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### DOWRY CASES AND TIRUCHIRAPPALLI DISTRICT MAHILA COURT – A HISTORICAL VIEW

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#### ABSTRACT

**M**ahila Courts are specialized courts set up to dispense justice to women. They speedily deal with and dispose of cases pertaining to women fighting legal battles following matrimonial discord. Mahila or women courts or Magaleer Needhi Mandram have been



established as forums in which women, with or without their small children, seek quick relief in disputes for shelter and for financial assistance. The courts deal exclusively with cases pertaining to offences against women such as cases relating to grant of maintenance under section 125 of Cr. PC, cases under sections 354 and 509 of

I.P.C dealing with assault or criminal force and words or gestures intended to insult the modesty of a woman. At the Sessions level, Mahila Courts deal with the cases of kidnapping (Sec: 363 I.P.C), procuring minor girls for the purpose of prostitution, Rape (Sec: 376 I.P.C.) and cruelty by husband or in-laws (Sec: 498-A I.P.C.). Dowry death (Sec: 304-B I.P.C.). In some cultures, the bride or her family pays a certain amount of money or property to the groom when a couple is married. This payment is called a dowry. A dowry is a transfer of parental property at the marriage of a daughter. Dowry contrasts with the related concepts of bride price and dower. The entire criminal justice administration system has proved to be a major stumbling block in delivering justice to dowry victims. The history of cases dealing with dowry retrieval and dowry violence, and indeed other forms of domestic violence, is replete with examples of deliberate inaction on the part of law enforcement authorities due to gender bias, widespread corruption, apathy and poor investigation by the police. Many dowry murder cases have been prosecuted so badly in court that conviction was hardly likely. This study aims at analyse the dowry cases in the Tiruchirappalli district Mahila Court. The study is completely based on the secondary data. The secondary data has been collected from the Tiruchirappalli district Sessions Court, Mahila

*Court, Women Police Stations, District Crimes Records Bureau, City Crimes Records Bureau, Books, Journals, News papers, Periodicals and so on.*

**KEYWORDS** :Dowry Cases, Mahila Court, Tiruchirappalli District, Dowry Violence, Case Study.

## INTRODUCTION

Mahila Courts are specialized courts set up to dispense justice to women. They speedily deal with and dispose of cases pertaining to women fighting legal battles following matrimonial discord. Mahila or women courts or Magaleer Needhi Mandram have been established as forums in which women, with or without their small children, seek quick relief in disputes for shelter and for financial assistance. Mahila courts are headed by experienced women judges and magistrates and the staffs employed in such courts are also predominantly female. They are headed by a judge of the rank of Additional Chief Metropolitan Magistrate cum Additional Sessions Judge, who, too, is a woman.

## CONCEPT OF DOWRY

In some cultures, the bride or her family pays a certain amount of money or property to the groom when a couple is married. This payment is called a dowry. A dowry is a transfer of parental property at the marriage of a daughter. Dowry contrasts with the related concepts of bride price and dower. While bride price or bride service is a payment by the groom or his family to the bride's parents, dowry is the wealth transferred from the bride's family to the groom or his family, ostensibly for the bride. Similarly, dower is the property settled on the bride herself, by the groom at the time of marriage, and which remains under her ownership and control.

