सत्यमेव जयते

# Report of the Comptroller and Auditor General of India on Performance Audit of Prevention, Protection and Redressal of Crime against Women in Rajasthan

लोकहितार्थ सत्यनिष्ठा

Dedicated to Truth in Public Interest

## Government of Rajasthan

**Report No. 4 of the year 2022**

# Report of the
# Comptroller and Auditor General of India
# on
# Performance Audit of
# Prevention, Protection and Redressal of Crime against Women in Rajasthan

## Government of Rajasthan
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# Preface

This Report has been prepared for submission to the Governor of Rajasthan under Article 151 of the Constitution of India.

This Report contains the results of performance audit of **'Prevention, Protection and Redressal of Crime against Women in Rajasthan'** for the period 2012-20. This performance audit assesses the status of crimes being committed against women in Rajasthan and examines the steps taken by the various State Government agencies to address the prevalent issues.

The Performance Audit has been conducted in conformity with the Auditing Standards issued by the Comptroller and Auditor General of India.

# 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, RSLSA, 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 disbursal 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.*

# *Chapter 1*

## *Introduction*

# Chapter-1
# Introduction

## 1.1 Introduction

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***

| *Classified under* | *2010* | *2011* | *2012* | *2013* | *2014* | *2015* | *2016* | *2017* | *2018* | *2019* | *Total* |
|---|---|---|---|---|---|---|---|---|---|---|---|
| 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*

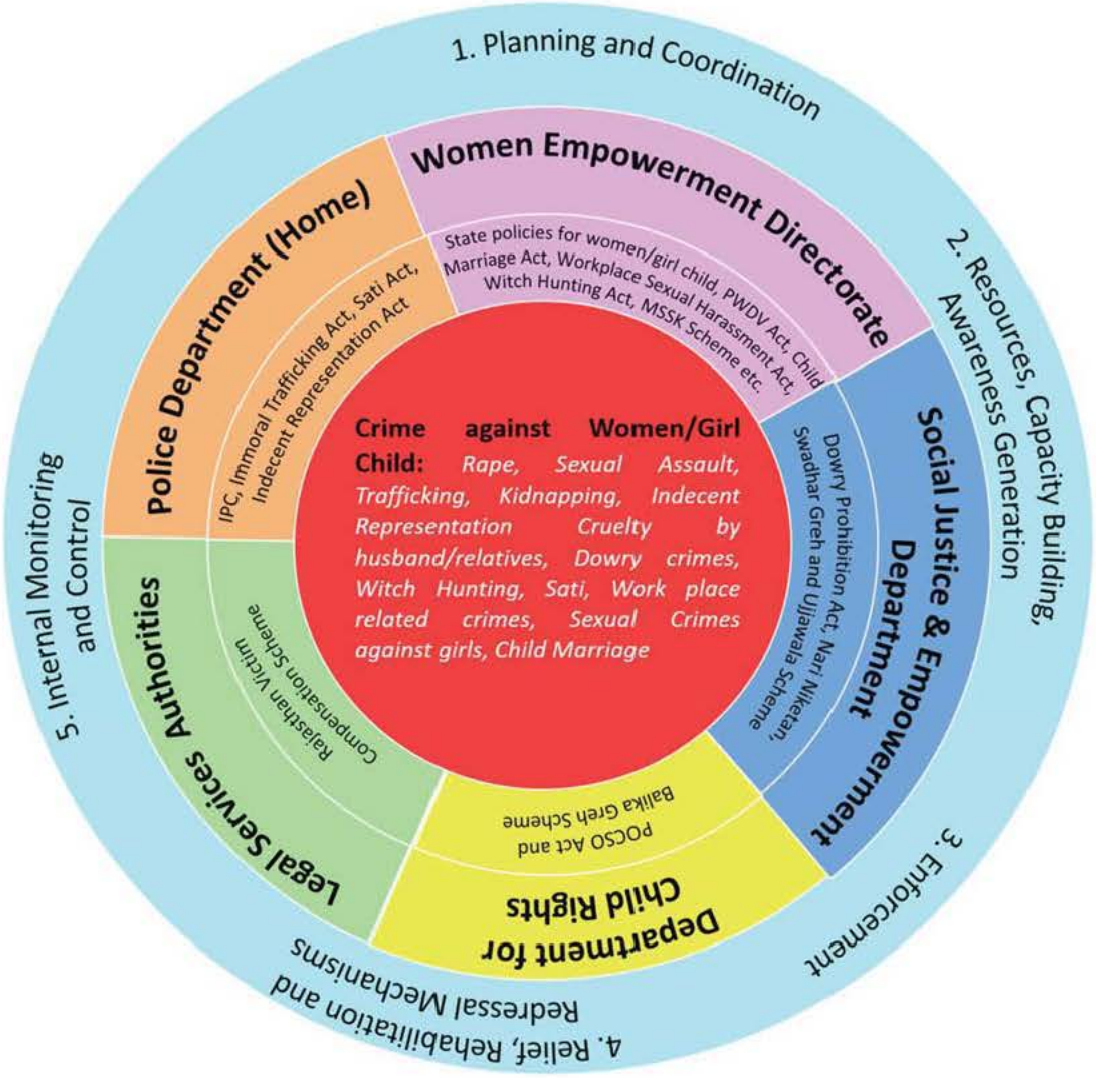
It is evident from *Table 1* that the total number of crimes against women registered a growth of 126.90 *per cent* during 2010-19. Rape, assault on women with intent to outrage her modesty, cruelty by husband or his relatives, kidnapping and abduction of women and dowry death are the major crimes in 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 homes[2]. 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 districts[3] (out of 33) were selected using *'Probability Proportional to size sampling without Replacement'* method and eleven police districts[4] (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 stations[5] (out of 244 police stations of selected 11 police districts) selected randomly through IDEA Software, State Forensic Science

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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 Laboratories[6] were test checked. Further, records of RSLSA and nine DLSAs[7] 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, RSLSA, 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.

# *Chapter 2*

## *Statistical trend of Crime against Women in Rajasthan*

# Chapter-2
# Statistical trend of Crime against Women in Rajasthan

## 2.1 Statistical trend of Crime against Women in Rajasthan

Information related to crimes against women in Rajasthan are consolidated at Director General of Police, Rajasthan and reported by State Crime Records Bureau (SCRB) through its annual reports *'Crime in Rajasthan'*. At the national level, National Crime Records Bureau (NCRB) compiles state level data and reports it through its annual reports *'Crime in India'*.

During this audit, state level information was obtained from Director General of Police, Rajasthan. For comparative analysis of Rajasthan's performance vis-a-vis All India Average as well as other States individually, data was taken from reports (2010-19) of NCRB.

Incidence of registered crime against women in Rajasthan under IPC and SLLs during January 2010-December 2019[10], as provided by the Director General of Police, Rajasthan, are given in ***Table 2*** below.

***Table 2***

| *S. No.* | *Crime Head* | *2010* | *2011* | *2012* | *2013* | *2014* | *2015* | *2016* | *2017* | *2018* | *2019* | *Total* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| (A) | **Crime under Indian Penal Code** | | | | | | | | | | | |
| 1 | Cruelty by husband or his relatives **(Section 498A of IPC)** | 11,145 | 12,218 | 13,312 | 15,094 | 15,905 | 14,383 | 13,811 | 11,508 | 12,250 | 18,432 | 1,38,058 |
| 2 | Assault on women with intent to outrage her modesty **(Section 354 of IPC)** | 2,339 | 2,447 | 2,352 | 4,829 | 5,999 | 4,813 | 4,839 | 4,883 | 5,249 | 8,802 | 46,552 |
| 3 | Kidnapping and abduction of women **(Section 363 to 364A and 366 to 369 of IPC)** | 2,477 | 2,713 | 2,697 | 4,047 | 4,421 | 4,167 | 4,010 | 3,837 | 4,247 | 5,907 | 38,523 |
| 4 | Rape **(Section 376 of IPC)** | 1,571 | 1,800 | 2,049 | 3,285 | 3,759 | 3,644 | 3,656 | 3,305 | 4,335 | 5,997 | 33,401 |
| 5 | Dowry death **(Section 304B of IPC)** | 462 | 514 | 478 | 453 | 408 | 463 | 462 | 457 | 404 | 452 | 4,553 |
| 6 | Attempt to commit rape **(Section 376 and 511 of IPC)** | | | 0 | 0 | 373 | 407 | 340 | 550 | 620 | 1,019 | 3,309 |

[10] SCRB and NCRB both report crime statistics calendar year wise in their publications. Hence all crime data in this report has been presented calendar year wise.

| *S. No.* | *Crime Head* | *2010* | *2011* | *2012* | *2013* | *2014* | *2015* | *2016* | *2017* | *2018* | *2019* | *Total* |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| 7 | Abetment of suicide of women **(Section 306 of IPC)** | 160 | 198 | 149 | 179 | 143 | 161 | 167 | 153 | 153 | 186 | 1,649 |
| 8 | Insult to the modesty of women **(Section 509 of IPC)** | 23 | 9 | 18 | 25 | 18 | 9 | 15 | 24 | 34 | 69 | 244 |
| 9 | Human Trafficking **(Section 370 and 370A of IPC)** | | | 0 | 0 | 3 | 4 | 1 | 7 | 4 | 5 | 24 |
| 10 | Unnatural Offences **(Section 377 of IPC)** | | | 0 | 0 | 3 | 2 | 5 | 6 | 0 | 0 | 16 |
| 11 | Acid attack /Attempt to Acid attack **(Section 326A & B of IPC)** | | | 0 | 0 | 3 | 0 | 2 | 4 | 2 | 3 | 14 |
| 12 | Importation of girls **(Section 366B of IPC)** | 0 | 0 | 0 | 1 | 0 | 0 | 0 | 1 | 0 | 0 | 2 |
| 13 | Others | | 0 | 720 | 1,071 | 0 | 0 | 0 | 0 | 16 | 20 | 1,827 |
| | **Total IPC Crime** | **18,177** | **19,899** | **21,775** | **28,984** | **31,035** | **28,053** | **27,308** | **24,735** | **27,314** | **40,892** | **2,68,172** |
| (B) | **Special and Local Laws** | | | | | | | | | | | |
| 1 | The Protection of Children from Sexual Offences Act, 2012 | | | 0 | 0 | 0 | 0 | 265 | 740 | 449 | 571 | 2,025 |
| 2 | The Immoral Traffic (Prevention) Act, 1956 | 82 | 81 | 99 | 74 | 78 | 86 | 56 | 86 | 62 | 40 | 744 |
| 3 | The Indecent Representation of Women (Prohibition) Act, 1986 | 80 | 102 | 62 | 68 | 18 | 9 | 8 | 6 | 7 | 5 | 365 |
| 4 | The Dowry Prohibition Act, 1961 | 3 | 4 | 39 | 57 | 12 | 9 | 3 | 1 | 5 | 4 | 137 |
| 5 | The Protection of Women from Domestic Violence Act, 2005 | - | - | 0 | 0 | 17 | 14 | 4 | 9 | 3 | 2 | 49 |
| 6 | The Prohibition of Child Marriage Act, 2006 | 2 | 5 | 10 | 5 | 5 | 6 | 12 | 6 | 11 | 19 | 81 |
| 7 | The Rajasthan Prevention of Witch-hunting Act, 2015 (enacted by the State Legislature) | - | - | - | - | - | 0 | 0 | 31 | 17 | 49 | 97 |
| 8 | The Sexual Harassment of Women at Workplace | - | - | - | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |

| S. No. | Crime Head | 2010 | 2011 | 2012 | 2013 | 2014 | 2015 | 2016 | 2017 | 2018 | 2019 | Total |
|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | (Prevention, Prohibition and Redressal) Act, 2013 | | | | | | | | | | | |
| 9 | The Commission of Sati (Prevention) Act, 1987 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 10 | Others (Cyber Crime) | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 27 | 41 | 68 |
| | **Total SLL Crime** | **167** | **192** | **210** | **204** | **130** | **124** | **348** | **879** | **581** | **731** | **3,566** |
| | **Grand Total (IPC + SLLs)** | **18,344** | **20,091** | **21,985** | **29,188** | **31,165** | **28,177** | **27,656** | **25,614** | **27,895** | **41,623** | **2,71,738** |

*Source: Data provided by DGP, Rajasthan*

It is evident from ***Table 2*** above that:

- 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[11] of 10.86 *per cent*.

