CHAPTER 4

GOVERNMENT EFFORT ON PREVENTION OF DOWRY CRIMES SINCE INDEPENDENCE

INTRODUCTION

The constitution of India did well declaring in its preamble its desire to secure justice - social, economic and political and to secure equality of status and opportunity and did it best to ensure translation of these objectives into reality by incorporating provisions ensuring equality of status and of opportunity in the field of education, public employment and participation social and political life. Apart from ensuring "equality before the law and equal protection of the laws" in the wider sense of the term, the constitution took great pains to specifically prohibit the state from discriminating against women on the ground of sex in such areas as education and public employment and to direct the state to take special care to promote women's welfare, particularly the protection of the health of mother and that dignity as individuals. The legislature in India have also been alive to the ideals set by the constitution and have not lagged behind in devising legal way and mean to protect the interests and rights of women and to confer upon them special benefits so as to place as for as possible, at par with them.

The legislatures in the year 1950, therefore have enacted a large number of new laws and have modified such laws as were in existence at the time of commencement of constitution to make them suit the new changing demands. The laws passed after 1950, the year when our constitution came
into force, bear testimony to the concern our legislation have shown towards protection of women. Some of these laws are general in nature, but incorporate also provisions seeking to secure and protect special interest and rights of women. Some others however have been specifically enacted to confer upon women special benefits and privileges hitherto not available to them.

But as the efficacy and effectiveness of law or an instrument of change depends much upon its own quality and upon the successability and acceptability of the society in which it has to work, law is an instrument which admittedly in her limitation. A large number of general legal provisions exist on the Indian statute books, which seek to protect the rights and interests of the Indian women.

These provisions are either of a purely civil nature or form part of the general criminal law. Some of the legal provisions are part of the general status applicable to all men and women alike and same of them are enacted exclusively for the benefit of women. Some of these laws seek to protect women from atrocities cruelties and injustices and some seek to confer upon them special benefits for better protection and security. The matters with which such laws deal include female infanticide, dowry atrocities etc. Government found under constitution being an executive body, taken various measures on the dowry menace.

4.1 DUTIES OF THE DOWRY PROHIBITION OFFICER

The one of the step initiated by the Government was the appointment of dowry prohibition officer.
4.1.1 Under section 8B of the dowry prohibition (Amendment Act 1986), the State Government may appoint as many dowry prohibition officer as it thinks fit and specially the areas in respect of which they shall exercise their jurisdiction and the powers under this Act.

4.1.2 Every dowry prohibition officer shall exercise and perform the following powers and functions namely:

a) to see that the provision of this Act are complied with,

b) to prevent, as far as possible, the taking or abetting the taking of, or the demanding dowry,

c) to collect such evidence on may be necessary for the prosecution of persons committing offences under the act, and

d) to perform such additional functions as may be assigned to them by the State Government or as may be specified in the rules make under this Act.

3. The State Government may, by notification in the official gazette, confer such power of a police officer as may be specified in the notification on the dowry prohibition officer who shall exercise such power subject to such limitations and conditions as may be specified by rules made under this Act.

