

Executive summary

Purpose of undertaking this audit

The Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favour of women for obviating the social, economic and political disadvantages faced by them.

Rajasthan was among the top four states in the country with the highest number of registered crimes against women during 2010-2016; fifth during 2017-2018 and second during 2019 as per statistics of the National Crime Records Bureau.

Incidence of registered crime against women in Rajasthan increased from 18,344 in 2010 to 41,623 in 2019 registering a growth of 126.90 *per cent* during 2010-19 with annualized growth rate of 10.86 *per cent*. Crime rate against women in Rajasthan was consistently higher than all India average and the neighboring states for this period.

A Performance Audit on '*Prevention, Protection and Redressal of Crime against Women in Rajasthan*' was conducted to assess the effectiveness of the measures taken or to be taken and efficacy of redressal mechanism as prescribed under various Acts, special local laws etc., for protection of women. The Audit covered five departments - Women Empowerment Directorate (WED), Social Justice and Empowerment Department (SJED), Department for Child Rights (DCR), Home Department and Legal Services Authorities and two commissions (Rajasthan State Commission for Women (RSCW) and Rajasthan State Commission for Protection of Child Rights (RSCPCR)).

The PA covered the implementation of nine special and local laws by these authorities i.e.

- The Protection of Women from Domestic Violence Act, 2005,
- The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013,
- The Prohibition of Child Marriage Act, 2006,
- Rajasthan Prevention of Witch-hunting Act, 2015,
- The Dowry Prohibition Act, 1961,
- The Protection of Children from Sexual Offences Act, 2012,
- The Immoral Traffic (Prevention) Act, 1956,
- The Indecent Representation of Women (Prohibition) Act, 1986 and
- The Commission of Sati (Prevention) Act, 1987.

The performance audit originally covered the period of five years from April 2012 to March 2017. Audit findings were discussed with the Additional Chief Secretary, Home, Secretary, Women and Child Development, Member Secretary, RLSA, Director SJED and Director, Child Rights in an exit conference held on 15 February 2019. As the state government's replies on many of the issues raised were in the nature of work in progress, Audit decided

to verify the progress made upto March 2020 by the concerned departments vis. a. vis. the commitments made by them. However, due to constraints imposed by Covid-19 pandemic, the audit examination (August-September 2020) was limited to units located in Jaipur and Tonk districts. Later, improving situation with respect to pandemic and the easing of related restrictions enabled audit examination (August-October 2021) of remaining six administrative districts (Udaipur, Pratapgarh, Pali, Baran, Bharatpur and Kota) and seven police districts viz. Udaipur, Pratapgarh, Pali, Baran, Bharatpur and Kota Rural and Kota City. The Audit scrutiny revealed that there was minimal improvement in overall situation and performance of certain districts was still poor and alarming.

Results in Brief

The Women Empowerment Directorate, Social Justice & Empowerment Department and Department for Child Rights were responsible for prevention of crime and protection of women from domestic violence, sexual harassment at workplaces, child marriage, witch-hunting, practice of dowry and protection of girls from sexual offences. These departments were required to create awareness amongst the public and train and sensitise the workforce. However, absence of state level integrated action plans for protection and development of women, shortage of key grass root level implementing personnel, non-identification of vulnerable areas, lack of basic facilities and security lapses in rehabilitation homes hampered the effective enforcement of the various statutes/acts/policies.

The Police Department was responsible for registration and timely investigation of women related crimes. However, issues such as higher number of cases registered through alternate means like court intervention instead of directly through the police stations, slackness in collecting, forwarding, and examining of samples related to sensitive crimes such as rape etc., points towards inadequate working of police department in the area of women related crimes. Further, the Legal Services Authorities, were responsible for creating legal awareness, providing legal aid and ensuring timely disbursement of compensation to victims. However, shortage of key personnel, lack of updated training material and delays in decision making deprived the victims of effective legal assistance and due compensation.

Principal findings of this Performance Audit

The principal audit findings that led to audit conclusions and recommendations are as follows:

Statistical trend of Crime against Women in Rajasthan

- There was an increase of 126.90 *per cent* with annualized growth rate of 10.86 *per cent* in registered crimes against women during 2010-19 and the crime rate against women in Rajasthan was consistently higher than the all India average and the neighboring states for the period 2010-19.

(Paragraph 1.1, 2.1 and 2.2)

- During the period 2010-19, 3,566 crime cases were registered under various women related special and local laws while 2,68,172 cases were registered under various heads of crime against women under IPC.