- Incidence of registered crime against women has increased by 49.21 *per cent* during the year 2019 over the year 2018.

- The share of registered crime against women in the total crime under IPC increased[12] from 11.15 *per cent* in 2010 to 18.15 *per cent* in 2019 in Rajasthan.

- '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 registered crimes against women in the State. These constituted 96.08 *per cent* of the total registered crimes against women in the State.

- In terms of total registered crimes against women, Rajasthan was ranked higher than most other Indian States. Rajasthan was ranked fourth during 2010-2016; fifth during 2017-2018 and was placed second during 2019 as per statistics of the National Crime Records Bureau.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that the process of registration of criminal complaints in the State has been facilitated, and hence the increase in these figures was a completely normal and natural process. It was further added

11 2011: 9.52 *per cent*; 2012: 9.43 *per cent*; 2013: 32.76 *per cent*; 2014: 6.77 *per cent*; 2015: (-) 9.59 *per cent*; 2016: (-) 1.85 *per cent;* 2017: (-) 7.38; *per cent* 2018: 8.91 *per cent* and 2019: 49.21 *per cent.*

12 Share of women related IPC crimes in total IPC crimes from 2010 to 2019 - 2010: 11.15 *per cent*; 2011: 12.01 *per cent*; 2012: 12.74 *per cent*; 2013: 14.77 *per cent*; 2014: 14.75 *per cent*; 2015: 14.16 *per cent;* 2016: 15.14 *per cent;* 2017: 14.56 *per cent*; 2018: 15.89 *per cent* and 2019: 18.15 *per cent.*

that it was not fair to conclude that crimes against women had increased in the State.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that it was true that the number of registered crimes had increased by 126.90 *per cent* during the period 2010 to 2019. However, especially for 2019 figures, it was also noteworthy that increase in registered crimes such as violence and cruelty by relatives or husband etc. was due to simplification of the process of registering FIR, better behavior of Police Department with the public, enhanced sensitivity towards women victims and development of techniques of media and communication methods etc.

- For Rajasthan's 33 administrative districts, district average of women related crime incidence was 1040 in 2019. ***Chart 2*** gives the geographical spread and concentration of crime incidence in Rajasthan in 2019.

- Amongst the 40 police districts of Rajasthan, for the year 2019, Jaisalmer (303), Jodhpur East (509), Dungarpur (537), Sirohi (591) and Jalore (596) were the districts with lowest crime incidence while Alwar (2,528), Ajmer (2,043), Bhilwara (1,728), Bharatpur (1,671) and Sriganganagar (1,668) were the districts with highest crime incidence during 2019. (Depicted in ***Chart 3***).

***Chart 2: Geographical concentration of crime in Rajasthan in 2019***

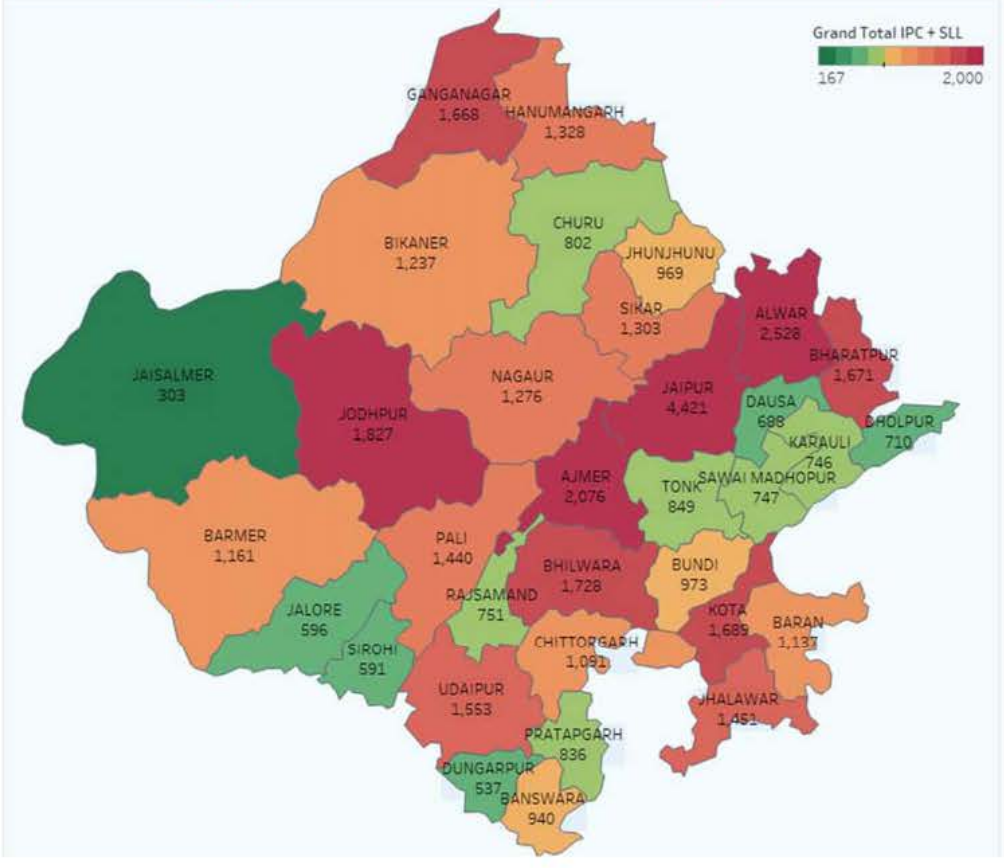
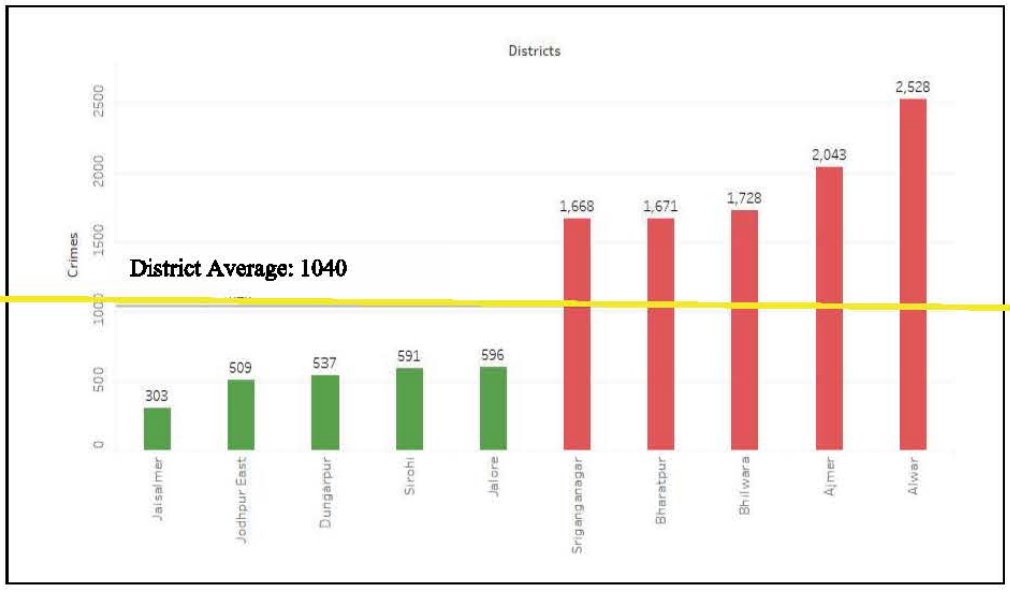


***Chart 3: Comparison of least/ highest crime prone districts in 2019***




During analysis of total registered crime against women of neighbouring states as per statistics of the National Crime Records Bureau and crime data of Rajasthan as provided by the Director General of Police, Rajasthan, following were noticed:

## 2.2 Higher rate of registered Crime against Women in Rajasthan

The details of total crime against women, crime rate (the number of total crimes against women per lakh female population) in the State as compared with neighboring states and all India average during 2010-19 are given in ***Table 3.***

***Table 3***

| Year | Total crime against women in India | Total crime against women in Rajasthan | Percentage of crime in Rajasthan with reference to all India | Rank of Rajasthan based on total crime | All India crime rate | Crime rate[13] of Rajasthan (total crime per lakh female population) | Rajasthan Rank based on crime rate | Crime rate of Madhya Pradesh | Crime rate of Uttar Pradesh | Crime rate of Gujarat |
|---|---|---|---|---|---|---|---|---|---|---|
| 2010 | 2,13,585 | 18,344 | 8.59 | 4 | 18.00 | **27.10** | 5 | 22.80 | 10.10 | 14.00 |
| 2011 | 2,28,650 | 20,091 | 8.79 | 4 | 18.90 | **29.00** | 7 | 22.90 | 11.30 | 14.60 |
| 2012 | 2,44,270 | 21,985 | 9.00 | 4 | 41.74 | **63.75** | 6 | 47.75 | 24.25 | 33.58 |
| 2013 | 3,09,546 | 29,188 | 9.43 | 4 | 52.24 | **83.13** | 4 | 61.64 | 32.93 | 42.63 |
| 2014 | 3,37,922 | 31,165 | 9.22 | 3 | 56.30 | **91.40** | 3 | 79.00 | 38.30 | 37.20 |
| 2015 | 3,27,394 | 28,177 | 8.61 | 4 | 53.90 | **81.50** | 5 | 65.50 | 34.80 | 26.30 |
| 2016 | 3,38,954 | 27,656 | 8.16 | 4 | 55.20 | **78.30** | 5 | 71.10 | 47.50 | 28.70 |
| 2017 | 3,59,849 | 25,614 | 7.12 | 5 | 57.90 | **73.30** | 6 | 78.60 | 53.20 | 27.00 |
| 2018 | 3,78,277 | 27,895 | 7.37 | 5 | 58.80 | **75.10** | 5 | 73.50 | 55.70 | 26.00 |
| 2019 | 4,05,861 | 41,623 | 10.26 | 2 | 62.40 | **110.40** | 2 | 69.00 | 55.40 | 27.10 |