4. The State Government may, for the purpose of advising and assisting the Dowry Prohibition Officer in the efficient performance of their functions under this Acts. Appoint an advisory board consisting of not more than five social welfare workers (out of whom at least two shall be women) from the area in respect of which such dowry prohibition officers exercises jurisdiction under sub-section.
In Tamil Nadu All Women Police Wing has started functioning in the 1990. Here the station is headed by Women Inspector, Women Sub-inspector and Women Constables. They received the petitions to matters related to dowry, and dowry harassment. But practically, enforcement could not be done because of the dependability with other agencies. For example, a complainant came to meet the Inspector, for the immediate help to save her daughter who struggles in the house of bridegroom. The officer in-charge could not proceed to reach the place of spot, where the complainant gave the address even though the complainant arranged facilities, to visit the place. The officer in-charge was psychologically, scared of allegations. During that time some incident would have happened. Now the problem of investigating the matter goes to the local police, as they are empowered to investigate the matter. Secondly the inadequate strength provided to the station. Thirdly the attitudinal way of handling the cases. A case of serious in nature, they took in the lighter way, I.O. advised the complainant and pacified them not to give complaint. Complainant also fearing of various proceedings followed by the police. Fourthly, the women police officer blamed the public, i.e. non co-operation of the public in handling the case. The complainant, in other way, blamed the police, not to treat them properly. Lack of co-ordination and action is found among the public with the police. For this both the public and women police officer were interviewed. One women police officer said that the public didnot understand the difficulties in enforcing the laws for solving their problem. They expected to solve their problem in a simple manner. Everyone was satisfied if his/her matter was solved. They did not bother, about other's problem. Likewise public blamed the police, that when they approach the police, even though they received them with warm welcome, after hearing their
problem and complaint. The IO's are compare it with the cases already they handled. Even explanation was given that it was not such a type of case, but serious in nature. Then only the women police officer considered the grievances and initiating some action. The IO's should understand that every case must be attended in different manner. Then only the problem would solve and the public would have faith with the IO's.

The same was found in all the metro cities, corporation, districts and rural police stations.

4.2.1 Suggestions

It is necessary to make better coordination, rapport, understanding between the police and the public.

4.3 FREE LEGAL AID CENTRE IN TAMIL NADU

In every court in Tamil Nadu, free Legal Aid Centre have been formed to look after the apathetic case of women, and the person's affected due to dowry harassment and death.

4.3.1 Functions

Free legal aid centre was formed to give free legal aid to the public, for legal remedies due to dowry menace. Qualified lawyers are assisting to solve the problem in the court of trial. Material on counselling centre and contribution have been included in the appendices (Appendix A-24).
4.4 NON-GOVERNMENT ORGANISATION

In Tamil Nadu various cities, and rural towns, there are various non-government organisations are functioning to look after the work of dowry problem. The authorities are organised periodical meeting, debates, in-house training programmes among the public on dowry harassment.

Some of the non-government organisation are in Chennai city as below.

1. Udhavum Karangal
2. Women Welfare Board
3. Tamil Nadu AIDS Control Board

4.4.1 Trichy

In Trichy city (1) Trichy Miscellaneous Social Service Society (T.M.S.S.) (2) Tamil Nadu Social Service Society (T.N.S.S.S.), (3) Makkalin Membattu Iyakkum (M.M.I). These organisation trusted for the promotion of women's movement which meet the suppressed women becoming aware of their rights and privileges by organising themselves together, making collective decisions, and involving themselves in continuous struggle leading to social transformation and emancipation of women rights. The basic strategy to be adopted, therefore, has to promote these processes through education, organisation and action. Every year this organisation handles 35 cases and rehabilitated the women community (Welfare activities of the TMSS are shown in the Annexure A-22, A-23, A-24).
4.5 In Coimbatore city, the police itself started helping women by forming various committee and various groups of profession and various organisations. The objective of the helpline for women is to create awareness on women rights and privileges and to keep them in proper placement in society. It received the petitions with regard to dowry harassment and death, and conducted an enquiry. Based on the facts it directs to the appropriate agent for the solution. Wide publicity was given to focus about the measures taken by the helpline for women.

4.6 Evaluation

Being religious organization the (T.M.S.S.) tried to convert the victims to other religion. Hence full success was not achieved in the city.

The dowry menace in the Coimbatore city has declined because of the efficient administration of the supervisory staff. (Newspaper report on decline in dowry death has been included in the annexure. Appendix A-25).

REFERENCES

1. Oral Interview conducted with the Women Inspector Saraswathy, All women Police wing, Chennai on 19.10.1998.

2. Oral Interview conducted with the complainant Tmt.Santha at Dindigul on 19.03.1999.
HAVE'S

SACRED KNOT FOR WEDLOCK

DOWRY

Efficiency
Education

HAVE NOT'S

SUICIDE KNOT FOR DEADLOCK
Chapter V

Dowry crimes in Society and Public attitudes towards Dowry Harassment, Death in Tamilnadu.