation deeply disrespects and degrades the status of all females in Pakistan, as it reduces them to mere commodities and possessions to be appraised and exchanged. By associating monetary values with women in this way, it undermines their inherent worth and dignity as independent individuals.

The set limit on dowry demands, such as restricting it to 50 grams of gold, is viewed as ineffective and impractical, particularly for poor and middle-class families. This measure is criticized for not addressing the root causes of dowry-related issues and increasing penalty fines are seen as insufficient. The prevalent culture of corruption among political figures and

bureaucracy further hampers the successful implementation of such laws, with budgetary allocations often being misused.

While the government claims to empower women, these actions are seen as mere posturing lacking substance. While the new rules aim to curb exorbitant displays of dowry and restrict quantities to some degree, the well-being of women in this society still has a long way to go before it is fully safeguarded. Capping amounts alone does not address the core issues that enable this harmful practice to persist.

What is truly needed is courageous and compassionate reform that tackles this societal burden at its roots. Without recognizing the violent behaviours along with the human rights abuses and demonstrating zero tolerance towards such evil practices—can we even begin to alter social norms and change mindsets over time?

Unless the law acknowledges the gravity of these acts and stands firmly on the side of victims, symbolic gestures will do little to protect vulnerable women or deter the continued oppression they face. Comprehensive protection under the law is the minimum requirement to demonstrate the state's commitment to gender equality and justice.

Despite numerous laws aimed at safeguarding brides and their families from dowry culture, their effective implementation has been elusive. To address the poor status of women, it is recommended that the government along with other laws related to harassment and women's rights, it ought to consider the underlying cause of many of these evils which is a dowry that requires robust enforcement of existing legislative frameworks. A cooperative initiative involving scholars, legal experts, and government officials could provide a more impactful path toward ensuring women's well-being and protection across the nation. Moreover, it has the potential to provide holistic laws and policies to curb the menace of the dowry.

Policy Recommendations

Introduce New Laws with Strict Penalties

There is a pressing need to introduce new, stringent laws that comprehensively ban dowry demands from their roots. The previous amendment to the dowry limit was deemed unaffordable for many parents, totalling approximately 938,652 rupees for 4.29 tolas. The government ought to enact new laws explicitly stating that parents should not face any pressure to provide dowry; rather, it should be a voluntary choice made by the parents within reasonable limits.

Empower Affected Women

The government ought to provide a safe space and encourage women who have suffered from the dowry system to share their experiences within those safe zones and with society at large. By highlighting the violence, brutality, and taunts they endure due to dowry-related issues, these women can contribute to the collective effort to eliminate this social problem. Creating a united front among these women is essential to challenge and eradicate the dowry culture. Same as Women Police officers in Punjab advocated for women's rights by organizing a walkathon titled 'Never Again' in the first week of March, there should be an open dialogue along with state-supported walkathons about the menace of the dowry system to raise awareness on a broader scale.

Develop a Dowry Restraint Policy

The government should formulate a comprehensive "Dowry Restraint Policy" to facilitate the effective implementation of anti-dowry laws. Establishing dedicated "Dowry Restraint Units" within police stations across different areas can provide women with accessible avenues to report dowry-related violence or demands from the groom's family. To enhance accessibility, the government ought to introduce a mobile app that allows affected women to file complaints or First Information Reports (FIRs). Furthermore, the Deputy Commissioner should maintain a record of dowry cases, ensuring accountability to the district council.

To Overcome the Dowry Hurdle: Cooperation is required among State Ministries

To effectively address the issue of dowry and related violence, a collaborative effort among various state ministries is crucial. Ministries such as Women, Religious Affairs, Education, Health, Population, and Youth; if they collaborate then have the potential to take part in tackling the multifaceted challenges that are interfused with a dowry. Recognizing that dowry-related issues involve religious aspects, legislation, educational curriculum, health implications, spousal communication, and the younger generation of Pakistan, therefore these ministries must work together cohesively.

The joint efforts of the Ministry of Human Rights and the Ministry of Religious Affairs are particularly significant. These ministries should collaborate with the government to combat dowry-related problems. Religious leaders can play a vital role by delivering sermons and also in educating the public about the Islamic perspective on dowry, emphasizing the

concept of "Meher" rather than dowry. Achieving substantial change requires a comprehensive, multi-pronged approach that challenges patriarchal norms and brings transformative improvements to the status of women and girls in Pakistan.

Moreover, the Ministry of Education ought to inculcate dowry-related content in the curriculum. Alongside the integration of anti-dowry content into the school curriculum, the Education Commission ought to strive to arrange and support a comprehensive public education campaign. This will not only empower girls but will also raise awareness of legal rights which is a necessary component in normalizing marriage free from the multifold burden of dowry.

Collaborate with Community Organizations

To initiate campaigns against dowry, the government must support organizations of the development sector in organizing workshops, seminars, and awareness programs at the grassroots level. These activities should aim at educating families about the harmful nature of the dowry system, and also to emphasize that giving and receiving dowries is detrimental in multiple ways. In 2003, the government utilized different developmental organizations to spread awareness about the consequences of dowry, initiating anti-dowry movements. Notably, the UN Women's campaign against dowry, titled "Stop Dowry

Mongering," gained significant traction and sparked conversations nationwide. This campaign was an initiating point toward a cultural shift and even received support from influential bodies like the Islamic Council, which declared dowry as an un-Islamic custom. Similar movements should be encouraged and must ensure the public's active participation as it is essential for their success (PAKISTAN TAKES A STAND against FORCED DOWRY, 2020). The government ought to forge partnerships with community organizations to combat the dowry system.

Furthermore, an Anti-dowry campaign organized by UN Women Pakistan with the hashtag (#StopJahezkhoori) launched in 2018, has utilized social media extensively. The campaign aimed to shed light on the adverse effects of dowry, including economic pressure, psychological stress, and threats to the bride's family. Through the hashtag #StopJahezkhoori, social media influencers, bloggers, actors, and actresses joined the campaign, which sparked discussions and raised awareness about the social ill of dowry. The government ought to support these organizations in such campaigns and also focus on pragmatic measures as social media campaigns play a crucial role in creating awareness, at the same time, the actual commitment of influential figures to curb extravagant weddings and promote positive societal changes is equally important.

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