*Source: Total crime against women in India: 'Crime in India' reports of NCRB for 2010-2019. Data of column 'Total crime against women in Rajasthan' from DGP Rajasthan.*

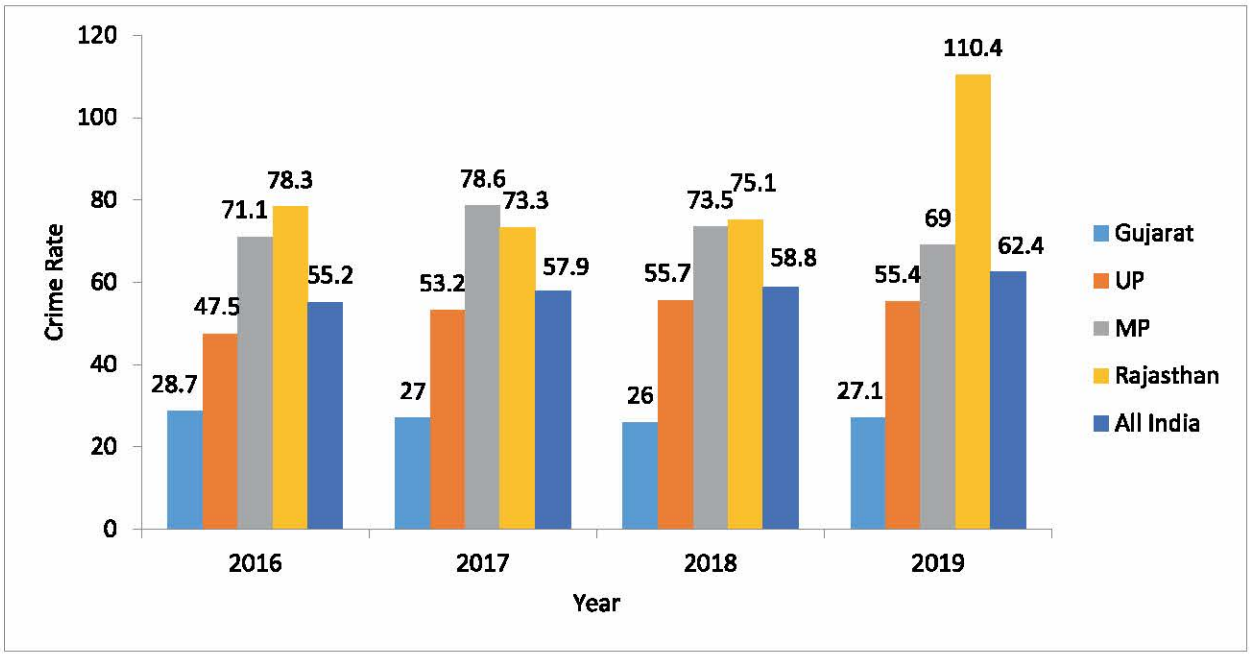
It can be seen from the above table that:

13 In NCRB report 'Crime in India', 'Crime Rate' has been calculated on the basis of population of the respective segment of the population viz. Women, SC/ST etc. Crime Rate = Number of Cases Reported / Mid-Year Projected Population in Lakhs.

- Crime rate against women in Rajasthan was consistently higher than all India average and the neighboring states for the period 2010-19 as depicted in ***Chart 4***.

- Crime rate against women is defined as the ratio of total women related crimes and the total female population in lakh. The change in crime rate in Rajasthan from 27.10 in 2010 to 110.40 in 2019 (increase of 83.30 i.e. 307.38 *per cent*) was very high as compared to the change in all India average from 18.00 to 62.40 (increase of 44.40 i.e. 246.67 *per cent*) during the same period.

***Chart 4: Crime rate against women of Rajasthan compared with neighboring States and All India Average***



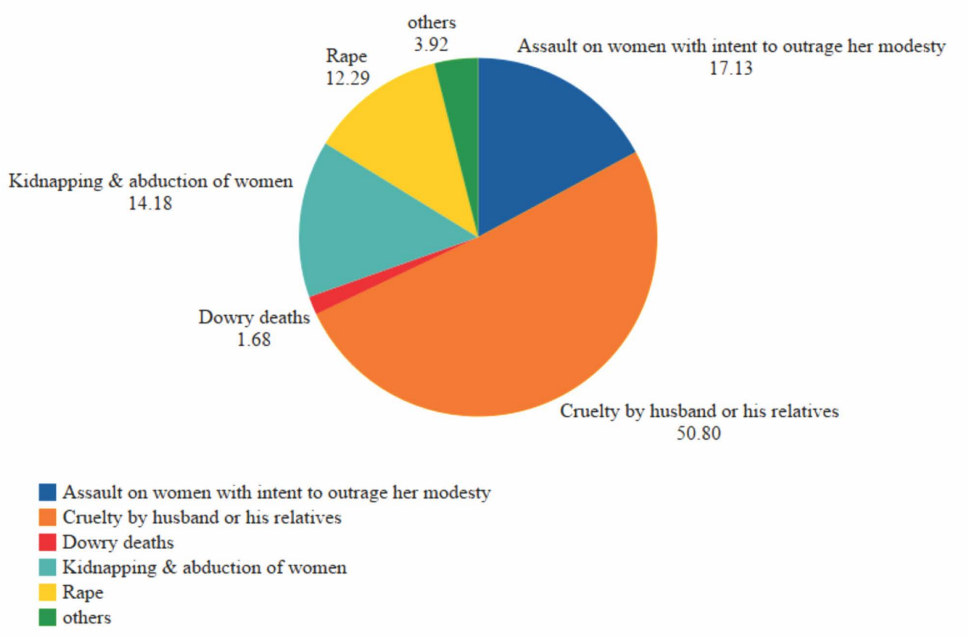

- Rajasthan had 5.78 *per cent* share of India's female population during 2019. However, the percentage of crime against women in the State was 10.26 *per cent* of the total registered crime against women in India during 2019.

## 2.3 Status of Crimes against Women reported under Indian Penal Code

Analysis of the data provided in Table 2 with respect to major crime against women registered under IPC indicates the following:

- During 2010-19, cruelty by husband or his relatives (50.80 *per cent*), assault on women with intent to outrage her modesty (17.13 *per cent*), kidnapping & abduction of women (14.18 *per cent*), rape (12.29 *per cent*) and dowry death (1.68 *per cent*) constituted 96.08 *per cent* of the total registered crimes against women in the State as depicted in the ***Chart 5.***

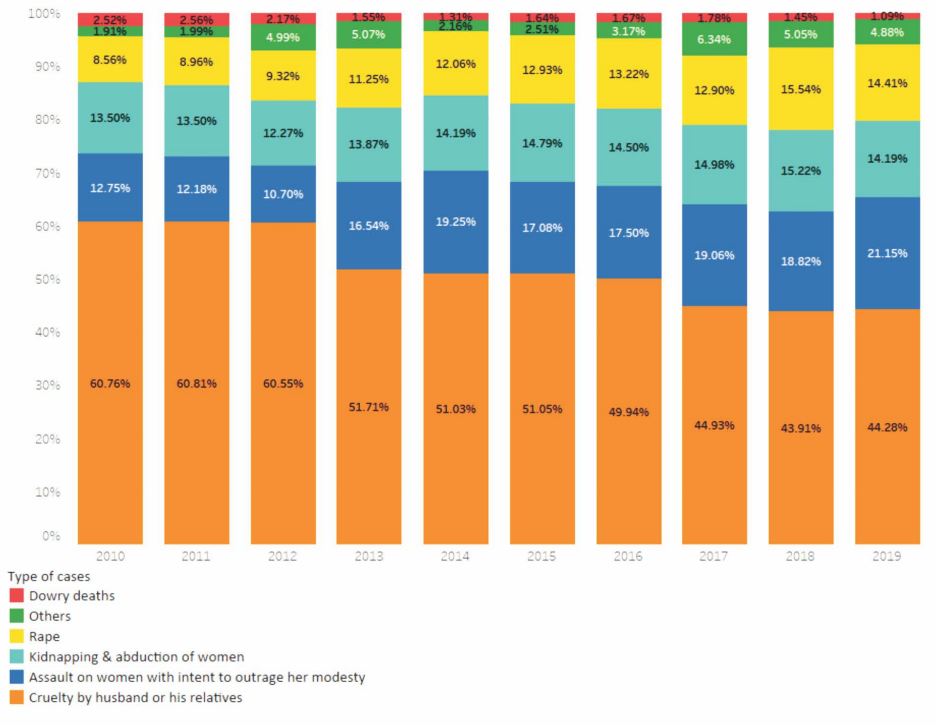
***Chart 5: Relative share of major registered crimes against women in Rajasthan during 2010-19***




- There was a substantial increase in assault on women with intent to outrage her modesty (276.31 *per cent*), rape (281.73 *per cent*), kidnapping & abduction of women (138.47 *per cent*) and cruelty by husband or his relatives (65.38 *per cent*) over the period 2010-19.

- Year wise trend of share of major crimes against women registered during 2010-19 is depicted in ***Chart 6.*** It shows that crimes such as rape, assault on women with intent to outrage her modesty have increased over the years.

***Chart 6: Year wise trend of share of major registered crimes against women in Rajasthan during 2010-19***



- As per crime data available in NCRB report 2019, Rajasthan was ranked first with regard to the cruelty by husband or his relatives and rape; 4th with regard to dowry death and assault on women with intent to outrage her modesty and 6th with regard to kidnapping & abduction of women cases registered in the country.

- A total of 6,373 persons[14] were convicted for Rape (4,963) and Dowry Death (1,410) cases by the courts in the State during the year 2012 to 2019.

- Total of 30,030 Rape cases were registered[15] in the State during the period 2012-2019. Of these, 3,322 cases were committed against women belonging to Scheduled Caste (SCs) and Scheduled Tribe (STs) (SCs: 2,704 and STs: 618). Out of these 3,322 cases, in 1,205 cases (SCs: 1,009 and STs: 196) Final Reports for closure were filed and in 1,713 cases (SCs: 1,366 and STs: 347) challans were submitted in the court by investigative officer. 404 cases (SCs: 329 and STs: 75) were pending.

