

Chapter 1

Introduction

Chapter-1 Introduction

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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. Within the framework of a democratic polity, our laws, development policies, plans and programmes have aimed at women's advancement in different spheres. India has ratified the Convention on 'Elimination of All Forms of Discrimination against Women' in 1993 and accepted the Sustainable Development Goal number 5 (Gender Equality) as adopted by the United Nations.

The crimes which are directed specifically against women are characterized as '**Crime against Women**¹'. They also include physical and emotional abuse, neglect and exploitation of girl children through activities such as child pornography and sex trafficking of minor girls.

Crime against women is broadly classified under two categories, i.e. crime under Indian Penal Code (IPC) and crime under Special and Local Laws (SLLs). Consolidated position of the total incidence of registered crime against women in Rajasthan during January 2010-December 2019, as provided by the Director General of Police, Rajasthan, is given in **Table 1**.

Table 1

<i>Classified under</i>	<i>2010</i>	<i>2011</i>	<i>2012</i>	<i>2013</i>	<i>2014</i>	<i>2015</i>	<i>2016</i>	<i>2017</i>	<i>2018</i>	<i>2019</i>	<i>Total</i>
IPC crimes	18,177	19,899	21,775	28,984	31,035	28,053	27,308	24,735	27,314	40,892	2,68,172
SLL crimes	167	192	210	204	130	124	348	879	581	731	3,566
Total Crimes	18,344	20,091	21,985	29,188	31,165	28,177	27,656	25,614	27,895	41,623	2,71,738
% increase (wrt 2010)	-	9.52	19.85	59.11	69.89	53.60	50.76	39.63	52.07	126.90	

Source: Data provided by DGP, Rajasthan

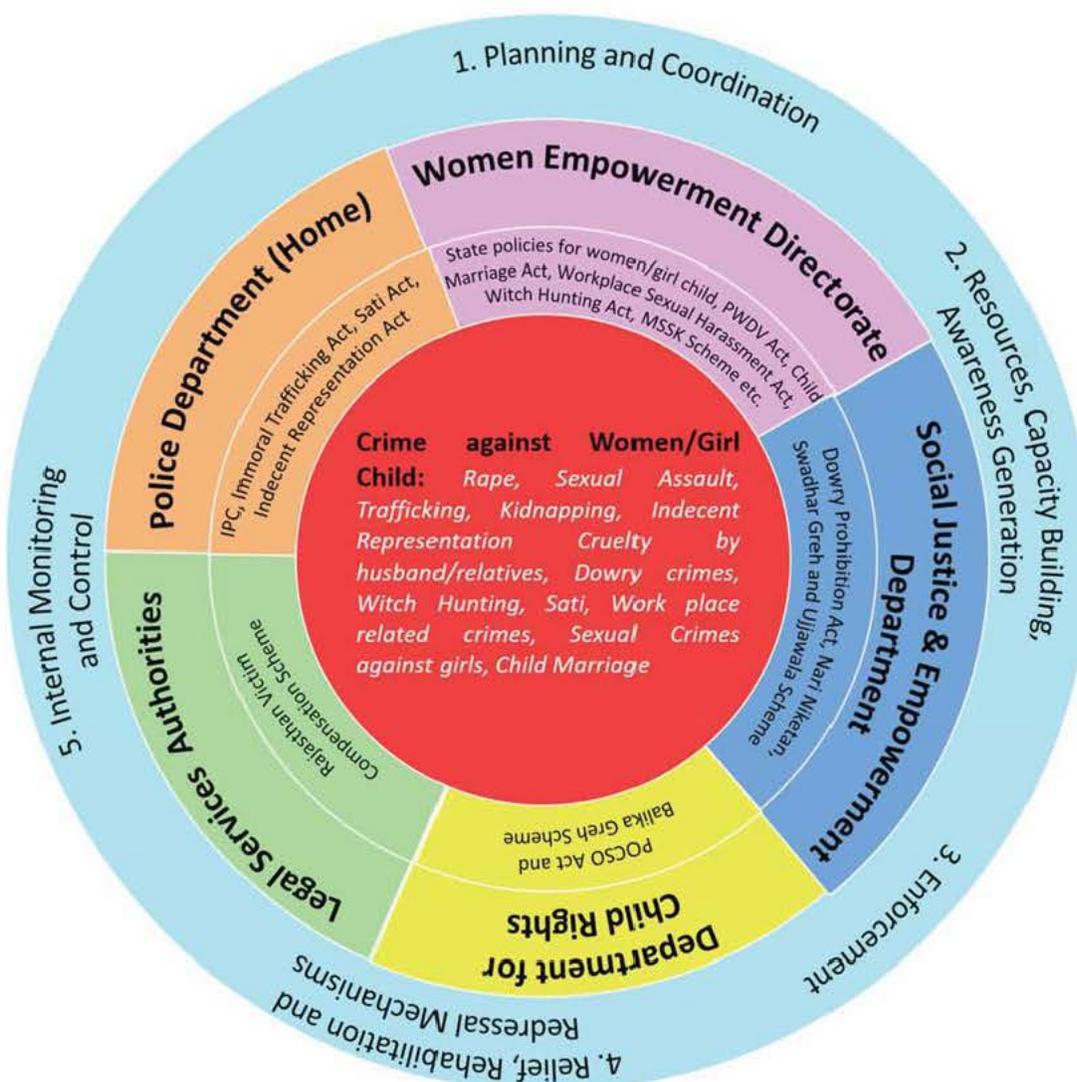
It is evident from **Table 1** that the total number of crimes against women registered a growth of 126.90 *per cent* during 2010-19. Rape, assault on women with intent to outrage her modesty, cruelty by husband or his relatives, kidnapping and abduction of women and dowry death are the major crimes in the State. More than 50 *per cent* of the total reported cases fall under the category "*cruelty by husband or his relatives*".

