

A STUDY ON THE IMPLEMENTATION OF DOWRY PROHIBITION ACT IN TAMILNAD (2000 - 2010)

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An attempt has been made to deal with the dowry related cases particularly filing of cases and investigation and disposal of cases by the Police and Trial courts in Tamilnad. At the instigation of Madras state govt. and Women Associations of Madras branch the Central Govt. introduced the dowry prohibition bill in the parliament in 1959. Both Lok Sabha and the Rajya Sabha differed sharply in several issues relating to the Dowry Prohibition Bill. In the original bill the definition of dowry excluded presents in the form of clothes, ornaments, etc. up to a limit of Rs.2000/-.¹ Such a provision appears to be necessary to make the law workable. The bill stated that dowry given both directly and indirectly should be made an offence for which imprisonment and fine should be imposed. It was felt that even a single day's jail was a strange deterrent than a finer especially for the financially well off.²

Dowry Prohibition Act 1961

The Dowry Prohibition Act came into force on May 20th 1961. The Act defined dowry broadly as 'any property of valuable security given or agreed to be given either directly or indirectly by one party to a marriage to the other party to a marriage'.³ The Act made both the giving and the taking of dowry crimes punishable by prison sentences and fines. It exempted gifts given at the time of marriage, but required that a list of them be kept and that their financial value not be 'excessive' in relation to the means of the parties to the marriage. The law also treated any dowry given as a trust in favour of the bride, and defined a time limit by which this amount should be given to her if she requested it.

The Dowry Prohibition Act, 1961, has signally failed to achieve its purpose. In spite of the rapid growth of this practice, the cases dealt with under this Act were extremely few. During the debate on the dowry bill, it had been claimed that awakening of the social conscience was necessary to solve this problem, and that the evil would be reduced with increasing avenues of employment and other opportunities for women. There was little evidence of either of these developments. Social conscience is still asleep as is evidenced by the many cases of ill-treatment of the girl by her in-laws or her husband for failure to bring adequate dowry which were reported to the women voluntary organizations and by the fact that none of the persons reporting such cases mentioned the need to call the police or socially censure such families. Education has proved to be an ineffective to arrest

the evil since the educated youth appear to be unashamedly contributing to its perpetuation. Existed economic conditions also suggest that increasing job opportunities and economic freedom for women would be a long drawn-out process. Under these circumstances, stringent enforcement of the policy and purpose of this law has become absolutely essential.

The specific measures suggested are:

1. Making the offence cognizable;
2. Entrusting its enforcement to a separate administration which would be associated with social workers and enlightened members of the community in its functioning;
3. Including two ancillary provisions in the act to prohibit gifts made to the bridegroom or his parents in excess of Rs. 500 or which helps to perpetuate and encourage this practice; and
4. Penalizing the taking and giving of dowry under the government servants conduct rules as done in the past in respect of bigamous marriages.

The impact of the amended Act should be a long-term objective to set a ceiling even on gifts to the bride. Government has been making various efforts to deal with the problem. In addition to issuing instructions to the State Governments and Union Territory administrations with regard to the making of thorough and compulsory investigations into cases of dowry deaths and stepping up anti-dowry publicity, government referred the whole matter for consideration by a Joint Committee⁴ of both the Houses of Parliament. The Committee went into the whole matter in great depth and its proceedings have helped in no small measure in focusing the attention of the public and rousing the consciousness of the public against this evil. On the basis of the recommendations of the Committee indicating the role of the legislation to deal with the evil, Jawaharlal Nehru observes “Legislation cannot by itself normally solve deep-rooted social problems. One has to approach them in other ways too, but legislation is necessary and essential, so that it may give that push and have that educative factor as well as the legal sanctions behind it which help public opinion to be given a certain shape”. The select committee gave suggestions to amend the Dowry Prohibition Act. 1961⁵ In response to such protests the govt. of India passed the Dowry Prohibition Amendment Act (63 to 1984) which came into force on 22nd Oct. 1985.⁶

The Act was amended again in 1986 and was called as the DP (Amendment) Act of 1986 to make the provisions more stringent and to plug the loopholes which had made it ineffective.⁷ The period of limitation for filing complaints was removed. The court now has powers to act on its own knowledge or on a complaint by a recognized welfare organization. Protection is extended to the ‘complaint’. A new section on ‘dowry murder’ has been introduced in the Indian Penal Code. The Indian Evidence Act amended to shift the burden of proof, to the husband and his family where dowry is demanded and the bride

dies within seven years of the marriage otherwise than under normal circumstances, to the husband and his family. Provision for appointment of Dowry Prohibition Officers and Advisory committees has also been made. Advertisements offering consideration for marriage are now punishable. It received the assent of the president on Sep.8th 1986.

