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Ideal Practices and Dowry System in the Muslim Communities of Nepal

Chandra Upadhyay, PhD^{1*}

¹*Asst. Professor (Department of Sociology), TU, Mahendra Morang Adarsha Multiple Campus,
 Biratnagar, Morang, Nepal*

**Institutional Email: chandra.upadhyay@mmamc.tu.edu.np*

Abstract

This paper analyzes the ideal practices and the dowry system in Muslim communities in Nepal. Here, the term “ideal practices” refers to a system or set of practices that include the effectiveness of human experience and behavior, including traditions, customs, and social practices prevalent in a community. Muslim communities in Nepal follow their own way of life based on Islamic ideals. Amidst the ideal practices, the dowry system is prevalent among them. However, the system, as practiced in contemporary Muslim society, has been reported as a social and economic barrier. This paper, based on a descriptive research design and a qualitative approach, answers the question of what dowry is for Muslims, how they practice it, and why they socially discard the practice. It uses both secondary and primary data. The secondary data were collected through reviews of published books on Muslims in Nepal, and the literature available in archives and e-resources. Similarly, the primary data were collected through interviews, focus group discussions, and field observations in Morang and Sunsari districts of Nepal’s Terai. This article also uses local stories to understand the prevalence of the dowry system in the Muslim community. The analysis of various stories indicates that the dowry system is prevalent in the Muslim community due to the fanaticism of the community, superstition, greed, personal intention, social imitation, and level of perception. This research concludes that efforts such as adherence to Islamic ideals against dowry, socialization, awareness, and education can have a positive effect on controlling dowry. The paper contributes to social awareness against the dowry system among Muslims and other communities in Nepal.

Keywords: Dowry system, Islamic ideals, religious dogma, women's empowerment

Introduction

Dowry is known as 'daijo' in the Nepali language and as 'dahej' in Hindi, Maithili, and Bhojpuri in Nepal's Terai. Dowry is practiced in various forms (Agey et al., 2023). It is the practice of paying money, property, or some kind of special gift at the marriage of a daughter by her family to the bridegroom or his family in the form of dowry (WOREC, 2014). The Hindu (10 August, 2017), mentioned dowry as an ancient Hindu custom of demanding payments for marriage. Agey et al. (2023) asserted that financial transfer from the bride's family to the groom and his family, in the form of dowry, used to be an important part of marriage negotiations. Interestingly, there are studies that show that, in spite of legal prohibitions, the practice of dowry persists in many societies. Dowry has been legally prohibited in India since 1961, in Pakistan since 1976, in Bangladesh since 1980, and in Nepal since 2009 (Rao, 1993; Anderson, 2003; Esteve-volart, 2004; and Agey et al., 2023).

An extensive review of literature on Muslims, with special references to Islamic culture, has been made to understand the concept of dowry and the Muslim society within their culture, economy, and political condition. A study on Bangladesh (Chowdhury & Mallick, 2014) cited various sources to explain the evolutions of mehr and dowry in Bangladesh since the 1960s and wrote that a Muslim marriage contract, according to Islamic law, requires specifying a mehr, a monetary payment from husband to wife to be paid or promised before the marriage is consummated. Culturally, the amount of mehr to be paid by the bridegroom to the bride is an essential part of the marriage contract among Muslims. Mehr is different from what is traditionally understood as dowry given to a daughter by her parents on her marriage that becomes her husband's property after the marriage. Mehr is the amount or any value that needs to be paid by the husband to the wife in case a divorce is desired (Siddika, 1993: 189). The Holy Quran in Arabic text that has been translated into the Nepali language by the Islamic Sangh Nepal with the support of Al Quran Academy London in 2013 explained the meaning of Mehr as the money or property given by the husband to his wife. As this text explains, it is obligatory for the bridegroom to give mehar to the bride at the time of marriage. Mehr is explained as a symbol of relationships and strong love between husband and wife among Muslims. A man should be responsible for the Mehr, safety, and dignity of a woman (Nadwi, 2013). Dowry is the opposite; a payment from wife to husband during the marriage is a common practice among

Muslims (and non-Muslims) in Bangladesh and neighboring countries (Chowdhury & Mallick, 2014). The Muslims in Nepal's Terai also have a similar practice of dowry.