Further, district level analysis of crime data of 2019 provided by the Office of the DGP Rajasthan is depicted in ***Chart 7.***

***Chart 7: Crime prone districts on basis of major women related registered crimes in Rajasthan during 2019***

| Cruelty by husband or his relatives (18,432 cases) | Assault on women with intent to outrage her modesty (8,802 cases) | Kidnapping & abduction of women (5,907 cases) | Rape (5,997 cases) | Dowry Deaths (452) |
|---|---|---|---|---|
| • Ajmer (971)<br>• Sriganganagar (914)<br>• Bharatpur (835)<br>• Bhilwara (777)<br>• Hanumangarh (746) | • Ajmer (471)<br>• Jhalawar (440)<br>• Bhilwara (408)<br>• Barmer (397)<br>• Pali (393) | • Udaipur (359)<br>• Ajmer (268)<br>• Bhilwara (251)<br>• Bharatpur (245)<br>• Banswara (214) | • Alwar (382)<br>• Bharatpur (290)<br>• Ajmer (252)<br>• Sriganganagar (248)<br>• Bikaner (227) | • Alwar (59)<br>• Bharatpur (37)<br>• Dholpur (20)<br>• Dausa (19)<br>• Hanumangarh (19) |

Home Department, GoR in its reply (February 2021) to the draft report (December 2020), while quoting the NCRB Report that *'crime is manifestation of myriad complex factors, and since States have different policies and procedures, comparison among States on the basis of these published data alone should be avoided'*, stated that there is a difference between increase in crime and increased registration of crimes. The increase in number as shown in the report is due to enhanced facilitation by the Department for women to come forward and register their grievances openly which was not the case earlier. Department also stated that in 2019, 45.88 *per cent* of the cases registered under

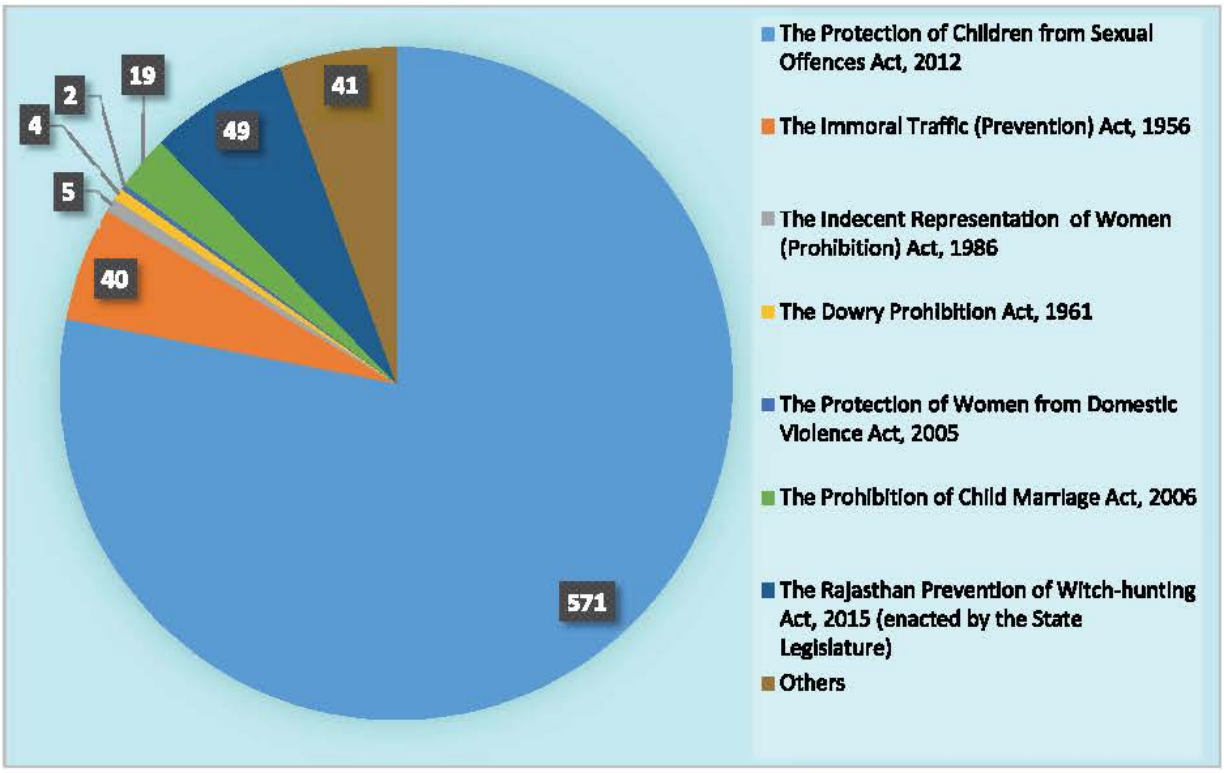
14 As per 'Crime in Rajasthan' published by Director General of Police Rajasthan.
15 As per monthly crime reports published by Director General of Police Rajasthan.

atrocities against women were later found to be false. While appreciating the reply of the Home Department, audit is of the view that because of a substantial increase in the number of registered crimes, the department would do well to follow NCRB report's suggestion to carry out a professional investigation of underlying factors, jointly with local communities, to suitably address the issues involved and act on the real verified reasons for increase in numbers of crimes.

## 2.4 Registration under Special and Local Laws

State Crime Records Bureau's report 'Crime in Rajasthan' states that Special and Local Laws (SLLs) are victim/rehabilitation centric and are intended to provide victims added protection, monetary relief, rehabilitation, free legal aid/counseling etc. Cases under SLLs are registered by police/other agencies at their own initiative and enforcement of these laws has a definite deterrent effect. Higher number of cases under these acts represent proactive policing i.e. registering of crime indicating better policing efforts and better enforcement. During the period 2010-19, 3,566 crime cases were registered under various women related SLLs while 2,68,172 cases registered under various heads of crime against women under IPC during 2010-19. ***Chart 8*** depicts the relative share of different crimes registered under SLLs in 2019.

***Chart 8: Relative share of crimes registered under SLLs in Rajasthan in 2019***



- In 2019, there was decrease in registration of cases under the Immoral Traffic (Prevention) Act (35.48 *per cent*), the Indecent Representation of Women (Prohibition) Act (28.57 *per cent*), Dowry Prohibition Act (20.00 *per cent*) and Protection of Women from Domestic Violence Act, 2005 (33.33 *per cent*) in comparison to year 2018.

- Not a single case was registered under Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 since its enforcement in 2013.

- However, there was increase in registration of cases under the Protection of Children from Sexual Offences Act (27.17 *per cent*), the Prohibition of Child Marriage Act (72.72 *per cent*) and Rajasthan Prevention of Witch-hunting Act (188.24 *per cent*) during 2019.

- A survey[16] of 42 women was conducted regarding awareness about violence and atrocities against women and the various Acts, rules, schemes and initiatives that are in place regarding prevention, protection and redressal of crimes against women. Responses to two multiple choice questions are shown as pie charts in ***Charts 9 and 10.*** The results of the survey are tabulated in ***Table 4***.

***Chart 9: Q. Which is the most probable reason for crime against women?***

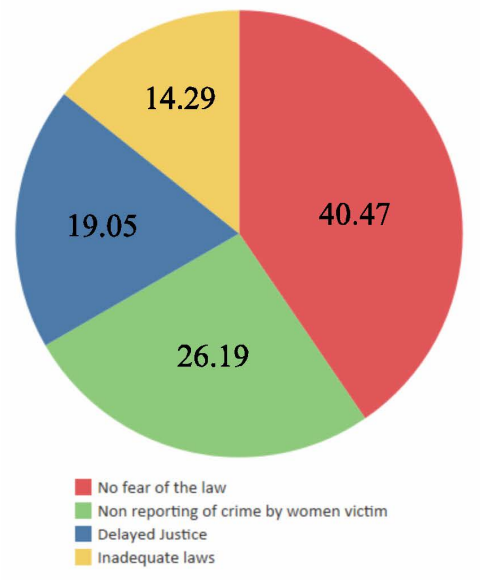
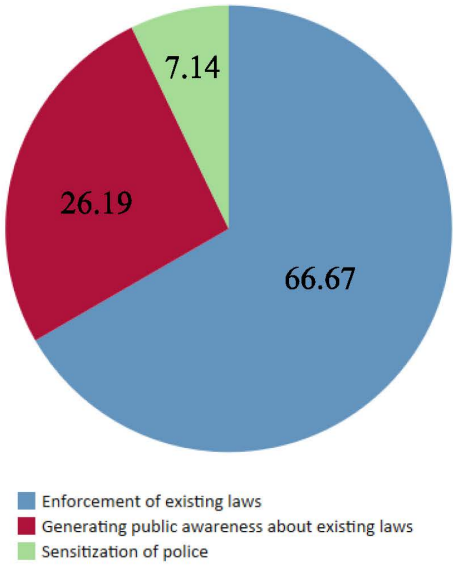



***Chart 10: Q. Which of these steps is most effective in curbing crime against women?***




16 All surveyed women were educated (23-Graduate, 16-Post Graduate and 3-Non-Graduate) and working professionals (37-permanent employees, 05-private employees working on contract basis) employed in government organisations and were residents of Jaipur.

**Table 4**

| S. No | Question | Yes | No |
|---|---|---|---|
| 1 | *"Are you aware about the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act?"* | 76.19 | 23.81 |
| 2 | *"Does your organisation conduct programmes for awareness among employees about the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act?"* | 52.38 | 47.62 |
| 3 | *"Are you aware about Internal Committee/Local Committee?"* | 76.19 | 23.81 |
| 4 | *"Are you aware of the Legal Aid and Victim Compensation schemes being offered by the government?"* | 52.38 | 47.62 |
| 5 | *"Are you aware of the government mechanisms for reporting, getting counselling and free legal assistance in cases of abuse of women/girls?"* | 59.53 | 40.47 |
| 6 | *"Are you aware about Swadhar Grehs established by Social Justice and Empowerment Department?"* | 42.86 | 57.14 |
| 7 | *"Are you aware about Nari Niketans established by Social Justice and Empowerment Department?"* | 47.62 | 52.38 |
| 8 | *"Are you aware about of Protection of Women against Domestic Violence Act?"* | 69.05 | 30.95 |
| 9 | *"If you or anyone you know was in a situation where a police complaint had to be registered, were you directed to the Mahila evam Bal Desk in police station for assistance?"* | 38.10 | 61.90 |

## Conclusion

*During the period 2010-19, there was an increase of 126.90 per cent, with annualized growth rate of 10.86 per cent, in registered crimes against women and the crime rate against women in State was consistently higher than all India average. The ratio of registered crime against women to total crime in Rajasthan increased from 11.15 per cent in 2010 to 18.15 per cent in 2019.*