¹ UN General Assembly, Declaration on the Elimination of Violence against Women.

1.2 Institutions responsible for implementation of policies and Acts

The state has a huge administrative apparatus to deal with these issues, with five departments i.e. Women Empowerment Directorate (WED) under Women and Child Development (WCD) Department, Social Justice and Empowerment Department (SJED), Department for Child Rights (DCR), Police Department (Home) and Legal Services Authorities, independent agencies and autonomous bodies along with many NGOs working in the field of women welfare and safety. The following diagram presents the holistic picture of these agencies and their roles in preventing and dealing with crimes against women in the State.

Chart 1: Tackling crime against women: Legislation, Government Departments, their functional areas and their responsibilities



These bodies have to act in tandem to successfully prevent crimes, provide relief & ensure rehabilitation of victims and pursue cases effectively so as to bring the victims to justice.

The various policies, acts and schemes implemented by these five departments are discussed below:

1.2.1 Women Empowerment Directorate

Women Empowerment Directorate (WED) is the nodal department for implementation and monitoring of the objectives of the Rajasthan State Policy for Women 1996 and Rajasthan State Policy for the Girl Child 2013. WED is responsible for implementation of the 'Protection of Women from Domestic Violence Act, 2005'; 'The Prohibition of Child Marriage Act, 2006'; 'The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013'; 'Rajasthan Prevention of Witch-hunting Act, 2015' and GoR operated Mahila Suraksha and Salaha Kendra (MSSK) (Regulation and Grant) Scheme, 2010.

1.2.2 Social Justice and Empowerment Department

Social Justice and Empowerment Department (SJED) is responsible for implementation of 'Dowry Prohibition Act, 1961'. It is responsible for providing assistance for rehabilitation and re-integration of victim women by providing shelter homes². Further, it is also responsible for the implementation of centrally sponsored schemes like *Swadhar Greh* and *Ujjawala* and state sponsored schemes like *Nari Niketan/Mahila Sadan*.

1.2.3 Department for Child Rights

The Department for Child Rights is responsible for implementation of the 'Protection of Children from Sexual Offences (POCSO) Act, 2012' and state sponsored scheme *Balika Greh* for the care and protection, rehabilitation and re-integration of girls.

1.2.4 Home Department

Police under Home Department is responsible for enforcement of Law and Order. The Police Department is responsible for registration of cases under IPC and SLLs, investigation of crime incidents, submission of final report/challan to the court, implementation of 'The Immoral Traffic (Prevention) Act, 1956'; 'The Indecent Representation of Women (Prohibition) Act, 1986' and 'The Commission of Sati (Prevention) Act, 1987' in the State.

1.2.5 Legal Services Authorities

Rajasthan State Legal Services Authority (RSLSA) and District Legal Services Authorities (DLSAs) are responsible for providing free and competent legal services to the weaker sections (including women) of the society. Compensation to the victims or their dependent who suffered loss or injuries as a result of crime and who required rehabilitation is provided by the legal services authorities through 'Rajasthan Victim Compensation Scheme, 2011'.