The term 'dowry deaths' and 'dowry murder' began to be recognized as social menace only around 1977-78. Till then many of the deaths of married women were considered by the police as accidents or suicides. Later when the news of such death got reported in the press they were considered to be actual murders or induced suicides, caused by prolonged physical and mental torture at the hands of husbands and in-laws. Instead of just depicting them as murders or induced suicides, women's organizations and media named them as dowry deaths.⁸ To put an end to these heinous crimes, the Govt. of India formed a cell called Crime against Women Cell (CAWC) in Delhi. To begin with the Cell started functioning in the four metropolitan cities and a large number of major towns in the country.⁹

The CAWC confined itself to filing cases under four criminal provisions of the Indian Penal Code. The IPC 406 which relates to crimes under the Dowry Act is the most commonly used law. Since then cases under IPC302 (murder), 304B, 306 (abetment in suicide and torture) and 498-A (a cruelty committed by husband or his relatives) 376 (Rape), 309 (Suicide) and 354 (molestation) are really at the CAWC.¹⁰

Apart from the functioning of a chapter of CAWC in Madras the Government of Tamil Nadu passed a resolution on 5th May 1986, to set up Dowry cells in all the districts to deal with cases of dowry.¹¹ A Dowry cell has been formed and two or three Head constables/police constables from the existing strength and placed under the Deputy S.P, Dt. Crime Record Bureau in Madras city to enquire into the petition relating to dowry harassment.

The women subjected to 'cruelty by husband and his relatives' may also have experienced other violence such as 'dowry harassment', 'molestation by family member' and other harassments by family members that affect the modesty of women. In such incidences, in addition to Sec 498A, Sec 4 of the Dowry Prohibition Act, Sec 354 IPC, Sections under the Tamil Nadu Women Harassment Act are being invoked, depending upon the nature of offences. Yet, for the statistical purposes, these crimes are classified under the head 'Cruelty by Husband and His Relatives'. Similarly, Sec 498A is invoked in many of the cases registered under Sec 304B IPC and put under the category of the crime 'Dowry Death'. The individual case records can give better picture about the nature of crime and the different provisions invoked in each case. However, for this study, the data based on the broader classification of nature of crime is being used for analysis.

Table-1

Cases of crime against women registered in Tamil Nadu during the years 1999-2009

| Nature of Crime | 1999 | 2000 | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | 2009 |
|--|------|------|------|------|------|------|------|------|------|------|------|
| Sexual Assault (Rape) | 430 | 538 | 432 | 501 | 557 | 618 | 571 | 457 | 523 | 573 | 596 |
| Molestation | 1959 | 1948 | 1773 | 1866 | 2022 | 1861 | 1764 | 1179 | 1540 | 1705 | 1242 |
| Kidnapping and abduction | 1000 | 805 | 659 | 720 | 632 | 692 | 783 | 618 | 1097 | 1160 | 1131 |
| Sexual Harassment | 1316 | 2167 | 1012 | 1766 | 881 | 1081 | 665 | 852 | 875 | 974 | 501 |
| Dowry Death (Sec 304B of IPC) | 197 | 191 | 194 | 247 | 220 | 225 | 215 | 187 | 208 | 207 | 194 |
| Cruelty by Husband and Relatives (Sec 498AIPC) | 620 | 837 | 815 | 966 | 1565 | 1437 | 1650 | 1248 | 1976 | 1648 | 1460 |
| Offences under the Dowry Prohibition Act | 226 | 287 | 41 | 219 | 175 | 294 | 193 | 81 | 316 | 262 | 207 |

The above table reveals the registered cases of crime against women including violence in matrimonial relationship.¹² The Incidences in cases of 'dowry death', 'cruelty by husband and relatives' and cases registered under 'the Dowry Prohibition Act' are crimes against women in matrimonial relationship and incidences of other crimes are categorized as crime against women in public domain. Among the crimes against women in private domain, 'cruelty by husband and his relatives' accounted for the highest number. Similarly, among the crimes against women in public domain, 'molestation' accounted for the highest.