# *Chapter 3*

## *Efforts made by the State Government towards prevention, protection and redressal of Crime against Women*

# Chapter- 3
# Efforts made by the State Government towards prevention, protection and redressal of Crime against Women

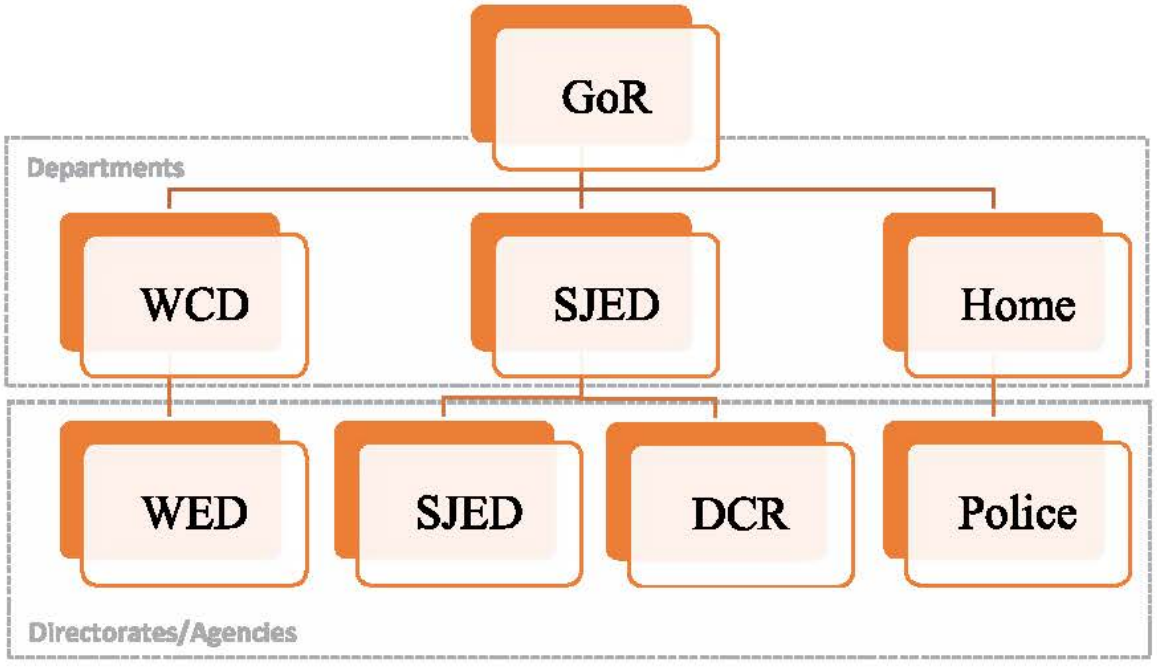
During the period 2010-19, there was an increase of 126.90 *per cent* in registered crimes against women in Rajasthan and the crime rate against women in State was consistently higher than all India average. Rajasthan with 41,623 registered crimes committed against women in 2019 was ranked second in the country. This critical situation demanded concerted and pro-active actions to be taken by the GoR and all its executive agencies. In this chapter the efforts made by the various departments for prevention and redressal of crimes against women are discussed. Given the enormity and sensitivity associated with these issues the authorities concerned were required to ensure strict compliance of the acts/laws enacted for the purpose, show compassion and sensitivity to work towards rehabilitation of the victims and take effective action to create awareness in the society about the issues faced by women and girl child. The GoR needed to institute a system where by the concerned executive departments i.e. WED, SJED, DCR, Home (Police) and Legal Services Authority perform their designated functions in a coordinated manner. These Departments had to formulate a proper plan of action to deal with this social menace which adversely affected almost half of the state's population.

This chapter is divided in five parts dealing with evaluation of planning undertaken by GoR, enforcement of acts/rules by concerned departments, rehabilitation efforts, public awareness measures taken for prevention of crime against women by the departments for women and girl child in distress and their human resources and infrastructure issues.

## 3.1 Planning

Planning in governmental set up involves developing annual/multi-year strategies, identifying resources and actions required to be taken to achieve government's priorities within a given time frame and by minimizing risks. This assumes even greater significance while tackling multi-dimensional issues such as preventing crime against women and ensuring women empowerment. Here the implementation of government policy requires clear and comprehensive plans which are known to all the executive agencies and are implemented by them in coordination with each other. Thus, Audit analysed 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.

The following ***Chart 11*** shows the major departments and their directorates responsible for the planning process:




### *3.1.1 Non-formation of Integrated Work Plans*

During the period of audit, Rajasthan State Policy for Women, 1996 was in effect. It was formulated with the objective of bringing improvement in the status and position of women, to make the process, modalities and systems dynamic in order to eliminate exploitation and exploitative practices, and to create a supportive environment for the overall development of girls and women. The Policy acknowledges that for the empowerment of women, a multi-pronged and united programme is needed in place of separate working plans of certain departments and organisations. Lack of progress on one front can slow down others. For example, social support services like child care, clean drinking water, proper sanitation facilities, income generation opportunities and mechanisms to deal with violence against women at home and in the society have to be tackled simultaneously.

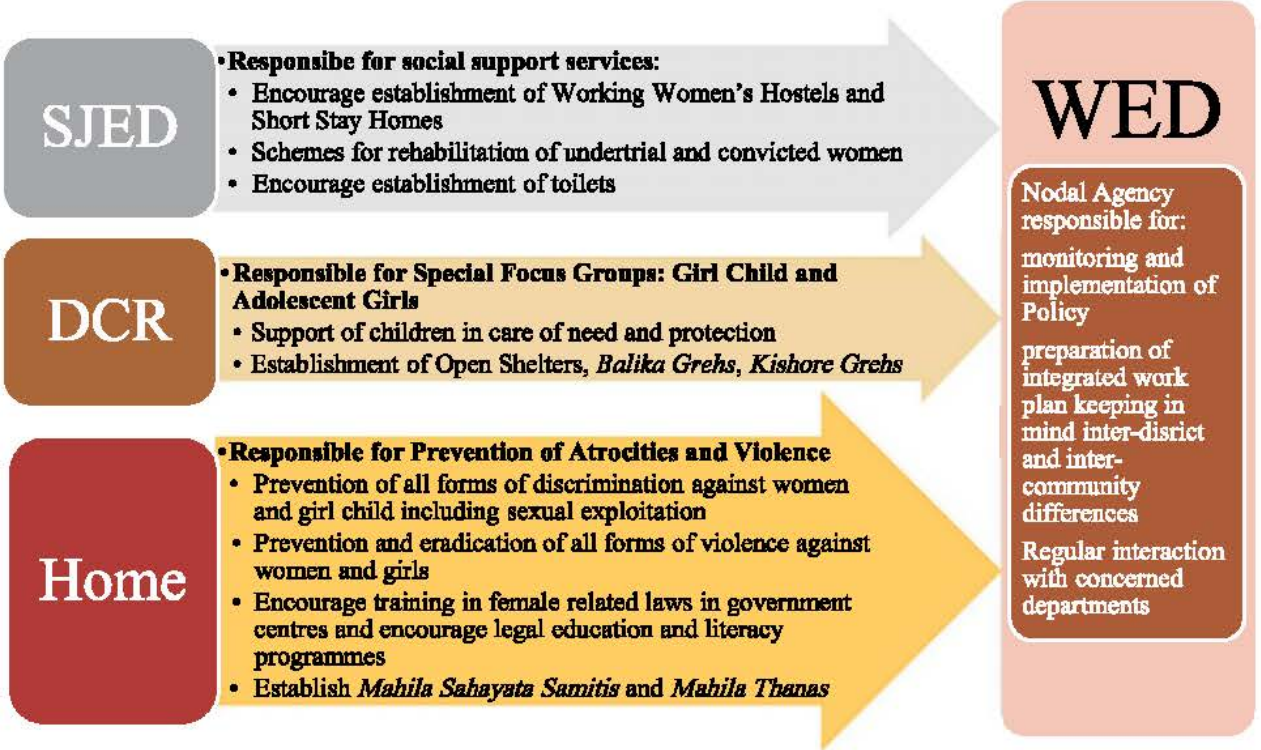
In line with this, the Policy identified and mapped key thrust areas with concerned departments. These nodal departments are responsible for preparation of their sectoral plans along with an action plan, time frame and budget. This was done to facilitate the work of preparing an integrated work plan for women's development. Women Empowerment Directorate as nodal authority for implementation and monitoring of this policy, was expected to achieve following policy objectives:

- Initiate policies and programmes to promote gender equality and social justice.
- Recognise the special needs of girl children, adolescent girls, and women in extreme poverty and difficult circumstances.
- Recognise the vicious circle of poor nutrition, poor health, early child bearing and high mortality among women.
- Ensure that all women of all ages have equal access to education appropriate to their needs.
- Create conducive environment and appropriate mechanisms for gender sensitisation of Government functionaries at all levels and in all departments.

WED was the designated nodal agency to consolidate plans of all the concerned departments such as SJED, DCR, Home, Medical and Health etc. and prepare an integrated work plan to ensure that all the stakeholder departments and agencies work in a coordinated manner towards preventing acts of crime against women and girl child.

The following chart briefly depicts the nodal departments concerned with prevention, protection and redressal of crime against women, their sectors and the broad issues they are expected to plan for:

***Chart 12: Nodal Departments and their responsibilities towards Planning***



These objectives were to be achieved through coordination among various departments on multiple priority areas[17]. All the concerned departments were responsible for preparation of their sectoral plans along with an action plan, time frame and budget.

Scrutiny of records of Commissioner WED revealed that neither the plans for development and protection of women were received from concerned departments nor efforts were made by WED to obtain and integrate such plans during 2012-17.

GoR stated (February 2019) that various schemes/programmes were being implemented by the WED, Education Department, Medical and Health Department, SJED etc., to achieve the objective of ensuring development, empowerment and protection of women. Further, GoR also stated (February 2019) that, in the changed social scenario, draft of new state policy for women was under consideration for finalisation with cooperation of other departments.

GoR's reply was not tenable as integrated planning, which was the primary tool for concerted action by departments, was not carried out and there were no efforts by WED to even monitor the implementation of plans of different departments.

Further scrutiny of records of Commissioner WED (September 2020) revealed that the revised policy had not been finalised as yet despite being under consideration since 2013. Further, even during 2017-20, neither the plans for development and protection of women were received from concerned departments nor efforts made by WED to obtain and integrate such plans.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that the State Policy for Women is an important document for educational development, social and economic upgradation and for protection of women from exploitation. In this context, various schemes/programmes were being implemented by the WED, Education Department, Medical and Health Department, SJED etc., but were not compiled in a work plan. The plan from concerned departments were received and a booklet namely 'Schemes for women welfare and empowerment' was prepared to create awareness about the schemes with the coordination of 17 departments. Further, GoR also stated (February 2021) that the new state policy for women would be prepared in 2021 and in future better monitoring would be ensured after consolidation of sectoral work plan of concerned departments.

WCD Department, GoR's reply was not tenable as integrated planning, which was the primary tool for concerted action by departments, was not carried out and efforts were not made by WED to monitor the implementation of plans of different departments.

17 Economic Empowerment (Rural Development Department); Social Support Services (Social Justice and Empowerment Department); Health, Nutrition and Public Health (Medical and Health Department); Literacy and Education (Primary and Secondary Education Department); Prevention of atrocities and violence (Home Department); Natural Resources and the Environment (Panchayati Raj Department); Media (Department of Public Relation) and Political Participation (Panchayati Raj Department).