1.2.6 Rajasthan State Commission for Women

The Rajasthan State Commission for Women (RSCW), established in May 1999, has a wide mandate to deal with the complaints received in written or

2 *Nari Niketans/Mahila Sadan, Swadhar Grehs and Ujjawala Homes.*

orally regarding atrocities on women and to also create awareness regarding women empowerment.

1.2.7 Rajasthan State Commission for Protection of Child Rights

Rajasthan State Commission for Protection of Child Rights (RSCPCR) was established in February 2010 with the objective to protect, promote and defend child rights through review of policies, legislations/other safe guards and create awareness. RSCPCR also has powers to intervene in cases of violation of child rights in the State.

In this backdrop 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.

1.3 Audit Objectives

Audit objectives for conducting performance audit were to assess:

- Whether a comprehensive policy and a robust planning and coordination mechanism among departments existed for prevention, enforcement and redressal of all forms of violence against women and girl child?
- Whether enforcement of provisions under the various Acts and related schemes/programmes/mechanisms for curbing of all forms of violence against women and girl child was effective?
- Whether relief, rehabilitation and other necessary assistance were adequately and timely provided to the victims?
- Whether measures to promote public awareness, augment resources and build capacity amongst executing personnel were adequate, timely and effective?
- Whether the monitoring structures and evaluation mechanisms were effective in improving the State machinery involved in curbing crime against women and girl child?

1.4 Audit Criteria

Audit criteria for this Performance Audit were based on the following sources:

- The Indian Penal Code, 1860 and the Code of Criminal Procedure, 1973;
- Special and Local Laws, Rules and Regulations i.e. (i) The Protection of Women from Domestic Violence Act, 2005; (ii) The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; (iii) The Prohibition of Child Marriage Act, 2006; (iv) Rajasthan Prevention of Witch-hunting Act, 2015; (v) The Dowry Prohibition Act,

1961; (vi) The Protection of Children from Sexual Offences Act, 2012; (vii) The Immoral Traffic (Prevention) Act, 1956; (viii) The Indecent Representation of Women (Prohibition) Act, 1986; and (ix) The Commission of Sati (Prevention) Act, 1987.

- Rajasthan State Policy for Women, 1996;
- Rajasthan State Policy for the Girl Child, 2013;
- Rajasthan Police Manual, 2001;
- General Financial and Accounting Rules;
- Rajasthan Victim Compensation Scheme 2011; and
- Instructions/Guidelines/Circulars issued by Government of India and State Government.

1.5 Scope of Audit and Methodology

The Performance Audit originally covered the period of five years from April 2012 to March 2017. Eight administrative districts³ (out of 33) were selected using 'Probability Proportional to size sampling without Replacement' method and eleven police districts⁴ (out of 13 in the selected administrative districts) were selected for test check of records.

An Entry Conference was held on 29 June 2017 with Special Secretary, Law and Legal Affairs Department, Commissioner WED, Director SJED, Member Secretary, Rajasthan State Commission for Protection of Child Rights and Member Secretary, Rajasthan State Commission for Women, Deputy Secretary RSLSA and Superintendent of Police (Civil Rights) wherein audit objectives, audit criteria, audit scope and methodology were discussed.

During the conduct of Audit, records of Commissioner, WED, Director of SJED, Director of Department for Child Rights, Director General of Police, selected 11 Deputy Commissioners of Police (DCPs)/Superintendents of Police (SPs) offices, 48 police stations⁵ (out of 244 police stations of selected 11 police districts) selected randomly through IDEA Software, State Forensic Science

3 Jaipur, Tonk, Baran, Kota, Udaipur, Pratapgarh, Bharatpur and Pali.

4 Jaipur (East), Jaipur (West), Jaipur (Rural), Tonk, Baran, Kota (Rural), Kota (City), Udaipur, Pratapgarh, Bharatpur and Pali.