## HISTORY OF MAHILA COURT

The first Mahila Court was set up as an experiment in Andhra Pradesh in 1987. Its success encouraged the setting up of more such courts in Delhi as well as in all other parts of the country. In 1994 Mahila Courts headed by women judges were established in Delhi. Presently there are several Mahila Courts at Sessions level headed by Additional Sessions Judge and many more headed by Metropolitan Magistrates in all the District Court complexes of Tamil Nadu. These courts deal exclusively with cases pertaining to offences against women such as cases relating to grant of maintenance under section 125 of Cr. PC, cases under sections 354 and 509 of I.P.C dealing with assault or criminal force and words or gestures intended to insult the modesty of a woman. At the Sessions level, Mahila Courts deal with the cases of kidnapping (Sec: 363 I.P.C), procuring minor girls for the purpose of prostitution, Rape (Sec: 376 I.P.C.) and cruelty by husband or in-laws (Sec: 498-A I.P.C.). Dowry death (Sec: 304-B I.P.C.).The Metropolitan Magistrates in these courts are assigned cases relating to molestation, rape kidnapping and also of domestic violence. These courts serve the purpose, with great sensitivity, of rendering justice in criminal matters pertaining to women victims. The procedure followed in these courts is informal and comforting for women. They can shed their inhibitions and depose freely in the presence of women judges, who are more sensitized towards females and their inherent nature. These courts also provide a platform to women wherein they can negotiate their claims. Mahila courts ordinarily hold criminal trials but at times conciliation proceedings are also organized in order to preserve the family fabric. In Delhi the Delhi Legal Services Authority has commenced conciliation proceedings in all its District Court complexes with effect from August 26th 2007 and it is organized twice a month ever since.

## DOWRY VIOLENCE CASES

The entire criminal justice administration system has proved to be a major stumbling block in delivering justice to dowry victims. The history of cases dealing with dowry retrieval and dowry violence, and indeed other forms of domestic violence, is replete with examples of deliberate inaction on the part of law enforcement authorities due to gender bias, widespread corruption, apathy and poor investigation by the police. Even the Supreme Court of India and High Courts have in fact commented on this and passed strictures against the police.

Many dowry murder cases have been prosecuted so badly in court that conviction was hardly likely. The manner, in which judges deal with a case, often demands on their individual ideology regarding the role of women in the family. Sudha Goel's case for instance, reveals the strong gender bias even amongst some High Court judges. The Sudha Goel appeal was first heard in the High court in the Delhi, and it was the Supreme Court which overturned the High Court judgement and held the husband guilty. When women's groups protested against the lower court judgement and pointed out that the judges had not analysed the evidence correctly, they were held guilty of contempt.

On the other hand, some positive judgements have helped women to make complaints even under the old criminal law. In *Prathiba Rani vs Suraj Kumar* (1985) the Supreme Court held that the 'stridhan', i.e., any property given to the wife in the form of 'jewellery' or other assets, is her absolute property, and even if she placed this in the custody her husband or in-laws, they would be bound to return it if and when she demanded the property. The court held that if the husband and his family did not return the 'stridhan' property of a woman on demand, they would be guilty of the offence of breach trust and would be liable for punishment up to 3 years or fine or both, as stipulated in the Indian Penal Code. This judgement has provided almost the sole basis of complaints about non-return of dowry in the city of Delhi. Since the offence of breach of trust is cognisable and non-bailable, the police have had to act and arrest errant husbands and retrieve the complaint's dowry through search and other procedures. It is important to mention that, most cases relating to retrieval of dowry are being filed under section 405 and section 406 of the Indian Penal Code dealing with criminal breach of trust instead of under the Dowry Prohibition Act, as the Prathiba Rani judgement is in some ways better known and used more often than the Dowry prohibition Act.

**Table -1: Details of Indian Dowry Crimes in 2012**

SI No	IPC Section	No. of Persons Arrested	No. of Persons in where cases charge sheeted	No. of Persons Convicted	No. of Persons Acquitted
1	304 B	24418	20600	4296	10246
2	498A	197762	176030	16402	92867
3	Dowry Act	15786	13954	1541	6436

Source: National Crime Records Bureau Report 2013

## MAHILA COURTS IN TAMIL NADU

The Tamil Nadu State government has ordered the constitution of Fast Track Mahila Courts in 22 districts. Also, 10 additional Mahila Courts are to come up in 10 districts including Chennai, Madurai and Coimbatore. The government made this commitment recently in the Assembly when it tabled the

policy note of the Home, Prohibition and Excise Department (Administration of Justice). The policy note also said, “even though offences committed against women are comparatively less in the State, in order to enable the victim to get immediate justice, the government ordered constitution of Fast-Track Mahila Courts in the cadre of District Judge to deal exclusively with the cases relating to crimes against women in 22 districts.”

