

## **Understanding Two plays by Dina Mehta: Through the lens of Socio- Legal Perspective**

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### **Abstract**

The Socio-Legal study is an interdisciplinary approach to analyze legal frameworks and their application to society at large. Society constitutes with living beings. It (laws) works as a tool which people adhere according to the normative and structural gradation of society. It has certain set of rules which mechanize so as to dispense justice as well as to dole out punishment. It is in this light the present paper engages to investigate two plays-- *Getting Away with Murder* and *Brides are not for Burning* by Dina Mehta. Both the works have glaring issues of *Female Infanticide* and *Dowry Death*. The Paper aims to point out two legal acts which may be viewed as legal remedies -- *Dowry prevention Act 1961* and *Prevention of female infanticide Act 1870*. The paper also takes into consideration the fact that how prevailing gender disparity in society circumstantially affect people.

**Keywords:** *Dina Mehta, Dowry Prevention Act 1961, Female infanticide Act 1870, Social Response and Remedy.*

### **Introduction:**

Dina Mehta, a Parsi Indian writer, is a promising name in the field of Indian Writing in English. Her works have been instrumental in generating awareness amongst audience towards social inequity between genders. Her plays have been performed at various places and won critical acclaim of which she has won numerous awards, to name a few- first prize in a world - wide playwriting competition sponsored by BBC in 1979; *Sultan Padamsee Playwrighting Competition etc.*

### ***Brides are not for Burning and Dowry Prohibition Act 1961***

The play unravels the conspicuous concern for women in society that how on account of the unfulfillment of the desired amount to the side of in-laws, the daughter of a helpless father, a sister to a powerless brother and a younger sibling, is forced to commit suicide. Nevertheless, in-laws do not feel slight compunction to the act and prove it to be an accident, not intentional

murder. To establish any act as a crime the law has two phrases: *Mens Rea* and *actus Reus* which interpret "guilty mind" and "guilty act". *Third Institutes* defines, "*actus non facit reum nisi mens sit rea.*" *The act is not guilty unless mind is guilty* (Edward Coke) . In the play both the causes are evident and establish the above act as a legal crime against Lakshmi.

The play is about a girl --- Lakshmi, who is married to Vinod. Her father stakes all his hard-earned money to quench the thirst of in-laws and see his daughter happy. Unfortunately, it results into unthinkable repercussions. Lakshmi was tortured and traumatized by her in-laws and they allegedly accused her barren for not bearing any child, even after many years of marriage. However, the truth was otherwise. It was Vinod who was impotent, deficient for not being able to produce any issue, even after so many years of marriage. In order to conceal the truth of her son, Laxmi's mother in law put the blame on to her (Lakshmi). Subsequently, constant torture and incessant infliction of pain upon Lakshmi culminated into the drastic step of her committing suicide.

Indian Law, enacted on May 1, 1961, intended to prevent the giving or receiving of a dowry. Under the Dowry Prohibition Act; dowry includes property, goods, or money given by either party to the marriage, by the parents of either party, or by anyone else in connection with the marriage. The Dowry Prohibition Act applies to persons of all religions in India. Indian Penal code establishes specific dowry related cruelty, dowry death and abetment of suicide. These crimes against women either by her husband or relatives underscores punishable offense in the eyes of law in cases of demand of dowry. *Section 498A of Indian Penal Code* has provision that husband and relatives can automatically be arrested upon complaint of bride of dowry harassment. In 2014, there had been various false and widely abused of this law because of which Supreme court of India issued that arrest cannot be made without magistrate's approval.

Dowry is a prevalent phenomenon since time antiquity. In ancient India, especially in Vedic practices, there was the concept of dowry. Daughters were given to the grooms with a price, which was commonly famous as "bride price". Gradually, it got replaced with dowry and become a common practice in modern era. The difference between "dowry now" and bride price then" is dowry was practiced by upper caste people however bride price was given to the family of bride by the groom in order to compensate their poverty. It is also discussed that property and material which the family gives to bride in her name is a token of happiness of the family and it does not amount to dowry. This reflects the financial strata of the family. By doing so family ensures the happiness of the bride. Under *Indian Penal Code*, giving or taking dowry is a punishable act. The guilty may be imprisoned for not less than five years , also a fine, not less than 15 thousands, may be imposed.

Despite all stringent and punitive legal aid, crimes against women are not lessening. The play, *Brides are not for Burning*, explores this crucial aspect in its investigation. The playwright has pertinently dealt with the issue and critiqued women also for being guilty of the crime. Abetment of suicide also amounts an offence under the Indian legal system. An incident, which was a consequence of the abetment of suicide, was allegedly proven accident in the play. Lakshmi, the bride who was married to Vinod committed suicide which was abetted by her in-

laws. She was married off with all possible materials which her father could manage. In spite of holding a clerk job, he made it a point that all demands by in-laws be fulfilled.