Regarding data on registration of cases under 'Dowry Prohibition Act', sharp declines were observed in the years 2001 and 2006. 287 cases were registered in the year 2000 and declined to 41 in the year 2001, a decrease by 86 per cent. Similarly, 193 cases were registered in the year 2005 and declined to 81 in the year 2006, a decrease by 56 per cent. The case registration again jumped to 219 from 41, an increase of 439 percent and to 316 from 81, an increase of 290 percent in the years 2002 and 2007 respectively.

Regarding the crime in matrimonial relationship, the incidence of cases registered under 'cruelty by husband and his relatives' in Tamil Nadu, there is a striking hike of 135 percent in the year 2009 when compared with 1999 and the hike was 219 per cent in 2007 over 1999. The data shows a marginal decline of 11 per cent in 2009 over the previous year 2008. Significant shifts in trend are being observed during the years 2004, 2006 and 2009. In all these three years, the number of incidences registered show a dip when compared with the respective previous years and it is noteworthy to discuss the reasons for the decline.

Important verdicts and judicial pronouncements were made in these years. Malimath Committee's recommendation to amend Sec 498A of IPC as a compoundable offence, the enactment of 'The Protection of Women from Domestic Violence Act (PWDV Act), 2005', the stricture passed by the Madras High Court to the Police Officers to file

cases other than cases registered under Dowry. Death / Suicide and matrimonial disputes in All Women Police Stations with the permission of the Dowry Prohibition Officers influenced the police in registering cases under Sec 498A and the same is evidently reflected in the data. Further, the table pictures that the offences under Sec 498A took the top position amongst different categories of crimes against women from 2006 onwards and the trend continues till 2009 except in the year 2008. The incidence of 'dowry death' cases registered in 2009 under Sec 304-B IPC shows a decline of 1.5 per cent over the year 1999 and a decrease of 6 per cent over the year 2008. The highest number of cases (247) was registered in the year 2002.

While analysing the data on incidence of dowry death cases registered by the police, it is significant to corroborate this data with the actual number of fatal burns cases handled in Government Medical Hospitals. Statistics from the Kilpauk Medical College alone shows that out of 869 fatal burns cases of female victims from Chennai and three neighbouring districts in the year 2008, less than 5 per cent of fatal burns cases are caused by dowry harassment and abetment of suicide forms another 50 per cent. Thus, it is clear that 'abetment of suicide' (a crime under Sec 306 IPC) accounted for the bulk of the crime against women in the matrimonial relationship.

Further, the scanning of 'Crime Review Reports of Tamil Nadu' for different periods, a report prepared by a State Crime Record Bureau, Tamil Nadu shows that the abetment of suicides due to matrimonial cruelty, a grave offence against women is not categorised as a separate 'crime head', and the data is suppressed under the category of 'suicides'. As per the report, 4718, 4893, 4569, 4872, 5124 and 5337 females committed suicides in the year 2003, 2004, 2005, 2006, 2007 and 2008 respectively, which shows an increasing trend.

The staggering amount of data relating to 'abetment of suicide' due to 'cruelty' warrants the need to include a separate column for this grave offence in the Crime Review Report of SCRB. To sum up, matrimonial cruelty is the highest proportion in terms of crime against women in the later years.

Table-2
Registered Cases of Cruelty by Husband and His Relatives under Sec 498A for the years 2001 - 2008 in the study districts