**Table – 2: Details of Tamil Nadu Dowry Crimes in 2012**

SI No	IPC Section	No. of Persons Arrested	No. of Persons in where cases charge sheeted	No. of Persons Convicted	No. of Persons Acquitted
1	304 B	278	343	59	231
2	498A	4019	3092	495	1869
3	Dowry Act	569	526	386	245

Source: State Crime Records Bureau Bulletin 2013

#### **OBJECTIVE OF THE STUDY**

- To examine the dowry cases in the Tiruchirappalli district Mahila Court

#### **METHODOLOGY**

The study is completely based on the secondary data. The secondary data has been collected from the Tiruchirappalli district Sessions Court, Mahila Court, Women Police Stations, District Crimes Records Bureau, City Crimes Records Bureau, Books, Journals, News papers, Periodicals and so on.

#### **Mahila Court in Tiruchirappalli District**

The Government Order number 88, Home (Courts-II), 5th February 2013, No. II(2)/HO/202/2013.—In exercise of the powers conferred by sub-section (1) of Section 11 of the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the Governor of Tamil Nadu, after consultation with the High Court, Madras, hereby establishes a court of Judicial Magistrate (Additional Mahila Court) at Tiruchirappalli in Tiruchirappalli District.

Specification of the Mahila Courts in the Districts where they are functioning as Special Court under the Commissions for Protection of Child Rights Act, 2005.

[G.O. Ms. No. 241, Home (Courts-II), 20th March 2009.]

No. II(2)HO/164/2009.—In exercise of the powers conferred by Section 25 of the Commissions for Protection of Child Rights Act, 2005 (Central Act 4 of 2006), the Governor of Tamil Nadu, with the concurrence of the Chief Justice of the High Court, Madras, hereby specifies the following Courts of Session specified in column (3) of the Schedule below as Children’s Courts to try offences against Children or violation of child rights in addition to the regular work, within the local area of the district specified in column (2) thereof.

#### **TYPES OF CONVICTION COURTS**

##### **• District Sessions Court**

- o This Court enquiry of bail petition of Dowry cases and Under IPC Crimes above 3 years to Life Prison.

- o Example – Dowry death – 9 yrs Prison
- Additional Sessions Court in Mahila
- o This types of Courts are enquiry of Under IPC Crimes Up to 3 Years conviction
- o Example – Dowry Harassment - 3 yrs Prison
- Sessions Court of Mahila
- o This court are Equal Judicial Power of District Sessions Court. This types of court are to enquiry Crime Against Women. Example- Rape, Dowry death, Abetment to Suicide, Kidnapping of Women and Children's. This Court Convicted to any persons only appeal to High Court.

**Table -3: Total Number of Dowry Cases Registered in Trichy District (2000 - 2012)**

Details of Dowry Crimes	Rural	City	Total	Percentage
Dowry Death	58	45	103	10.55
Abetment Suicide	60	40	100	10.25
Cruelty Torture	393	357	750	76.84
Dowry Prohibition Act	15	8	23	2.36
<b>Total</b>	<b>526</b>	<b>450</b>	<b>976</b>	<b>100</b>

Source: Trichy City and District Crime Records Bureau Data's Reports 2000 – 2012

Totally 976 dowry cases has registered in Tiruchirappalli district from 2000 to 2012. Out of 976 cases, 526 cases registered in rural area and 450 in urban area. It is observed from the study, majority of dowry cases (76.84 per cent) registered for cruelty torture of women in Tiruchirappalli district.

### Case Study of Some Dowry Cases in Mahila Court

#### Summary of Case -1

In this case Ranjani's Mother gave the Lodged against Suresh, 31 (A.1), Seathulakshmi, 52 (A2), Sugumar, 34 (A3) on 11.03.2010 Ranjani got married with Suresh as per Hindu tradition. After Marriage Three Accused demand 15 Sovereign of jewels and Two wheeler from Ranjani's family, and also claimed Rs 40,000 for marriage expenses. They also demand Home appliances. After marriage they lives as joint family in 127/180 Saathara street, Srirangam, Trichy district.