(Paragraph 2.4)

Planning

- During 2012-20, neither the plans for development and protection of women were received from concerned departments nor were efforts made by WED to obtain and integrate such plans. The State Government finalized and implemented the new 'Rajasthan State Policy for Women 2021' in April 2021 (replacing Rajasthan State Policy for Women 1996 and Rajasthan State Policy for Girl Child 2013), despite it being under consideration since 2013.

(Paragraph 3.1.1 and 3.1.4)

- Consolidated action plan for protection and empowerment of the girls was not prepared by WED during 2017-20, though in each of these years it had requested the concerned departments to forward action plans prepared by them.

(Paragraph 3.1.2)

Recommendations

1. *The State Government should prepare an integrated work plan to prevent atrocities and violence against women and girl child based on inputs from all concerned stakeholders according to the 'Rajasthan State Policy for Women 2021'.*
2. *Women Empowerment Department should ensure coordination and regular interaction with stakeholder departments so that the objectives of 'Rajasthan State Policy for Women 2021' are meaningfully and effectively achieved.*

Enforcement

- Filing of Domestic Incident Reports under PWDV Act, suffered for want of adequate numbers of Protection Officers as duties/functions of POs were assigned additionally to District Programme Officers/*Prachetas* of WED who were already deficient in the department.

(Paragraph 3.2.1)

- WED did not ensure constitution of Internal Committees in all offices/workplaces in the State where ten or more employees were working.

(Paragraph 3.2.2)

- Four thousand five hundred and fifty three cases of dowry death (section 304B of IPC) and 1,38,195 cases of domestic violence including demand of dowry were registered during 2010-19 in the State but none of the aggrieved persons or relatives approached the Chief Dowry Prohibition Officers to report their grievances. This pointed to the fact that the mechanism as specified in the Act was either non-existent or non-functional.

(Paragraph 3.2.5)

- Out of 25,849 cases relating to crime against women in 47 test checked police stations during 2012-20, delays in completion of investigation in 5,081 cases (19.66 per cent) relating to dowry, rape, POCSO and domestic violence etc., ranged from 60 to 1,855 days after registration of cases and approval of competent authority was also not obtained in these cases.

(Paragraph 3.2.8)

- In 14.90 per cent of the Rape and POCSO cases (150 out of 1007 test checked cases), though samples (clothes, semen, swab, blood etc.) were collected and deposited in *Malkhana* (store of seized items) during 2012-20, they were not sent to the FSL for forensic tests. Further, in 763 cases (75.77 per cent), samples were forwarded to the FSL with delays upto 3 years during 2012-20.

(Paragraph 3.2.11.1)

- The quality of investigation of cases relating to rape and POCSO suffered as there was slackness in collecting samples, failure to forward or delayed forwarding of samples for examination, delay in collection of the examination reports, pointing to insensitivity and gross negligence on part of the police. In such a situation, possibility of adverse impact on investigation and conviction in such heinous crimes cannot be ruled out.

(Paragraph 3.2.11.1)

Recommendations

3. *The State Government should ensure constitution of Internal Committees in all Public and Private Institutions for effective enforcement of 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act'.*
4. *The State Government may ensure that the registered cases of crimes against women are investigated and the charge sheets are filed as per the time schedule prescribed by law.*
5. *The State Government should train police personnel to handle cases of crime against women with due sensitivity in order to improve the trust of the public at large and specially women on the police.*

6. *The State Government should collect details of the cases where there has been negligence and delays in collection and forwarding of samples for forensic examination and fix responsibility against the erring officials.*
7. *In order to increase the efficiency and effectiveness of investigation of cases especially related to rape/POCSO, the State Government should encourage the investigating officers to adequately utilize the investigation apparatus including MFUs, DNA testing and audio-visual recording.*

Rehabilitation

- NGOs run *Swadhar Grehs*, which were set up to support women in difficult circumstances, did not adhere to the procedure for admission of inmates and information of admission was not forwarded to police. Further, vocational/skill upgradation training was not provided to inmates.

(Paragraph 3.3.2.1)

- Out of seven *Swadhar Grehs* functional in the State as of March 2017, only four remained functional as of March 2020 while the remaining three were closed down. In the *Swadhar Grehs* that were functional, vocational/skill upgradation training was not provided to inmates.

(Paragraph 3.3.2.4)

- Out of eight Protective and Rehabilitation (P&R) Homes established under this Scheme and functional in the State as of March 2016, only one P&R Home at Dungarpur was functional as of March 2020.

(Paragraph 3.3.3.2)

- Out of 861 police stations in the State, Para Legal Volunteers (PLVs) were deployed in only 52 police stations (6.04 per cent) as of March 2020. Further, PLVs were not available in 246 police stations under eight test checked DLSAs as of March 2020. In DLSA Pali all required 27 PLVs were deployed.