As per the National Census of 2011, Muslims comprise 4.4 percent of Nepal's population though they claim that they are about 9–10 percent of the country (Seddon, 2017 & Ansari, 2010), and more than 90% of the Muslims in Nepal live in the Terai. Studies further show (NSIS, 2012; Khan, 2014; Upadhyay, 2014) that Muslims in Nepal do have a lower rank in multi-dimensional inclusion indicators. In most cases, they are excluded and not integrated into the mainstream. Further, the women within this group have shoddier conditions, and in different situations, this condition is because of in-group exclusion in terms of education, employment, access to resources, and decision-making roles (Upadhyay, 2017). Dowry is linked to the social status of women in the community. Sijapati (2012) observed the conditions that had been conducive to analyzing the Islamic revival it was taking shape in the contemporary Nepali society with particular attention, as the author mentioned, to two major Muslim organizations influential for Islamic revival in the country. For Sijapati (2012:1), such movements reflect ideological shifts in Muslim thoughts, politics and piety. In a patriarchal society, such situations aggravate gender inequality and female disempowerment. Lower status of the Muslim women realized, to a great extent, is due to the patriarchal hegemony in the name of traditional Islamic faiths. Multiple cases of violence against women insulting, battering and even killing by inhumanly burning till deaths are reported (Parajuli, 2012).

The reviewed literature related to the dowry system revealed that demand for any kind of dowry is prohibited by the existing laws as well as in accordance with the Islamic principle. However, in practice, the dowry system is still prevailing in Muslim communities in Nepal. In this context, the focus of this paper is to seek the answer to the question about why the dowry system is still practiced in Muslim communities in Nepal's Terai. How does the teaching of Islamic cultures support controlling the practice of the dowry system in the Muslim community? This paper analyses the causative and complementary factors behind the prevalence of dowry in the Muslim community of Nepal's terai.

Methods and Materials

This paper followed descriptive research design and a qualitative approach and is based on both primary and secondary data. Desk review and archival study method is used for analyzing the secondary sources of data such as news reports; electronic, print and online. To

understand the legal prohibition on dowry, the constitutional provisions in Nepal are studied. The primary data was collected through one to one interviews of Muslim men and women in Bhutaha, Ghuski and Jalpapur villages of Sunsari district and Biratnagar Metropolitan City in Morang district of Nepal. Key informant interviews were conducted with school teachers; male and female, Imams and, officials of Muslim non- governmental organizations at Inaruwa in Sunsari district, Two Focused Group Discussions were held: one at Ghuski village and another at Madrasa Sahbajiya at Sarauchiya in Biratnagar. More importantly, the narratives of selected dowry affected women respondents were collected through informal conversations in Nepali, Hindi and Maithili languages as and when required for an in-depth understanding of the respondents with due ethical consideration and privacy to their names, party affiliation and contextual interpretations. On collection, the stories of all the respondents, the data have been transcribed into English language and broadly prepared for narrative analysis to develop the core narratives and for a thematic analysis to develop the core theme of the subject. Finally, as a part of the qualitative research framework the interview responses and the collected information are analyze under four different sub-sections to present at the results and discussion section.