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that Rajasthan State Policy for Women 2021 has been implemented in the State in April 2021. Work plan would be prepared by the nodal department and associated departments of respective sectors.

Audit is of the view that the absence of integrated planning may have negatively impacted other activities of concerned departments such as ensuring necessary infrastructure development, capacity building, awareness generation, enforcement etc. as elaborated in subsequent paragraphs.

### *3.1.2 Non-preparation of Action Plans under State Policy for the Girl Child*

During the period of audit, Rajasthan State Policy for the Girl Child, 2013 was in effect. It envisioned creation of an enabling environment for survival, growth, development, protection and empowerment of the girl child. It stipulated development of a State Action Plan to achieve this vision through a consultative process among six departments including WCD, SJED, Home Department, Medical and Health Department, Education Department and Rural Development and Panchayati Raj Department. All the concerned departments of the State Government were required to put forward their action plans which would be combined to form the State Action Plan by WED. State Action plans for Girl Child were to be reviewed by State Task Force (STF) and approved by the Chief Minister.

Deficiencies similar to those that were noticed in the formulation of Integrated Work Plan were also noticed in the formulation of State Action Plan as well.

GoR stated (February 2019) that efforts were being made for obtaining action plans from concerned departments for preparing consolidated state action plan under State Girl Child Policy.

Further scrutiny of records of Commissioner WED revealed (September 2020) that consolidated action plan for protection and empowerment of the girls were still not prepared by WED during 2017-20, though each of these years it had requested the concerned departments to forward action plans prepared by them to WED. However, none of the Departments sent any such plan to the WED. Hence the state policy was not implemented even after lapse of seven years of notification of Rajasthan State Policy for the Girl Child, 2013.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that efforts were being made by the WED for protection and empowerment of women and girls through various schemes like *Beti Bachao Beti Padhao*, *Mahila Shakti Kendra*, One Stop Crisis Centre, *Mahila Surkasha evam Salah Kendra*, Group Marriage grant, *Amrita Haat Yojana* etc. which were in pursuance of the aims of State Girl Child Policy and the department had prepared annual work plan for aforesaid schemes. It further stated that consolidated state policy for women has been drafted and accordingly better compliance would be ensured after approval of consolidated action plan.

Audit acknowledges that a number schemes for women and girl child empowerment were launched, but the WED did not prepare consolidated action

plan for protection and empowerment of the girls after obtaining plans from the concerned department because of which concerted and coordination action of all concerned departments could not have been ensured. Also, the annual work plan of aforesaid schemes were not provided to Audit for verification.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that work plan would be prepared after coordination with responsible departments.

### *3.1.3 Provision for elimination of violence against girls not included in Plans for protection of child*

The Department for Child Rights is the nodal agency for implementation of the National Policy for Children 2013 and other policy formulated from time to time for protection of Children. Therefore, it is responsible for implementation of schemes, policies, legislation for children and International norms. The centrally sponsored Integrated Child Protection Scheme (ICPS) is being implemented for care and protection of children. ICPS brings several existing child protection programmes[18] under one umbrella. As per chapter 9(ii) of the ICPS, the plan for protection of child is to be prepared at State and District level.

Scrutiny of records of Director, Department for Child Rights revealed that though the implementation plans were prepared during 2013-17 by the Department, the specific provisions for prevention of exploitation, sale or trafficking of girls as stipulated in the National Policy for Children 2013 and elimination of all forms of violence as contained in Sustainable Development Goals were not incorporated in these plans.

Further review (August 2020) revealed that efforts for incorporating measures to address exploitation and trafficking of girls had still not been undertaken.

DCR, GoR in its reply (January 2021) to the draft report (December 2020) stated that the Rajasthan State Policy for Girl Child 2013 was framed prior to the National Girl Child Policy 2013, which included the chapter "Protection from Violence, Abuse and Neglect". Further, it stated that the audit observation that the Policy does not include measures to prevent Girl Child abuse was not valid to some extent as in current scenario there were several legal frameworks available to prevent girl child abuse such as POCSO Act and the Juvenile Justice Act.

Audit is of the view that though Rajasthan State Policy for Girl Child 2013 included the chapter "Protection from Violence, Abuse and Neglect", the implementation plans of the department did not contain specific provisions aimed at addressing exploitation, sale, trafficking and abuse and violence against girls as desired by the National Girl Child Policy 2013 and Sustainable Development Goals.

18 Government *Kishore Greh*, Open Shelter, Foster Care, Adoption & After Care, *Balika Greh* etc.

Subsequently, it was noticed that the new Rajasthan State Policy for Women 2021 came into effect in April 2021 in which specific provisions for prevention of exploitation, sale or trafficking of girls and elimination of all forms of violence as contained in the National Girl Child Policy 2013 and Sustainable Development Goals were included.

DCR, GoR in its reply (January 2022) to the draft report (November 2021) stated that significant action was taken to protect children from human trafficking but did not provide any corroborative evidence in this regard.

### *3.1.4 Delay in finalising new Rajasthan State Policy for Women*

Though the process of revision of Rajasthan State Policy for Women had been going on since 2013, the State Government finalized and implemented the new Policy in April 2021 (replacing Rajasthan State Policy for Women 1996 and Rajasthan State Policy for Girl Child 2013). The new policy is prepared in light of changing scenario for women in all respects i.e. gender equality, women empowerment, women safety etc. and has been framed with a view to achieve the targets set in Sustainable Development Goals 2030. In the new policy, special attention has been given to women and girl children of special focus groups including SCs, STs, working women in unorganized sector, silicosis affected women, surrogate mothers, HIV prisoners, and specially abled women etc. The new policy has laid emphasis on women related issues including birth, postnatal, nutrition and health; education and training; economic empowerment; political and social empowerment; prevention, protection and redressal; and environment, climate change and calamities and identified them as objectives to be achieved through the policy.

The Women Empowerment Directorate is the nodal department for implementation of the new policy and to develop coordinated and integrated work plan. Guidelines for implementation of the policy is to be framed by Gender Cell, Women Empowerment Directorate on behalf of WCD and a mechanism for monitoring the implementation of provisions of the new policy has also been proposed for state and district level which would require regular coordination of WCD, Health, Education, Panchayati Raj and Rural Development, Home, RSCW, RSCPCR, UN Agency, Civil Society Organisations and other concerned departments. An Integrated Online Monitoring Platform would also be developed by the Women Empowerment Directorate (Gender Cell) with the help of Department of Information and Technology. For providing physiological, medical and legal assistance to the violence affected women and girls under one roof Single Window Crisis Centres are to be established at district and block level. Guidelines for control of honour crimes and honour killings is to be issued by the Police Department.

Progress towards implementation of the new Policy was called for (October 2021) from WED, SJED, DCR, Home and Law and Legal departments, the reply for which was still awaited (January 2022) from Law and Legal Department.

Home Department informed (October 2021) that a meeting was held on 20th October 2021 under the chairmanship of Secretary, Home Department with

various concerned departments for effective and timely implementation of provisions of prevention, protection and redressal of women and girl child under new policy.

DCR informed (December 2021) that various initiatives have been undertaken including operation of seven government *Balika Grehs* and 37 non-governmental *Balika Grehs*, provision of training to Management of governing bodies/agencies under DCR through Centre for Gender Studies at HCMRIPA, Jaipur, incorporation of gender sensitization as a subject in training programmes to be conducted in 2022 and declaring fit the One Stop Crisis Management Centre, *'Aprajita/Sakhi Centre'*.

SJED informed (January 2022) that efforts were being made by the District Officers of the Department for the effective implementation and progress as per Rajashan State Women Policy 2021. It was added that coordination between the Department and WED has been established by holding meetings with them to prepare policy implementation guide.

WED informed (January 2022) that the Policy was a long-term vision document and added that sector wise working groups had been formed and sector wise interventions with existing schemes were being carried out.

### *3.1.5 Non preparation of Plans for prevention of atrocities and violence against women*

The Home Department was responsible for prevention of atrocities and violence against women. This was to be done through stringent action, advocacy, sensitization and awareness of law enforcing departments/people. Accordingly, Home Department was responsible for preparation of plans including an action plan, time frame and budget.

Scrutiny of records of DGP Rajasthan revealed (April 2017) that plan for prevention of atrocities and violence against women was not prepared by the department. Although, the annual action plans of activities to be carried out by police were prepared by certain individual branches, the others (Housing, Armed Battalion, Personnel, Crime, ATS & SOG and Police Headquarters) did not prepare any plan during 2012-17.

Additional Director General (Civil Rights) stated (May 2018) that for prevention of crime against women, various actions/initiatives like establishment of Mahila Police Station at every district, one stop crisis management centre for women at Jaipur, conducting defence training for girl students and Know Your Student-Know Your Police programmes were taken up in the state. However, specific reply regarding existence of a definite strategy or plan for optimum implementation of these programmes was not given by the Department.

Further scrutiny (August 2020) of the records of ADG (Planning and Welfare), Rajasthan showed that action had not been taken for preparation of plans for prevention of atrocities and violence against women during 2017-20.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that various activities[19] are being carried out for prevention and protection of crime against women. It further stated that a detailed work plan had been prepared and instructions (November 2016) for compliance had been given to SP/DCP.

The reply is not tenable as plans including action plan, budget and time frame were still not in place. Due to the lack of plans the efforts being made by GoR suffered from adhocism and moreover, were not part of a more comprehensive inter-departmental plan as desired in the Rajasthan State Policy for Women. Though ADG (Civil Rights) issued instructions, no specific action plan with annual targets for reduction in crime against women was available with the Home department.

### *Conclusion*

*The State Government failed to draw up an integrated and strategic action plan for prevention and redressal of crimes against women. The Women Empowerment Directorate did not prepare plans for protection and development of women and consolidated action plan for an enabling environment for protection and empowerment of the girl child in line with 'The Rajasthan State Policy for Women' and 'Rajasthan State Policy for the Girl Child'. Department for Child Rights also did not include provisions related to prevention of exploitation, sale or trafficking of girls in their plans. New Rajasthan State Policy for women has been implemented in April 2021 replacing both, Rajasthan State Policy for Women 1996 and Rajasthan State Policy for the Girl Child 2013. The police department did not prepare strategic plan for prevention of atrocities and violence against women.*

### *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.*

19 Mahila Garima Help Line 1090, One Stop Crisis Center for Women, Know Your Student-Know Your Police, *Mahila evam Bal Desk, Mahila Surkasha evam Salah Kendra*, Mahila Patrolling Unit, Special Investigative Unit etc. use of social media such as WhatsApp, Facebook, Twitter etc., use of common number 112 for emergency services such as ambulance, fire fighter, health, police etc., police assistance though Raj Cop Citizen App, etc., and monitoring of police work at police stations through CCTV cameras etc.