5 **District Jaipur (West):** Mahila Police Station (MPS) Bani Park, Police Station (PS) Bhakrota and Sadar; **Jaipur (East):** MPS Gandhi Nagar, PS Lal kothi and Transport Nagar; **Jaipur (Rural):** MPS Jaipur Rural, PS Phulera, Narena and Amarsar; **Tonk:** MPS Tonk, PS Sadar, Baroni and Niwai; **Kota City:** MPS Kota City, PS Bheemganj Mandi, Railway Colony and Kaithuni Pole; **Kota (Rural):** MPS Kota Rural, PS Kaithun and Chechat; **Baran:** MPS Baran, PS Kotwali, Nahargarh and Chhabra; **Udaipur:** MPS Udaipur, PS Hiran Magri, Ogana, Sayara, Dabok, Amba Mata, Hathi Pole, Dhan Mandi and Bekaria; **Pratapgarh:** MPS Pratapgarh, PS Parsola and Pratapgarh; **Bharatpur:** MPS Bharatpur, PS Kotwali, Sewar, Nadbai and Khoh; and **Pali:** MPS Pali, PSs Kotwali, Sanderao, Sojat Road and Gudha Aindla and PS Cyber Crime, Jaipur.

Laboratory including three Regional Forensic Science Laboratories⁶ were test checked. Further, records of RLSA and nine DLSAs⁷ were also test checked.

The Audit methodology involved scrutiny of records of implementing agencies, collection and analyses of data, issuing audit queries and obtaining response to audit queries. Further, joint physical inspections of rehabilitation homes, Internal Committees (ICs) operated by Governmental/Non-Governmental organizations and legal aid clinics were also conducted in the test checked districts. Feedback survey of 80 *Sathins*⁸ (10 *Sathins* from each selected district) and 140 rural women (10 women from each *Gram Panchayats*) of 14 selected *Gram Panchayats*⁹ of these districts was also conducted during Audit.

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.

Subsequent to the Exit Conference and in view of the nature of responses of the State Government to audit observations, Audit decided to verify the progress made upto March 2020 by the concerned departments vis-a-vis the commitments made by them. A number of findings regarding lapses in coordination between stakeholder departments as well sensitive issues involving acute human dimension warranted reverification. However, due to constraints imposed by Covid-19 pandemic, the audit examination (August-September 2020) was limited to relevant units of two administrative districts (Jaipur and Tonk), four police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk) and the State level offices of concerned departments. Further, a survey of women working in Government/private sector offices in Jaipur was also conducted during this phase for assessment of general awareness of various actions/Acts/Rules relating to crime against women.

The updated report was sent to the stakeholder departments in December 2020 and their replies were received during January-February 2021. A meeting with Principal Secretary Home, Police authorities and Secretary, Women and Child Development Department was also conducted on 4th February 2021. The views and replies of the Departments have been suitably incorporated in this report at appropriate places.

The report was not finalized due to second wave of Covid-19 in the state and the country. Later, with the easing of pandemic and related restrictions audit examination (August-October 2021) of remaining six administrative districts (Udaipur, Pratapgarh, Pali, Baran, Bharatpur and Kota) and seven police

6 Kota, Udaipur and Bharatpur.

7 Tonk, Kota, Baran, Udaipur, Pratapgarh, Bharatpur, Jaipur District, Jaipur Metro and Pali.

8 '*Sathin*' is a *gram panchayat* level female worker. She is appointed by *Gram Sabha*. She has the responsibility to create awareness among women about various acts and schemes implemented by various departments regarding prevention, protection and redressal of crime against women, etc.

9 Khairabad, Kesar (Kota); Sisarma, Ladani (Udaipur); Mandola, Rani Barod (Baran); Bilwa, Bambhori (Jaipur); Mahmadpura, Bachamadi (Bharatpur); Bomadra, Rohat (Pali); Dangarthal (Tonk) and Avleswar (Pratapgarh).

districts viz. Udaipur, Pratapgarh, Pali, Baran, Bharatpur and Kota Rural and Kota City was conducted. An updated report was sent to stakeholder departments on 30th November 2021. The replies of WCD, SJED and DCR have been received and suitably included at appropriate places. The replies of Home Department and Law and Legal Department were not received (February 2022) though repeated reminders (December 2021 and January 2022) were issued.

1.6 Acknowledgement

Audit acknowledges the cooperation of Government of Rajasthan including Additional Chief Secretary, Home Department, DGP, Police, Principal Secretary, Women and Child Development Department, Principal Secretary, Social Justice and Empowerment Department, Principal Secretary, Department of Law and Legal Affairs, Chairperson, Rajasthan State Commission for Women, Chairperson, Rajasthan State Commission for Protection of Child Rights, and Secretary, Rajasthan State Legal Services Authority. Audit also appreciate the assistance provided by the field functionaries of these departments for smooth conduct of the audit.