Results and Discussion

Ideal Practices of Muslim Communities

Preservation of the perceived culture can provide identity but resistance to change can add vulnerability too. The social and cultural life of the Muslims in Nepal is based on Islam religion (Khan, 2015). Like in many other small cultures, religious dogmas and credos are common among the Muslims in Nepal's Terai. The national education system in Nepal does not fully match with the Muslim socio-cultural environment. They traditionally take primary education from "Madarsa", the Islamic school. In terms of both Muslim culture and religion, a Muslim woman for example, might be perceived, and therefore constructed, as the custodian of family values, modesty and purity. While she is included and centrally located on the basis of what she brings in terms of her Muslim identity as daughter, wife and mother she is excluded on the basis of her gender and sexuality –that is of being a woman. In other words, if she accepts her inclusion as a Muslim woman, she simultaneously has to accept her exclusion as (Muslim) woman- because that is what ensured her inclusion in the first place but what exactly excludes and includes her religion, her culture, her gender, her sexuality ,or her education. Firstly, Muslim education would necessarily be permitted by culture. To this end religion and culture cannot be

separated. Secondly, scholars argue that, if religion and culture are inseparable, then the Muslim women would be acculturated by virtue of the Muslim education they receive. Further argued, in order for Muslim women to find a sense of inclusive-belonging, they would need to produce a particular form of knowledge-one makes a contribution to both education and culture (Davids, 2016).

However, as Upadhyay (2014) observed, without inclusion in education, it is impossible to accomplish inclusion in other sectors because the credentials provided by education are supposed to level the playing field and make it fair, just and universally up to standard. The gravest situation of Muslims has been understood as backwardness in education and the reason behind the illiteracy is poverty and lack of proper awareness towards education though Islam has made it compulsory for every man and woman to get education. Most of them are living under material paucity and below the poverty line. The possibility of Muslims getting higher education is very low. Seddon (2017) wrote that there had been relatively little effort to date to assess in a comprehensive fashion the distinctive economic, social and cultural traditions, beliefs and practices of this distinctive and disadvantaged community, or to identify the aspirations, needs and capabilities of its members, male and female, young and old. The key informant interviews (June, 2018) with the Muslim scholars including a university professor from the Muslim community were concluded that globally there are Islamic personal laws catering to various schools of Jurisprudence, and those associated with the great traditions are custodians of it. The Muslims in Nepal are not an exception to it. There might be a problem in the absence of any acknowledged pan-Nepal personal law/laws and as a result of which some local traditions or little traditions feel the void leading to multiplicity and a vast array of amorphous and contextually contingent sanction.

Dowry System in Muslim Communities of Nepal

The Muslim community in the study area realizes that dowry has become a major problem in Nepal's Terai. In her interview a graduate Muslim girl in Bhutaha village of Sunsari district described that 'dahej' has been a big social evil in her community. A motor bike, cash and more are common demands from the boy's side. Many families are victims of this social practice (March, 2017). In another discussion, a female teacher in a local Madrasa of Sunsari district explained that according to the teachings of Islam, a son gets half of the parents' property and a daughter gets half of her brother's. It is so because a daughter also gets a share from her

husband's family. She further asserted that the discrimination against the daughters the local community people experience is because of their weakness that they have forgotten the teachings of the Quaran Hadis.

Lack of formal education, limited access to higher education, early marriage, early motherhood, hard labour in the family, lack of employment and income generation, limited access to family resources and decision making have crippled the life of the women in many communities. Modernization through education and access to the outer world is debated nostalgically. Level of female education and access to female health, reproductive health and employment is improving among the Terai Muslims since the last few years but it is still much below the national standard (NSIS, 2012). Low level of awareness is adding complications to the life of the vulnerable group adding malpractices like dowry. A women human rights defender expressed that almost every community in the Terai including the Muslims are un wantedly in a 'trap of dowry'. The rich families try to make it a practice to show their status but the families with middle and lower economic status suffer in several ways from such harmful practices. The complexities are cumulative in contemporary society (KII, Sept 2019, Biratnagar).