| District | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | Total |
|--------------|------|------|------|------|------|------|------|------|-------|
| Chennai City | 111 | 106 | 159 | 154 | 236 | 213 | 323 | 165 | 1467 |
| Coimbatore | 77 | 26 | 121 | 96 | 178 | 97 | 213 | 177 | 985 |
| Cuddalore | 21 | 27 | 35 | 25 | 40 | 25 | 50 | 50 | 273 |
| Dindigul | 8 | 24 | 30 | 38 | 33 | 43 | 66 | 99 | 341 |
| Kancheepuram | 12 | 24 | 23 | 6 | 10 | 22 | 10 | 8 | 115 |
| Kanyakumari | 29 | 32 | 50 | 54 | 40 | 28 | 70 | 71 | 374 |
| Madurai | 93 | 76 | 98 | 64 | 87 | 73 | 173 | 117 | 781 |
| Salem | 18 | 24 | 164 | 272 | 172 | 55 | 117 | 128 | 950 |
| Sivagangai | 9 | 44 | 34 | 40 | 28 | 32 | 63 | 56 | 306 |
| Trichy | 20 | 96 | 88 | 74 | 66 | 79 | 64 | 53 | 540 |
| Vellore | 5 | 6 | 17 | 11 | 28 | 92 | 75 | 49 | 283 |
| Virudhunagar | 20 | 36 | 62 | 49 | 93 | 51 | 48 | 69 | 428 |

In the period from 2001 to 2008, the highest incidence of cases under Sec 498A were registered in Chennai City followed by Coimbatore, Salem, Madurai and Trichy.¹³ A sharp incline in registration of cases under Sec 498A was observed in Chennai, Coimbatore, Salem and Madurai in the year 2007 when compared to its previous year 2006, whereas a sharp decline was observed in Chennai, Coimbatore and Madurai in the year 2008 when compared to the previous year 2007. Salem recorded the highest number of cases in the year 2003 and 2004. Though the PWDV Act came into force in 2006 and people started making complaints under the new legislation, yet, the data shows that out of the 11 study districts, the registered cases under Sec 498A shows upward trend in 8 districts, as it has a clearly articulated institutional mechanism to deal with the matrimonial cruelty.

Among the study districts, the least number of cases were registered in Kancheepuram followed by Cuddalore and Vellore Districts. Dindigul shows a steady increase in incidents from 2001 to 2008 and this category of crime has increased manifolds from 8 cases registered in 2001 to 99 cases in 2008. The increase was 50 per cent from the year 2007 to 2008. Sivagangai is another district in which the registration of cases manifolds in 2008 when compared to 2001. Further, the registered cases galloped to 44 in 2002 from 9 in 2001. In Chennai, the cases of 'cruelty by husband and his relatives' have increased by 191 per cent in the year 2008 over the year 2001 and decreased by 49 percent over the previous year.

To sum up, the increasing trend from 2001 to 2008 with exception in few districts needs further investigation. But the increasing trend could be attributed to the shift in the perception of dowry as a social capital and with the societal sanction, cruelty against women has become an accepted practice of norm against women.

Table-3
Registered Cases of Dowry Death under Sec 304B for the years
2001 - 2008 in the Study Districts

| District | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | Total |
|--------------|------|------|------|------|------|------|------|------|-------|
| Chennai City | 13 | 20 | 18 | 23 | 30 | 32 | 43 | 25 | 204 |
| Coimbatore | 21 | 28 | 18 | 11 | 11 | 13 | 15 | 14 | 131 |
| Cuddalore | 9 | 6 | 10 | 6 | 13 | 8 | 3 | 1 | 56 |
| Dindigul | 8 | 2 | 3 | 7 | 5 | 4 | 3 | 3 | 35 |
| Kancheepuram | 6 | 9 | 11 | 5 | 12 | 12 | 13 | 7 | 75 |
| Kanyakumari | 5 | 11 | 4 | 0 | 1 | 4 | 7 | 6 | 38 |
| Madurai | 17 | 14 | 23 | 12 | 7 | 6 | 21 | 14 | 114 |
| Salem | 11 | 9 | 13 | 21 | 20 | 13 | 8 | 10 | 105 |
| Sivagangai | 4 | 3 | 4 | 7 | 8 | 2 | 3 | 4 | 35 |
| Trichy | 7 | 19 | 7 | 9 | 9 | 12 | 6 | 10 | 79 |
| Vellore | 8 | 13 | 6 | 6 | 12 | 7 | 8 | 7 | 67 |
| Virudhunagar | 2 | 4 | 3 | 3 | 2 | 1 | 3 | 3 | 21 |

In the period from 2001 to 2008, the highest number of 'dowry death' cases under Sec 304B IPC were registered in Chennai City followed by Coimbatore, Madurai, Salem and Trichy Districts.¹⁴ The least number of cases were registered in Virudhunagar District followed by Sivagangai, Dindigul and Kanyakumari Districts. Of the 12 districts, the increasing trend in registration of cases was observed in 3 districts in the year 2008 when compared it with the year 2007 and in 5 districts when compared it with the year 2001. The increase was sharper in Chennai City (49 per cent) whereas the decline was sharper (89 per cent) in Cuddalore district in the year 2008 over the year 2001.