He quotes:

" Marriage is 12 tolas of gold, 2000 rupees for the hall, utensils of steel, saris of silk...their expectations were endless because they imagined a government clerk makes so much on the side".

A father has swallowed the humiliation by the in laws, reason being he wanted to marry his daughter to a good match which he then thought Vinod to be a good and gentleman. Truth unravels later that after she burnt herself, Vinod her husband, pocketed insurance money of 80 thousand.

Not only did he do this but also remained apathetic towards her. He did not call doctor on time to save her life.

Anil, her brother states:

" ...My sister 's death occurred between 7:15 and 7:30 p.m. And the fire must have been put out well before 8....yet you did not send Kalu for Dr. Lodha till almost 11 at night, why? ( 61)

After Anil categorically states the fact that Lakshmi was murdered by her in laws, including Vinod:

"If a girl is ill -treated during the first five years of marriage, it will be deemed an attempt to extract money"(63)

After having the fear of getting truth revealed, to placate Anil, Vinod offered him a small sum of insurance money and tried to talk him out of it. They tormented and humiliated her because the dowry she brought them was not what they had angled for. Increasingly , in Indian society, it is said that in most of the dowry cases it is women who inflict pain upon brides and torture them for not bringing material possessions. This social evil is still incorrigible. Women against women cause lots of stirs in family turbulence. Likewise, Mehta unearths the same aspect when we meet the mother in law of Lakshmi in the play. She is a stereotypical mother in law who wants to have upper hand in the family affair and always, whenever occasions come, makes Lakshmi feel insignificant as a family member. *Pure autonomy is a dream of evil. It is also the myth of middle class society (Eagleton 12).*

The vicious nature of mother in law is clearly evident in the conversation between Malini and Tarla, while Malini was investigating how her sister died, Tarla told her how villainous the mother in law is:

" ...she is the kind of woman who would wring the neck of flowers...

She said that Lakshmi's womb would remain barren-- if it was not already diseased and rotting--- because of misdeeds in past life"( 70)

That was the time when Laxmi ran to the kitchen and locked herself in. The narrative of Lakshmi being barren is other way round. The fact that Vinod was impotent was well hidden from Lakshmi. Her mother in law pretentiously put the blame on to her and states that ‘*Lakshmi’s womb would remain barren—if it was not already diseased and rotting---because of misdeeds in a past life*’. She was constantly hounded by her in laws. One day, she locked herself in and set fire, that too in presence of everyone at the home. Not only she died of burn but the coroner’s verdict proven it to be an accident. On account of having upper hand in the terms of money and political clout they turn the verdict in their favour and Lakshmi’s family felt betrayed. Malini pertinently quotes:

“I spit on your law course! Playthings in the hands of exploiters and reactionaries, they deal out one kind of justice to rich, another to the poor.” (18)

Ironically, the law which has stringent punishment in case of abetment of suicide under *Indian Penal Code, Evidence Act and Criminal Procedure code*, could not dispense justice to Lakshmi. Dina Mehta pertinently raises this issue in her work. Truth shall prevail with this idea Lakshmi’s brother -Anil and her sister -Malini try to seek justice for their sister. The play has open ended closure inviting audiences’ perceptive to ruminate over the burning issue of dowry death and realise in true sense that *Brides are not for Burning*.

Dowry death is a social curse which is a burning issue in Indian society. Organized approach by women welfare organizations, police, public servants and judiciary by applying deterrent punishment for dowry deaths culprit. It can be observed that government of India along with Indian judiciary makes co-operative and supportive law to safeguard the life interest and dignity of women and provide further justice to the victim of harassment or cruelty by husband and his relatives. Change in education system led to an improvement in the education status of female and will lesser down dowry deaths. Still, certain corrective measures need to be adopted to eradicate or at least curb this social menace of dowry death, but most importantly it needs a public will and commitment to shun away materialistic greed of dowry demands.

### ***Getting Away with Murder and Female Infanticide Act 1870***

Female infanticide stands for ‘*intentional murder of infants*.’ This burning issue has been a pervasive aspect in society for very long time. In India it has a history spanning centuries. Poverty, dowry system, births to unmarried women, deformed infants, famine, lack of support services and maternal illnesses such as postpartum depression are among the causes that have been proposed to explain the phenomenon of female infanticide in India. Although infanticide has been criminalised in India, it remains an under-reported crime due to the lack of reliable data. The Indian practice of female infanticide and of sex selective abortion have been cited to explain in part a gender imbalance that has been reported as being increasingly distorted since the 1991 census of India.

Raising voice against the same concern, Dina Mehta in the play—*Getting Away with Murder* brings out the pertinent issue which presents plurality of perception. The play deals with lives of three women in particular and it has the issue of female foeticide in general. Sonali, Raziya and Mallika are friends and they share each -others' woes. In the same vein, Mallika talks Sonali out of doing a test to determine the sex of the foetus. Raziya, who is a gynaecologist does not agree to do the test. However, Sonali is anxious to know if it is going to be a boy or girl. She categorically states she would abort the baby if it is a female foetus. The conversations between Mallika and Sonali are worth considering to illumine one's point of view:

Mallika: ...but why do you want it (test)?