Later three accused again demand 5 Sovereign jewels; Often they used harsk and irritating words on Ranjani. These were the reasons for Ranjani's depression. Accused obtained the jewels from Ranjani, yet demand "Aadi seer". This torture continued for some days, So Ranjani Committed Suicide on 19.9.2010. So the Three Accused were Charged under the I.P.C. Sections 498A, 304B. After the Trial in Sessions Court in Mahila, Suresh (A1) Convicted in this case. Seathulakshmi, 52 (A2), Sugumar, 34 (A3) both are Acquitted in the case.

#### Summary of Case -2

In this case Devi, 23(late) and Sridharsini,(1), wife and daughter of Venkatesh(39), stayed Ponnagar, in the limit of Trichy Contonment All Women Police Staion. Venkatesh (A1), Gandhimathi, 60 (A2), Anand, 68 (A3). Venkatesh already got married, and his first wife expired. He had a 8years daughter through his first wife. Venkatesh divorced his first wife. Venkatesh second marriage with Devi was

conducted on 04.09.2008. Devi was a native of Karikudi. Venkatesh got 25 sovereign of jewels and some home appliances as during from Devi. The birth of their daughter Sridharsini Devi's parents gifted 2 sovereign gold chain. Venkatesh (A1) often drunk and torture with beated to Devi and asking more dowry.

Due to the continuous torture Devi committed suicide and also killed her daughter Sridharsini. In this case Venkatesh (A1), Gandhimathi (A2), Anand (A3) were punishable under the IPC Sections 306, 498A, 304B, and DP Act. After the Trial in Sessions Court in Mahila, Accused Venkatesh (A1), Gandhimathi (A2), Anand (A3) were Acquitted. Because of this case Government witness are not concrete and Prosecution side failed.

### Summary of case -3

In this case lodged party Priya (20), W/O Saravanan (22), Palla Nandavanam, Srinivasa nagar, Srirangam, Trichy Dist. She got love married to Saravanan (A2) on 23.04.2009. Menaga,40 (A1), Saravanan (A2), Subramaniyan,52 (A3), Sangeeth,19 (A4) all are torture and demanded dowry from Priya. After six months Priya's parents handover to Saravanan's family 10 Sovereign jewels and Rs 15,000 value Home appliances.

Menaga,40 (A1), Saravanan (A2), Subramaniyan,52 (A3) continued the torture and demanded more dowry. So Priya lodged complaint Srirangam All Women Police Station. Due to initiative of Police Sub Inspector, compromise was made. After the few months on 09.09.2010 Menaga, 40 (A1), Saravanan (A2), Subramaniyan,52 (A3), Sangeeth,19 (A4) demanded more dowry and often used harsh irritating words on Priya. So Priya on 09.09.2010 at 03.15 Pm to Attempt Suicide in her home. Priya was admitted in the Srirangam Government Hospital. But Priya expired mid night in hospital. In this case Menaga,40 (A1), Saravanan (A2), Subramaniyan,52 (A3), Sangeeth,19 (A4) all are accused and charged case under the IPC sections 498A, 304B, 307, 4 of Tamilnadu government women Harassment Act. After the Trial in Trichy Sessions Court in Mahila, Accused (A1) Menaga was convicted.

### CONCLUSION

Only legislation and law enforcement agencies cannot prevent the incident of crime against women. There is need of social awakening and change in the attitude of masses, so that due to respect and equal status is given to women. It's a time when the women need to be given her due. This awakening can be brought by education campaign among youth making them aware of existing social evils and the means to eradicate same. All marriages in India should mandatorily be registered in the presence Magistrate. The magistrate will ensure that the marriage has been solemnized without any demand for dowry having been made and that it has taken place with the full and free consent of both partners.

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