The strong connection between Sec 498A and Sec 304B is established by reading this table and 'Table 2' together. Kancheepuram District recorded minimal number of incidents of 'Cruelty by Husband and his Relatives'. But on the contrary, the dowry death cases recorded high. The ratio of 'dowry death' cases to 'cruelty by husband and his relatives' in Tamil Nadu State for the year 2008 was 1:7. This ratio varies between 1:2 and 1:20 in many of the districts. However, in Kancheepuram District, ratio of 'dowry death' cases to 'cruelty by husband' was 1:1.5; in Vellore District, this ratio was 1:4 and Cuddalore District had the ratio 1:5. The inference is that the lower the registration of cases under Sec 498A, higher is the number of dowry deaths. The data affirms the statement of Indira Jaising, the Senior Supreme Court Lawyer, and member in CEDAW Committee that "If the matrimonial cruelty is not dealt in time, it will lead to death". The officers of the AWPS in these districts should be sensitized and alerted to raise to the alarming situation and protect the rights of the women from violence in matrimonial relationship, when the victims are alive.

Table-4
Registered Cases for offences under the Dowry Prohibition Act for the Years 2001 - 2008 in the study districts

| District | 2001 | 2002 | 2003 | 2004 | 2005 | 2006 | 2007 | 2008 | Total |
|--------------|------|------|------|------|------|------|------|------|-------|
| Chennai City | NA | 0 | 0 | 0 | 5 | 2 | 0 | NA | 7 |
| Coimbatore | NA | 74 | 1 | 1 | 0 | 0 | 1 | NA | 77 |
| Cuddalore | NA | 9 | 15 | 16 | 0 | 0 | 15 | NA | 55 |
| Dindigul | NA | 0 | 0 | 0 | 0 | 0 | 0 | NA | 0 |
| Kancheepuram | NA | 0 | 18 | 12 | 14 | 16 | 25 | NA | 85 |
| Kanyakumari | NA | 0 | 0 | 0 | 0 | 0 | 0 | NA | 0 |
| Madurai | NA | 0 | 9 | 8 | 15 | 11 | 1 | NA | 44 |
| Salem | NA | 14 | 1 | 0 | 0 | 0 | 0 | NA | 15 |
| Sivagangai | NA | 0 | 4 | 2 | 3 | 0 | 1 | NA | 10 |
| Trichy | NA | 0 | 0 | 1 | 0 | 0 | 1 | NA | 2 |
| Vellore | NA | 46 | 78 | 125 | 110 | 21 | 63 | NA | 443 |
| Virudhunagar | NA | 0 | 0 | 0 | 0 | 0 | 36 | NA | 36 |

Of all the districts in Tamil Nadu, Vellore District accounted for the highest number of registration of cases under the 'Dowry Prohibition Act'.¹⁵ This data was zero or very minimal in many districts, in all the years from 2002 to 2008. Even in Chennai City, the total number of cases filed in the seven years was only seven. Coimbatore has registered 74 cases in the year 2002 and decreased to 1 or 0 in the subsequent years. No case has been registered under this Act in Virudhunagar District except in the year 2007. Kancheepuram and Madurai are the other districts, which had registered cases in most of the years.

The least number of registration of cases under the Dowry Prohibition Act shows the poor implementation of the Dowry Prohibition Act and insensitivity of the police and the Dowry Prohibition Officer. From field experience, we learned that there is an underreporting and under-registration of cases, as these cases are reconciled in the presence of the police and the Dowry Prohibition Officers.