Some level of awareness on the girls' education was experienced in some interviews. A Siddique of Butaha village in Sunsari district who was a trainer in a local sewing and cutting institute and a father of three daughters reported. These training can be helpful in decreasing the dependence of girls and women on their male members in the family. Child marriage can be checked. Early motherhood can be discouraged. Nevertheless, the respondent further said, People are selling their agricultural land to go for foreign employment and paying dowry in their daughters' marriage. They need money not only for family maintenance but also to pay dowry in their daughters' marriage".

A Muslim youth leader in Biratnagar Metropolitan City, ward no.17, of Morang district told the research in an interview that among many forms of dowry practices in the Muslim community of Nepal's eastern Terai, dowry requirements are used as another pretext for considering the daughters as burden (KII, August, 2019, Biratnagar). The bride's family takes dowry as a source of return of their investment for the boy's education. Despite being educated and knowing that dowry is illegal, yet it is rapidly increasing and spreading among the Muslims. A high school teacher in a rural municipality of Sunsari district, as a key informant for this study, narrated that dowry among the Muslims of Sunsari was also due to the socio-cultural inclusion of

the Muslims with other Madhesi communities. You can say it is the negative consequence of inclusion' (KII, Jan, 2018, Sunsari). Gahatraj (2022) found that dowry is present with several forms and consequences among the Non-Muslim and Muslims in Nepal's Terai. For a Muslim community leader, in Bhokraha rural municipality in Sunsari, the youths returning from gulf with some money expected handsome amounts of cash or a kind such as a motor bike, gold chain, wrist watch and so on. This had been a fashion for almost the last 10 years in the district when youths with some financial soundness started deciding marriage relations to match economically (KII, Jan, 2018, Sunsari). A Muslims community leader in Inaruwa Municipality, the district headquarter of Sunsari, told during an interview that there are different instances of offering some cash amount from the girl's family to the boy's side. In fact it was an offer for a better boy that means an educated and well settled youth or one who is a gulf returned with some earning. This happens more if the girl is not that educated or not so beautiful or if she has some physical or mental weaknesses (KII, Jan, 2018). The experience of some Muslim girls and women is very important here. A young Khatun (Muslim lady) of Bhutaha in Sunsari district explained that dowry (dahej) has been a big social evil in the Muslim community. A motor bike, cash and more are common demands from the boy's side. Many families are victims of this social practice.

Polygamy, child marriage and dowry are related to each other. A Muslim male can have up to four wives at a time. The primary condition for this is that he must be able to satisfy all the economic and psychological needs of his wives equally without any discrimination against them as his equal life partners. A 'Hafiz', designated officiate Islamic marriages in Morang District explained that the marriageable age prescribed of a girl in Islam is 14 years and above and that for a boy is 18-20 years (KII, Feb, 2018, Morang). This shows polygamy is permitted in Islam. But cases generally are settled within the community in line with the prescription of Hadis and Quran and do not become issues of complaints in any official /legal setting. A district level official record book of the (Women and Children Office [WCO], 2017) in Sunsari showed issues of polygamy and child marriage. However, no separate data for Muslims was available. Within a period of four years (2013-14 to 2016-17), 16 cases of polygamy and 27 cases of child marriage were officially registered. Due to the social settings and practices the victims suffering from dowry based violence are silent and do not file any complaint in police due to which it is difficult to have official records of dowry related cases of dowry victims. It is true that dowry practice is

alarming among the Muslims. But legal provisions alone can't restrict the problem. "What we need to change is the attitude and behavior of the community towards the girls and women. Laws also need to be implemented and evaluated" responded a youth leader in the Muslim community at Inaruwa municipality in Sunsari district.