## 3.2 Enforcement

In Rajasthan, departments of WED, SJED and DCR are responsible for implementation of Special and Local Laws such as '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'; Dowry Prohibition Act, 1961; and 'Protection of Children from Sexual Offences (POCSO) Act, 2012'. Police under Home Department is responsible for maintaining Law and Order, 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.

Audit findings related to the roles and responsibilities of stakeholders involved in enforcement and implementation of the various Acts are discussed in this chapter.

### *Women Empowerment Directorate*

### *3.2.1 The Protection of Women from Domestic Violence Act, 2005*

The Protection of Women from Domestic Violence (PWDV) Act was enacted by GoI to provide protection and support to women affected by domestic violence[20]. PWDV Act provides relief to women in the form of protection orders, residence orders, monetary relief, custody orders and compensation orders. Its comprehensive relief coverage renders it far more effective for any victim of domestic violence to be governed under PWDV Act as against the provisions of IPC which mostly relates to conviction of crime only.

Registering of 49 cases under PWDV Act implies that only negligible number of victims of domestic violence could avail the benefits of the measures enshrined in the PWDV Act. Lack of awareness in society and sensitization of police ***(paragraph 3.4.1)*** and lack of coordination between the stakeholders ***(paragraph 3.2.1(c))*** are possible reasons for the abysmally low registration under the PWDV Act, as discussed in the succeeding paragraphs/chapters.

#### *(a) Human Resources Management*

PWDV Act and Rules provide that the State Government shall appoint Protection Officers (POs) in each district and provide necessary office assistance. The Protection Officer (PO) is the person in-charge to assist women to avail the facilities of legal aid, monetary relief, safe shelter home and medical examination as well as assist her in obtaining the appropriate order i.e. for protection, monetary relief, custody and compensation as the case may be, under the Act. The PO is also responsible for preparation of Domestic Incident Report

20 It includes all acts of omission and commission that causes injury to a woman's physical, sexual or mental health.

(DIR) and assisting the District Magistrate in advising complainant to apply for obtaining relief by way of various orders, free legal service.

Audit noticed that POs at district level had not been appointed. Instead, Government appointed (2009) all the Child Development Project Officers (CDPOs) of Integrated Child Development Services and all the *Prachetas* of WED as POs at block level for their respective jurisdiction. Further, at the district level, the charge of POs till their recruitment, was given to the District Programme Officers (DPOs) (known as Assistant Director) of WED in addition to their regular charge.

Scrutiny of records of Commissioner, WED revealed that 33 posts of POs at district level were sanctioned (August 2011) in the State, but regular officers were not appointed as of March 2018.

GoR stated (February 2019) that recruitment of POs/*prachetas* (now lady supervisors) was under process.

Further scrutiny of records of WED revealed (August 2020) that 17 Protection Officers were deployed in 17 districts[21] on regular basis. Also, 147 Lady Supervisors were deployed at block level in August 2020.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that action was being taken at departmental level to fill up the remaining posts immediately.

The Act clearly lays down important functions and responsibilities of a PO, without whom, effective implementation of the Act would be very difficult. Hence, deployment of lesser than prescribed (33 POs and 277 Lady Supervisors) POs/Lady Supervisors could have hampered implementation of the Act and providing assistance to the victims for availing facilities as prescribed in the Act.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that 35 Lady Supervisors were deployed during 2021-22 and remaining posts of Protection Officers would be filled.

### *(b) Lack of initiative by concerned authority*

Rule 5(1) of PWDV Rules, 2006 stipulates that upon receipt of a complaint of domestic violence, the PO shall prepare a Domestic Incident Report[22] (DIR) to provide protection order, residence order, monetary relief order, custody order and compensation order etc. and submit the same to the magistrate and forward the copy thereof to the in-charge of the local police station and service providers in that area.

21 Jalore, Tonk, Ajmer, Jaipur, Banswara, Bikaner, Hanumangarh, Dholpur, Jodhpur, Pratapgarh, Jaisalmer, Baran, Sikar, Bhilwara, Dausa, Nagaur and Dungarpur.

22 As per section 2 (e) of the PWDV Act, Domestic Incident report means a report made in prescribed form on receipt of a complaint of domestic violence from an aggrieved person.

Scrutiny of records of test checked eight district offices of WED for 2012-17 revealed that in five districts (Bharatpur, Pratapgarh, Kota, Tonk and Udaipur) no complaints of domestic violence were received by the PO. In the remaining three districts (Baran, Jaipur and Pali) 2952 complaints of domestic violence were received by the POs out of which DIRs were filed by them in 2931 cases.

GoR stated (February 2019) that grievances of aggrieved women were addressed through counselling at MSSKs and in cases where complainant were not satisfied, DIRs were prepared and submitted to courts/police for relief and necessary action. The reply was not tenable as not a single DIR was prepared by the POs in these five districts.

Further scrutiny of records of test checked eight districts of WED (Jaipur and Tonk in August-September 2020, and remaining six districts in August-October 2021) revealed that during 2017-20, in two districts (Udaipur and Pali), no complaints of domestic violence were received by the PO. Further, in Tonk district, though 829 complaints of domestic violence were received by the PO DIRs were still not filed in any of these cases. In Baran and Pratapgarh districts, 537 complaints were received but DIRs were filed in only 49 (9.12 *per cent*) instances. On the other hand, in Jaipur, Bharatpur and Kota districts, 1201 complaints (Jaipur: 1104; Bharatpur: 80 and Kota: 17) of domestic violence were received by the POs and DIRs were filed in all of them.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that grievances of aggrieved women were being addressed through counselling at MSSKs, 181 Mahila Helpline and One Stop Sakhi Centres and that the DIRs were prepared as per interest and necessity of aggrieved women.

Audit noticed that as per information provided by Directorate, WED, not a single DIR was prepared by the POs/DDs/ADs/CDPOs/*Prachetas* in 22 districts in the state whereas DIRs were prepared in all the registered cases in three districts (Alwar: 20; Bharatpur: 15 and Bhilwara: 13) during 2020-21. Audit considers that in some test checked districts, the mechanism of aiding the victims through the medium of Protection Officers was not functional and efforts were not being made to improve their functioning. On the other hand, the positive trend of POs carrying out their functions in districts like Jaipur, Bharatpur and Kota was encouraging and should be replicated across the state.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that the DIRs were prepared by the Protection Officers as per necessity of aggrieved women. It was added that necessary assistance was provided through counselling at the centres due to which DIRs were filed in lesser numbers.

### *(c) Lack of coordination with other agencies*

Section 11 (c) of PWDV Act stipulates that the State Government shall take all measures like free legal aid, medical aid, shelter home etc. to address the issues of domestic violence, through effective coordination between the departments dealing with law, home affairs, health and human resources and periodical review of the same.

Scrutiny of records of Commissioner WED revealed that no efforts were made for establishing coordination among departments and no review meetings were held during 2012-17.

GoR stated (February 2019) that issues relating to implementation of the Act were discussed in the meeting of State Steering Committee. Reply is not tenable because firstly, all stakeholders were not included in the State Steering Committee. Secondly, the Committee was constituted under MSSK scheme and discussed only selection and functioning of MSSKs.

Further scrutiny of records of WED confirmed (August 2020) that exercise for coordination among departments had still not been initiated and separate committee for review of relief to the victims had not been constituted. Moreover, the meeting of State Steering Committee was not held during 2017-20. Audit was also informed that *Zila Mahila Sahayata Samiti,* under Chairmanship of District Collector comprising the representative of Police, Health, Legal and NGOs was constituted in the district for providing relief to the victim.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) repeated its response given in February 2019.

Based on the observations, it can be concluded that a crucial requirement of the Act i.e. filing of Domestic Incident Reports, suffered for want of adequate numbers of Protection Officers as duties/functions of POs were assigned additionally to District Programme Officers/*Prachetas* of WED which were already deficient in the department. Moreover, lack of coordination/ review meetings with other departments hampered effective and expedient handling of cases of domestic violence.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that Action Plan for safety of women was being implemented by the Home Department (Nodal department) with the assistance of 14 departments.

## *3.2.2 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*

The Act seeks to provide sexual harassment free environment for women at all work places. The Act provides for the Government to notify District Officers (District Magistrate/ Additional District Magistrate/ Collector/ Deputy Collector) to exercise power and discharge functions under this Act. The Act also provides for formation of Internal Committee (IC) at unit level & Local

Committee (LC) at district level for prevention and redressal of complaints under this Act.

GoI developed online complaint management system 'Sexual Harassment electronic Box (*SHe-box*[23])' in July 2017 for registering complaints related to sexual harassment at workplace. All the District Collectors were connected with this software for ensuring action on the complaint.

***Lack of initiative by concerned authority***

Section 4 (1) of the Act stipulates that every employer of a workplace having more than 10 employees shall constitute a committee to be known as the 'Internal Committee' to deal with the complaint of sexual harassment at workplace. Further, Section 4 (2) provides that the Internal Committee shall consist of Presiding Officer who shall be woman employee, not less than two members from amongst employees and one member from amongst non-governmental organizations or associations.

Scrutiny of records revealed that Commissioner WED did not ensure constitution of Internal Committees in all offices/workplaces in the State where ten or more employees were working, though, Audit was informed that ICs were formed in 1,413 organizations in the State as of March 2017. In eight test checked districts, IC was constituted in 302 organizations. However, deficiencies like nomination of lesser number of members (15), non-representation of NGOs (39), non-appointment of Presiding Officer (03) and appointment of male person as Presiding Officer (13) were noticed in 42 organizations.

Further, joint physical inspections of 47 workplaces (public: 15 and private: 32) in eight test checked districts by Audit with departmental representatives revealed that IC was formed only in 40.43 *per cent* workplaces (public: 10 and private: nine, total 19). Similarly, out of 47 test checked Police Stations, ICs were constituted only in 15 Police Stations[24] (31.91 *per cent*) as of May 2018. Further, IC was also not constituted in Police Training School, Bharatpur.

GoR stated (February 2019) that letters have been issued to all Collectors/SPs for constitution of IC at all governmental/non-Governmental workplaces.

Further scrutiny of records of test checked eight districts of WED (Jaipur and Tonk in August-September 2020, and remaining six districts in August-October 2021) revealed that during 2017-20, no ICs were constituted for 1889 organisations in Pali district whereas in two districts (Jaipur and Tonk) ICs were constituted only for 36 organizations (Jaipur: 16 and Tonk: 20) while the requirement was for 133 organizations (Jaipur: 113 and Tonk: 20). In four districts (Udaipur, Kota, Baran and Bharatpur), Deputy/Assistant Director of

23 *SHe-Box* is an online complaint management system for registering complaints related to sexual harassment at workplace.

24 MPS Banipark and PSs Sadar and Bhankrota in Jaipur (West), MPS Gandhi Nagar in Jaipur (East), MPS Tonk, PSs Sadar and Niwai in Tonk, MPS Pratapgarh and PS Kotwali in Pratapgarh, MPS Pali in Pali, MPS Bharatpur, PSs Kotwali, Sewar, Khoh and Nadbai in Bharatpur.

respective districts informed that they did not know about the total number of organizations established in the respective districts but intimated that 216 ICs (Udaipur: 82; Kota: 73, Bharatpur: 28 and Baran: 33) had been constituted. In Pratapgarh district, Assistant Director informed that the required information was not being maintained in the district office.