Table-5

Disposal of Cases under Dowry Prohibition Act by Police in Tamil Nadu during 2003-2008

| Year | Total No of cases for Investigation Including pending cases | Cases With drawn by Govt. | No of case in which | | | | | No of cases pending Investigation |
|------|---|---------------------------|-----------------------|-------------------------------------|-----------------------------|------------------------|-------|-----------------------------------|
| | | | Investigation refused | Investigation Completed | | | Total | |
| | | | | Charge found/mistake of fact or Law | Final Report true Submitted | Charge Sheet Submitted | | |
| 2003 | 206 | 0 | 1 | 6 | 4 | 163 | 173 | 32 |
| 2004 | 326 | 0 | 5 | 24 | 0 | 233 | 257 | 64 |
| 2005 | 257 | 0 | 1 | 13 | 6 | 233 | 252 | 4 |
| 2006 | 85 | 0 | 0 | 2 | 12 | 44 | 58 | 27 |
| 2007 | 395 | 0 | 2 | 16 | 11 | 293 | 320 | 73 |
| 2008 | 335 | 0 | 6 | 25 | 10 | 228 | 263 | 66 |
| | 1604 | 0 | 15 | 86 | 43 | 1194 | 1323 | 266 |

Under 'The Tamil Nadu Dowry Prohibition Officer and Advisory Board Rule, 1998', and The Tamil Nadu Dowry Prohibition Rules, 2004', the District Social Welfare Officers of the District were appointed as the Dowry Prohibition Officers and they continue to play their role Dowry Prohibition Officers. They alone are the authorized persons to scrutinize the dowry complaints. If the contents of the complaint are within the purview of the Dowry Prohibition Act, they conduct an enquiry to collect evidence from the parties to ascertain the genuineness of the complaint. Then the role of the Dowry Prohibition Officers is to try to take up remedial measures to bring reconciliation. If the remedial measures fail, then the DPOs themselves can resort to prosecution or recommend the police to initiate prosecution. If the DPO decide to resort to prosecution, then she is entitled to investigate the case and lay charge-sheet.

Reading of the above table with the data of the Table No.6 (titled 'Disposal of Cases under Dowry Prohibition Act by Courts during 2003-2008') reveals that in no case the Dowry

Prohibition Officers laid charge-sheets before the Courts. All the dowry complaints if found genuine were transferred to the police for investigation and the police laid the charge-sheets before the Courts.

206 cases were with the Investigating Officers in the year 2003 for investigation, which includes the pending cases from previous years. During investigation, only in one case investigation was refused. It is surprise to know that even after receiving reports from the Dowry Prohibition Officers that the complaints were genuine, charges were found false by police during investigation in 6 cases. The number of charges found as 'false/mistake of fact' raised to 24 in the year 2004, 16 in the year 2007 and a maximum of 25 in the year 2008. In all these six years, the percentage of cases in which charges found 'false/ mistake of fact or law' to total number of cases in which investigation completed was 5.4 per cent where as this percentage in the case of dowry death was 0.7 per cent and that of 'cruelty by husband and his relatives' was 7.3 per cent.

The consolidated data for six years shows on complaints under the Dowry Prohibition Act, 9.0 per cent of the cases were dropped between FIR and Charge-sheeting Stage even after receiving reports from the Dowry Prohibition Officers, whereas this was 2.1 per cent in the case of 'dowry death' and 12.9 per cent in cases under Sec 498A IPC. Of the 206 cases pending in the year 2003, investigation was completed in 173 cases. Thus, the percentage of investigation completed to total number of cases was 84 per cent in the year 2003. The rate of completion of investigation was 79 per cent in the 2004, 98 per cent in 2005 and reduced to 68 per cent in 2006, 81 per cent in 2007 and 78.5 in 2008.

The efforts of the investigation officers need to be appreciated as the number of cases pending investigation was only 4 by the end of 2005. It is observed that only 81 new cases were filed in the year 2006, which may be due to the implementation of the Protection of Women from Domestic Violence Act, 2005.