Impact of Dowry System among the Muslims

The social and cultural aspects related to dowry are severe. There are several negative impacts of exchange of dowry. It is found that the girl's family thinks that it is very necessary to provide dowry for the security of their daughter. If they go empty handed to their husband's house, they will not be treated equally. Dowry is often taken as something related to social prestige in the community. Even the educated people and people who don't favour the dowry system are not able to stop it. This is due to the issue of social prestige. Upadhyay, (2016) dowry is a major problem in the villages of most of the Terai districts including Sunsari. Many young and educated Muslim girls consider dowry as a big social evil in the community. A motor bike, cash and more are common demands from the boy's side. Many families are victims of this social practice. The president of Nepal Muslims Women Welfare Society (NMWWS) in a telephone interview responded on the issue that 'dahej' (dowry), for Muslims is a social problem. It may be an issue of social status for some well to do Muslims (KII, 11June, 2018). The concept of dowry entered the Muslim community due to cultural assimilation in Terai. There are certain communities in Terai of Nepal and are highly influenced by some other India communities and cultures who have a practice of 'Tilak' (the other name for dowry prevalent in some other Terai communities) and the Muslim community imitates them to some extent. Dowry is not an Islamic practice. The Islam religion strictly prohibits any form of dowry; rather there is a practice of 'Mahr' to be paid by the bridegroom at the time of marriage contract to the bride. Responding a follow up question about ascends in news reports on dowry related cases among the Muslims, the president further notified that there were elevated number of dowry related cases among many other non-Muslim communities of Terai, but in most cases the Muslims got a target because this is not a genuine practice of the Muslims . Muslim community leaders, more or less, denounced the practice while saying during the research interviews "Islam has nothing to do with this problem; this is mostly due to sick minds and poverty". This was an indication that greed and personal intentions of people were responsible factors supporting dowry.

The economic aspect of dowry creates more burdens on the poorer section of the community (Upadhyay, 2016). A dowry is a gift given by the bride's family to the groom and the newly formed household at the time of their marriage. The economic cause of dowry, in general, is associated with the inheritance of the system. Dowry came into existence to give women with economic and financial security after their marriage. An advocate explained in an interview that though dowry was willingly practiced in the form of providing marriage gifts in some cultures in the past, it turned into a forceful demand and as an act of exchanging dowry; that means asking, taking and/or giving dowry, which is prohibited by law. Further, the Constitution of Nepal states that sons and daughters are equally entitled to ancestral property. The pressure of 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. The positive income effect from foreign employment has increased the value of dowry and mehr.

Theoretically, the issues of woman empowerment are studied using multiple perspectives. The common use is of feminist (Jamatia, 2022; Sharma, 2022), Marxist (Tiwari, 2019) or constructivist views. Marxists theory states that economic sustenance would be the prime concern of all communities superimposed by ideology. The constructivists would opine that ideology, language, religion, dress etc are used as cultural symbols for ascertaining membership and this idea would be interpreted by instrumentalists as symbols used to achieve rational ends by those manipulating these symbols. These would indicate that these symbols are important but not as exclusive criteria in negation of others but are one of the many important concerns and which is actually casual/prime is for the researcher to find out. Various studies revealed that the dowry system has impeded women empowerment (Jamatia, 2022) and created social evils against women related to abuse, insult; battering, divorce, violence and even deaths in many south Asian countries including Nepal (Parajuli, 2012; Chowdhury & Mallick, 2014; Majeed, 2014). Issues related to dowry limit women's empowerment or disempowerment in several ways (Tiwari, 2019; Researchers et al., 2022). The problem may have often not been reported in many communities including Muslim. Chowdhury and Mallick (2014) further reviewed the situation in Bangladesh that not only the incidence of dowry but the amount of dowry being paid had substantially increased over time. Majeed (2014) an advocate from Pakistan high court observed that dowry abuse is rising in Pakistan despite a Dowry and Bridal Gifts (Restrictions) Act 1976. It is really serious when girls remain unmarried due to dowry. Studies have also shown that there

is an exchange of sons too. Majeed (2014) further wrote, “in other words, they give a bridegroom (mostly their son) to a girl to be married in exchange for a bridegroom from the girl's family (the bride-to-be's brother or any unmarried male relative) so that they can have their daughters married without dowry”. The situation becomes incredibly difficult for parents with only daughters and without a son to exchange. The parents of daughters have to give money to get their daughters married. It is a sad irony that women (mostly the mothers-in-law) are oppressive towards other women (the daughters-in-law). Mostly, mothers-in-law-to-be are the ones who demand dowry from the bride's family and who end up torturing the daughter-in-law after marriage if she brings less than the negotiated amount.