Sonali: ...I just want to end the nine month suspense

Like , will it be a boy? Will it be a girl? Okay Sonali, suppose Raziya does the test under whatever pretext---and it turns out to be a girl. What then? Sonali?

Sonali: If it is a girl I shall abort her.

My God!... I thought only ignorant women had this prejudice! Or deprived women, with drudgery as their lot, who are sucked into further poverty and debts when they spawn daughters---because girls need dowries before they can be off loaded. But to someone like you, how can it matter if the child is a boy or girl?

It is equally significant to note the reply of Sonali when she says, '*his mother would be mortified if I presented Anil with a girl as his first born*'. It explicitly indicates the duress to give birth to a son is a huge societal pressure on women. Moreover, the playwright has cited altogether different reason behind Sonali's wish to abort the baby if it is a girl. The reason is well explained and to some extent, seems to be justified from Sonali's point of view. It presents a variant of perception, not only from audience, playwright but the character as well. It appears to be most vital ground for Sonali to make up her mind and take such horrendous drastic step, despite her reluctance and unwillingness. The crux of it lies in the deep analysis and critique of the text.

Section 315 of the *Indian penal Code* defines infanticide as the killing of an infant in the 0–1 year age group. The Code uses this definition to differentiate between infanticide and numerous other crimes against children, such as foeticide and murder. Some scholarly publications on infanticide use the legal definition. Others, such as the collaboration of *Renu Dube, Reena Dube and Rashmi Bhatnagar*, who describe themselves as "*postcolonial feminists*", adopt a broader scope for *infanticide*, applying it from foeticide through to femicide at an unspecified age. *Barbara Miller*, an anthropologist, has "for convenience" used the term to refer to all non-accidental deaths of children up to the age of around 15–16, which is culturally considered to be the age when childhood ends in rural India. She notes that the act of infanticide can be "outright", such as a physical beating, or take a "passive" form through actions such as neglect and starvation.

*The Female Infanticide Prevention Act, 1870*, also *Act VIII of 1870* was a legislative act passed in British India, to prevent murder of female infants. The British colonial authorities passed the *Female Infanticide Prevention Act 1870*, under pressure of Christian missionaries and

social reformers seeking an end to the incidences of female infanticides in the Indian Subcontinent. The law's preamble stated that the murder of female infants is believed to be commonly committed in certain parts of British India, later it was applied to all parts of the country.

The law authorized the creation of a police force to maintain birth, marriage and death registers, to conduct census of the district at its discretion, enforce a special tax on the district to pay for the expenses and entertainment of said police officers. The Act also stipulated a prison sentence of six months or a fine of thirty thousand rupees, or both, on anyone who disobeyed or obstructed the police officers enforcing the Act. *Section 6* of the Act allowed the police officer to seize a child from any person he suspects may neglect or endanger any female child, as well as force collect a monthly fee from that person.

It is in this light the writer is critiquing heinous practice of female infanticide. It also imparts the message that under what circumstances a woman decides to take this step, should also be taken into consideration. To arrive at any definite point and jump to the conclusion to judge Sonali would be having the strain of opinionated personality. While conversing with Sonali, Mallika enlightens the fact:

“ out of 69 abortions in one month in a high class Bombay nursing home, 68 were of girl foetuses. So what you would you call it?”

The reply by Sonali may leave anyone in deep shock.

‘ call it what you like. It is still my body and my choice.’

Further, as stated above, one has to dive deep in order to exhume and understand the fixed mind of Sonali as to why she is so determined to have it aborted in case of a female foetus. Dina Mehta , at this point, unravels a hidden horrendous dark past of Sonali’s life which she had been through while she was a child and has yet not overcome it. The trauma of her past life haunts her all the time. The reason is quite shocking and makes her feel innocent having decided to abort the foetus. She was sexually abused by her uncle, Narotam while she was a girl. She doesn’t want the same to happen with her daughter and intentionally wants to avoid such circumstances to crop up. She never forgets the incident all through her life. It hordes her like a miser and her mind forgets nothing. And sometimes it brings the past and present together in her life in a disconcerting fashion. Perhaps something buried in Sonali’s mind is waiting to be disinterred.

Consequently, the play ends unresolved, leaving it upon the audience to come up with certain resolutions and realize their mite to contribute to society. Each one of us are accountable to unpleasant happenings to women and we must take it upon ourselves to eradicate it. It is true that nothing can be permanently curbed from society yet we can feel responsible to keep a check on it. In addition to it, several agencies help us curb it. There are legal aids to almost every crime and should be used in order to maintain the balance of life and help in smooth living it, peacefully. Our prompt responses to crimes against women are the best remedy to mitigate and alleviate the rate of it. In this connection the two works by Dina Mehta generate awareness



amongst audience and offers a fresh perspective to look at it through the social and legal vantage point.

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