{Paragraph 3.3.5.2 (b)}

Recommendation

8. *Legal aid clinics should be established in all urban local bodies, police stations, jails and gram panchayat headquarter; and Para Legal Volunteers be deployed in each police station to ensure assistance to victims of crime against women.*

Enhancing Public Awareness

- For disposal of complaints received from aggrieved women, no public hearing was organized by Rajasthan State Commission for Women in three

districts (Jalore, Sawaimadhopur and Sirohi) during 2013-20; in 8 districts during 2014-20; one district (Churu) during 2015-20 and in 11 districts during 2017-20.

(Paragraph 3.4.5)

- There was lack of efforts by the Department of Child Rights in creating awareness and sensitising the government functionaries about the various provisions of the Protection of Children from Sexual Offences (POCSO) Act.

(Paragraph 3.4.8)

- Only 0.90 lakh students out of 35.91 lakh were associated in the Know Your Student/Know Your Police Programme in 11 test checked police districts during 2017-20.

{Paragraph 3.4.9(b)}

Recommendation

9. *The State Government should take steps to partner civil society groups and Non-Governmental Organisations in generating and enhancing awareness among the targeted groups about the statutory measures in place for protection of women. The authorities responsible should plan to use social media alternatives for generating awareness among the society at large. The police authorities should conduct the 'Know Your Student-Know Your Police' program on an annual basis.*

Human Resources Management

- Even after the assurance given by the Government on filling up the vacant posts on priority basis in WED, test checked offices of the Deputy Directors/Assistant Directors (DDs/ADs) were continuously facing significant shortage, ranging from 58.33 to 85.71 *per cent*, in various cadres. The shortage was very high in Baran (85.71 *per cent*), Pratapgarh (83.33 *per cent*), Udaipur (70.83 *per cent*), Bharatpur (70.59 *per cent*) and Jaipur (68.18 *per cent*) districts as of March 2020.

(Paragraph 3.5.1)

- There was shortage of 13.61 *per cent* human resources against the total sanctioned posts in the State Police Department as of January 2020. Moreover, shortage in Inspector/Sub-Inspector/Assistant Sub Inspector cadres, the field level authorities responsible for investigation of criminal cases, was as high as 37.71 *per cent*.

(Paragraph 3.5.5)

- Women constitute less than nine *per cent* of the sanctioned state police workforce, which could be affecting efficiency of activities such as

investigation, sample collection, counselling etc. to be carried out. Further, presence of women personnel is helpful in providing comfort and confidence to women victims to come forward for registration of complaints.

(Paragraph 3.5.6)

Recommendations

10. *The State Government should ensure that critical posts e.g. Protection Officer, Child Marriage Prohibition Officer, Dowry Prohibition Officer etc. are filled up on priority. It also needs to ensure concerted action for developing expertise in relevant areas, by providing regular, comprehensive and focused training to the officials.*
11. *The State Government should appoint the required number of administrative functionaries in respective field offices.*
12. *State Government should ensure that adequate infrastructure and human resources are provided to Nari Niketans / Mahila Sadan and Balika Grehs as these are essential for providing shelter and relief to women and girl children in difficult circumstances.*
13. *The State Government through coordination between police department and recruitment agency should prepare strategy to gradually increase the proportion of women personnel in police workforce.*

Internal Control Mechanism

- Only 12.89 per cent (87 against 675) of the prescribed visits in *Mahila Surksha evam Salaha Kendra* were conducted by POs during 2014-20. Further, against 121 mandated inspections, not a single inspection was carried out by PO Jaipur – West, Udaipur, Pratapgarh and Bharatpur during 2017-20.

(Paragraph 4.1.3)

- The authorities concerned did not undertake proper monitoring of the shelters and protective homes and did not meet at prescribed periodicity to discuss critical issues of welfare of women and girl child.

(Paragraph 4.1.6 and 4.1.9)

Recommendations

14. *The State Government should ensure that the State level monitoring mechanism through Rajasthan State Commission for women etc. functions as per prescribed guidelines. The designated authorities should conduct the prescribed number of public meetings and internal meetings so as to monitor the efficacy of the measures taken for welfare and protection of women in the State.*

- 15. The State Government should ensure that the monitoring committees envisioned under the various statutes (e.g. Dowry Prohibition Act, Rajasthan Juvenile Justice (Care and Protection of Children) Rules etc.) are duly constituted and function as per the mandate provided by their respective statutes.*
- 16. Proper monitoring and regular supervisions of the Swadhar Grehs, Balika Grehs and Protection & Rehabilitation Homes for timely rectification of irregularities in providing the services to the inmates should be ensured.*