Parajuli (2012) for the Asia News, reported how a sixteen years old would-be bride from Gulariya Municipality in Bardiya district was set on fire over dowry and died in a hospital in Kathmandu on 12th December, 2017. Some other sources reported it as an incident by an Indian youth when the would-be bride denied marrying with him by elopement, while the would-be groom's family was demanding a huge amount as dowry. Sharma (2014) reported a story for the Asia Times on July 5, 2014 on how a 19-year-old pregnant woman from a poor family in the Banke district of Lumbini Province was starved, beaten, and tortured by her husband for months. One day, in the presence of her father-in-law, her mother-in-law and her husband burnt her alive by pouring kerosene on fire. The story explained that the husband's family used to give her mental torture many times after not being able to bring much dowry for her marriage.

Legal and Local Practices to Control Dowry System

The study shows that dowry does not have a religious significance for Muslims and neither the community leaders find any rationality on putting it into practice. Efforts are continuing for prevention, transformation and change in the community practices from multiple sectors; however, this particular aspect of dowry needs more effective address. The Muslim community leaders and human rights activists declared that dowry and dowry related violence are not connected with Islamic faiths but these are widely found in the community. Many of them slam the one who is involved in greed of dowry as cruel and spiritually empty. Some Muslims making and receiving dowry payments are alleged socially for defaming the Islamic belief, but in practical life they too are the victims of this malpractice. There are responsible social and cultural factors continuing the dowry practice and praxis.

Dowry is illegal in Nepal (Agey et al., 2023). Several legal sanctions and strategies to end dowry practices in Nepal were made through the Constitution of the Kingdom of Nepal 1990 (Article 88, 1), the 11th amendment, 2010 of the Civil Code 1963, the Social Improvement Act, 1976 (Section 5, 2) and the Social Practice Reform Act, 2014 (Pandey, 2014). The National Panel Code (Act) 2017 in Nepal has the provisions of three years jail term or a fine of rupees 30,000 or both, against any dowry payment for marriage. Chapter-11, Section 174 on 'Prohibition of Transacting Property on Marriage', sub sections 1 and 2 read as:

(1) No marriage shall be concluded, or caused to be concluded, upon having asked for, or on the condition of receiving or giving of, any type of movable or immovable property, dowry or any property from the bridegroom or the bride side, except such ordinary gift, donation, money or one set of jewelry worn on the body as has been practiced in his or her custom.

(2) A person who commits the offense referred to in subsection (1) shall be liable to a sentence of imprisonment for a term not exceeding three years or a fine not exceeding thirty thousand rupees or both the sentences.

In spite of such local initiatives and the prohibitory provisions by law, dowry is practiced across some socio-economic groups of Nepal and is most prevalent in Terai, especially among the Hindu or Muslim communities (UNO Nepal, 2020).

Conclusion

There is a growing discourse on dowry among the Muslims in Nepal's Terai. However, there is a gap between the practice and ideals of dowry in the community. Dowry practice is prevalent in spite of the local and legal initiatives to control it. Dowry practice has even limited the access to higher education or employment for the girls in the community. For some parents, more education of a daughter necessitates more dowries for finding an identically qualified male as her life partner. Parents' desire for a better a house and a better husband for their daughters induce them to hold such practice. For those with a brassy lifestyle, dowry has been a practice of showing the concerned family's social status. Adequate access to modern education and socio-cultural awareness and reform is required to overcome the problem. Further research might contribute to understanding the required socio-cultural and behavioural changes at a family, group and community level.

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