Table-6
Disposal of Cases under Dowry Prohibition Act in Tamil Nadu
by Trial Courts during 2003 - 2008

| Year | Total No of Cases for trial including Pending Cases | Cases withdrawn by Govt. | No. of Cases | | | | Pending Trial |
|------|---|--------------------------|------------------------------------|---|-----------|-------|---------------|
| | | | Compounded or withdrawn by parties | In which trials were completed/accused discharged | | | |
| | | | | Convicted | Acquitted | Total | |
| 2003 | 461 | 0 | 3 | 8 | 36 | 44 | 414 |
| 2004 | 647 | 0 | 3 | 125 | 145 | 270 | 374 |
| 2005 | 607 | 0 | 3 | 68 | 79 | 147 | 457 |
| 2006 | 501 | 0 | 1 | 104 | 107 | 211 | 289 |
| 2007 | 582 | 0 | 0 | 28 | 91 | 119 | 463 |
| 2008 | 691 | 0 | 1 | 30 | 126 | 156 | 534 |
| | 3489 | 0 | 11 | 363 | 584 | 947 | , 2531 |

461 cases filed under the 'Dowry Prohibition Act' were pending before the Trial Courts-in the year 2003. If both the parties arrived into a compromise with a condition to withdraw all the civil and criminal proceedings against each other, then on the basis of the said compromise, the complainant may withdraw the case. As such, 3 cases were withdrawn by the parties in the year 2003. The number of withdrawn cases remained as 3 in the years 2004 and 2005. One case was withdrawn in the year 2006.

Trials were completed in 44 cases and of which accused were convicted only in 8 cases in the year 2003. Thus, the convicted rate of the cases under the provisions of 'Dowry Prohibition Act' was 16 per cent in the year 2003. The conviction rate jumped to 46, 46, 49 per cent in the successive years 2004, 2005 and 2006 respectively and again dipped to 23.5 per cent in the year 2007 and 19 per cent in 2008.¹⁶The average conviction rate for the offence under the Dowry Prohibition Act for the six years in the Trial Courts was 38 per cent, which is much higher than the average conviction rate of 27.3 per cent in 'dowry death' cases and 20 per cent in 'cruelty by husband and his relatives'.

The 'trial courts' completed the trial and pronounced judgments only in 9.6 per cent of the cases in the year 2003. But the trial completed percentage moved to 42 per cent in the year 2004, 24 per cent in 2005, 42 per cent in 2006 and reduced to 20 per cent in 2007 and 22.6 in 2008. The average disposal rate of cases under the 'Dowry Prohibition Act' in the Trial Courts for the discussed six years period is 27 per cent. The inference is that the Trial Courts take approximately three to four years for a case to complete the trial and pronounce the judgment.

Suggestions

In spite of Constitutional Protection to Women and enactment of various protective laws to combat the crimes against women the desired goal could not be achieved. During the course of study on the subject and by analysing the provisions of various protective laws and studying the different socio-legal factors, the Researcher humbly suggest the following opinions to control this menace.

1. The administration of criminal judicial system should be revamped. For quick remedial action for the crimes committed against women, a suitable infrastructure would have to be created.
2. There is need of the hours to create more courts to cope with the heavy backlog. Law Commission in its 142nd report had proposed that judicial man power should be increased ten times over a period of ten years. It is humbly suggested that these suggestions should be implemented without any further delay.
3. The Code of Criminal Procedure has become quite old and does not serve the needs of today. Poor investigation, delayed trials and incompetent prosecution are the main causes of the failure of criminal justice. Provisions of the code should be amended. My humble suggestions in this regard are as follows-

- i) Cases of Crimes against women should be investigated within a definite time frame and investigation should also be started without delay so that culprit cannot destroy the evidence or create it's in his favour and get time to escape.
- ii) The Women Police officers, specialized in the field of investigation of the crimes against women should be appointed to restore the confidence of the victim's women.
- iii) It has been found that generally the police are reluctant to lodge the complaint of women it should be made obligatory for the police to lodge complaint immediately and on not doing so the person responsible should be severely punished.
- iv) All the crimes against women should be consolidated in one chapter under Indian Penal Code or by a separate central legislation. In this regard Retired judges, Senior Advocates of Women's Organisation, Law officers, legal luminaries should be involved while amending the old laws and enacting the new one.
- v) Rules should be made along with the enactment for the speedy implementation of the law.

Conclusion

Provision should be made for the courts to decide the cases relating the crimes against women within definite time limit. Investigation should be completed within 30 days and for trial 60 days' time limit should be made mandatory. In case of failure to observe the time schedule, the person responsible for the delay should be called an explanation and proper action should be taken against him. The High Court and District Court Judges must keep their supervision, so that these cases are decided within prescribed time limit.

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