Records of the 47 workplaces which were jointly physically inspected (July-August 2018) were not available with the Deputy/Assistant Director concerned. Hence, constitution of ICs in these places could not be verified.

Further, out of 47 test checked Police Stations, ICs were constituted only in two Police Stations (Niwai in Tonk and Mahila Police Station in Kota City) as of September 2020 and October 2021, despite GoR's specific instructions to all Collectors/ SPs referred above.

The fact that number of Police Stations having ICs had reduced shows that the efforts being made by the department were not effective.

According to Employees' State Insurance Act, 1948, all organisations having 10 or more employees would have to be registered with Employee State Insurance Corporation (ESIC). Upon enquiry by Audit, Regional Office of ESIC, Jaipur informed that 69,879 units in Rajasthan were registered with ESIC as of October 2020. Scrutiny of records of WED revealed (August 2020) that ICs were formed in 1,518 organizations as of March 2020. This implies WED had still not ensured constitution of Internal Committees in majority of offices/workplaces in the State.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that Internal Committees were constituted in 1,540 institutions as of January 2021 and instructions have been issued for constitution of ICs. Further, an online portal '*SHe-Box*' was started by GoI for effective implementation of the Act in which 38 complaints were received and 23 complaints were disposed in the State during 2017 to November 2020.

Audit acknowledges the department's response but considers that the provisions of the Act were not being fully adhered to. Further no fine was ever imposed as provided under Section 26 (1)[25] against any of the defaulting organization even after lapse of seven years of notification of the Act, which was also indicative of weak enforcement of the law by the Department.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that letters to all district collectors had been issued for constitution of ICs and furnishing yearly progress reports regarding implementation of the Act.

However, the Department did not inform about the number of institutes where ICs were constituted.

25 Section 26 (1), If the employer fails to constitute IC, he shall be punishable with fine which may extent to fifty thousand rupees.

### *3.2.3 The Prohibition of Child Marriage Act, 2006*

To eliminate, criminalise and reduce the serious health problems associated with the social evil of child marriage, the Prohibition of Child Marriage Act was enacted (2006) for the prohibition of solemnization of child marriages and for matters connected therewith or incidental thereto. The State Government appointed all Sub Divisional Magistrates (SDMs) and *Tehsildars* as Child Marriage Prohibition Officers (CMPOs) within the area of their jurisdiction to achieve the above-mentioned objectives of the Act.

As per Police data, only 81 cases were registered under this Act in the State during 2010-19 whereas National Family Health Survey (NFHS) 4 (2015-16) survey data stated that as many as 35.40 *per cent* girls in Rajasthan were married below the age of 18 years which was very high when compared to statistics at all India level (26.80 *per cent*) and in other neighbouring states like Gujarat (24.90 *per cent*) and Uttar Pradesh (21.20 *per cent*). Moreover, Census 2011 indicates that Rajasthan ranks 3rd among all States with respect to child marriage. Further, NFHS 4 (2015-16) stated that out of 33 districts in Rajasthan, 14 districts have high prevalence, 13 districts have medium prevalence and 6 districts have low prevalence of child marriage.

#### *Lack of proper action on complaints*

Section 16 of the Prohibition of Child Marriage Act, 2006 provides various duties of CMPOs related to prevention of child marriages, including counselling the residents of the locality to not indulge in promoting, helping, aiding or allowing the solemnisation of child marriages.

Scrutiny of records of eight test checked districts revealed that CMPOs, on receipt of complaints, in 166 cases during 2012-17, bounded (warned) in writing the parents/guardians against solemnization of marriage of their children before attaining the age of marriage.

GoR stated (February 2019) that notification of revised Prohibition of Child Marriage Rules was under process for inclusion of other officers at district and block level as CMPOs and for clarifying the role of CMPOs. Further, all the CMPOs were being instructed again to take follow up measures to prevent Child Marriages.

Further scrutiny of records of WED revealed (August 2020) that notification of such revised Rules is still under process as of August 2020. Information obtained (October 2021) revealed that though during 2017–20, there were 1,827 cases in the State in which the CMPOs warned, in writing, the parents/guardians against solemnization of child marriage, no monitoring mechanism existed to track actual solemnization of such marriages at the Directorate Office or the test checked district offices and CMPOs.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that counselling for prevention of child marriage was conducted and action was taken by the CMPOs. With respect to Prohibition of Child Marriage Act and Rules, the detailed rules and proposal for amendment

in the Act though framed were not consented to by the Legal Department. It also stated that action was being initiated for notification of additional CMPOs at district and block level officers. It further stated that immediate efforts were being taken for stopping of child marriage on receipt of complaints through 181 Mahila Helpline, Rajasthan Sampark Portal etc.

Audit is of the view that laxity in finalizing Rules and delays in appointing the main functionaries under the Act has meant that Rajasthan has not been able to effectively tackle and get rid of the social evil of child marriage.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that due to concerted and coordinated efforts among the various departments, child marriage has reduced to 25 *per cent* as per National Family Health Survey 5 (NFHS 5) during the period 2019-21.

### *3.2.4 Rajasthan Prevention of Witch-hunting Act, 2015*

Rajasthan Prevention of Witch-hunting Act[26], 2015 provides for measures to tackle the menace of witch-hunting and to prevent the practice of witch craft in the State and matters connected therewith or incidental thereto.

As per police data, 31 cases of witch-hunting were registered during 2015-17. However, in response to a question in the State Legislature, the Home Department replied that 189 such incidents had occurred during 2015-17. This indicated discrepancies in the numbers of cases related to witch-hunting being recorded.

Further, as per data provided by DGP Rajasthan, (September 2020) 106 cases were registered in the State during 2017-20 (up to March 2020).

#### *Lack of initiative by concerned authority*

As per Rule 5(i), the State Government, was required to identify the area where it had reason to believe that offence may take place or there was an apprehension of recurrence of an offence under the Act.

Scrutiny of records of Commissioner, WED showed that identification of vulnerable areas was not carried out in the State during 2015-17.

Scrutiny of records of 11 test checked SP offices revealed that 19 cases of witch-hunting (Pratapgarh-1, Tonk-3, Udaipur-12 and Pali-3) were registered during 2015-17 (upto March 2017) which reflects that these areas were vulnerable to witch-hunting but such identification was not done as of March 2017. Moreover, of the total incidents (189) which were reported by Home Department to the Legislature, 130 incidents (68.78 *per cent*) happened in three districts Bhilwara (50), Udaipur (38) and Dungarpur (42) which showed that there were vulnerable areas which required urgent, integrated and concerted efforts of all the stakeholders.

26 This Act was enacted by the State Legislature and figures of reported cases are not captured in NCRB Reports.

GoR stated (February 2019) that District Administration has been instructed (February 2018) to identify vulnerable areas for witch-hunting within one month as per model action plan.

Further scrutiny of records of WED revealed (August 2020) that identification of vulnerable areas had still not been carried out in the State as of August 2020. Records of test checked 11 police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk in August-September 2020, and remaining seven police districts in August-October 2021) revealed that 39 cases of witch-hunting (Pratapgarh-1; Tonk-17 and Udaipur-21) were registered under this Act during April 2017 to March 2020.

Further, during test check of records of DGP Rajasthan in September 2020, audit observed that 106 cases were registered in the State during 2017-20 (upto March 2020) which reflects that these areas (Bhilwara: 50; Tonk: 09; Jodhpur (West) : 01; Jodhpur (Rural) : 01; Banswara : 04; Ajmer : 10; Jhalawar : 03; Udaipur :15; Dungarpur : 02; Rajsamand : 04; Pratapgarh : 03; Chittorgarh : 02 and Sawaimadhopur: 2) were vulnerable to witch-hunting but such identification was not done as of March 2020.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that five districts (Ajmer, Bhilwara, Dungarpur, Rajsamand and Udaipur) were identified as vulnerable areas for witch-hunting where more incidents had occurred. Further, 109 cases were registered in the police in the State under the act as of December 2020.

The reply is not tenable as the number of registered crimes provided by WED for districts identified as vulnerable did not tally with the data provided by DGP. Hence, the possibility of incorrect identification of vulnerable areas also existed.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that changing the list of vulnerable areas on the basis of possibilities did not seem adequate. It added that some cases were received directly by police due to which there was possibility of difference in number of registered cases.

Hence, the fact remains that WCD was not reconciling data of registered cases due to which actual status of prevalence of crime was not available with them.

### *3.2.5 Dowry Prohibition Act, 1961*

The Dowry Prohibition Act, 1961 was enacted to prohibit the giving, taking or abetting of dowry. As per crime data available in NCRB report, Rajasthan was ranked fourth during 2019 with regard to dowry death cases registered in the country.

Dowry related registered crimes[27] account for 52.53 *per cent*[28] of total registered crime against women during 2010-19 in the state. However, at the same time registration of the cases (137) under the Dowry Prohibition Act, 1961 is negligible (0.10 *per cent*), and clearly indicative of lack of awareness among the public regarding the provisions of the Act combined with poor implementation of the Act in the State.

***Lack of initiative by concerned authority***

Rule 4 of the Rajasthan Dowry Prohibition Rules, 2004 stipulates that complaint can be filed by any aggrieved person or parent or relatives or by any Recognized Welfare Institution in writing to DPO. As per Section 8(B) (2) of the said Act, DPO is responsible to prevent taking or abetting the taking of dowry and to collect such evidence for prosecution of the persons committing offences under the Act.

Scrutiny of records of Chief Dowry Prohibition Officer (CDPO) revealed (September 2020) that no complaint under the Act was received in the CDPO's offices since enactment of the Act. However, as per police data, as many as 4,553 cases of dowry death (section 304B of IPC) and 1,38,195 cases[29] of domestic violence including demand of dowry were registered in various Police Stations during 2010-19 in the State.

Further scrutiny of records of test checked eight districts of SJED (Jaipur and Tonk in August-September 2020, and remaining six districts in August-October 2021) revealed that during 2017-20, none of the aggrieved persons or relatives approached the Dowry Prohibition Officers to report their grievances which clearly shows utter failure of DPOs, the Act and its implementation.

SJED, GoR did not furnish reply.

Thus, in spite of the fact that incidents related to dowry were prevalent in the society, it was astonishing to note that despite thousands of cases registered under the IPC not a single complaint was received in the office of the CDPO. Moreover, audit could not find evidence that the Department/CDPO made any effort to examine the reasons behind such tendency. This underscores the fact that the mechanism as specified in the Act was either non-existent or non-functional.

27 Dowry death (section 304B of IPC), cruelty by husband or his relatives (section 498A of IPC) and Dowry Prohibition Act, 1961

28 Percentage of cases related to dowry during 2010: 63.29 *per cent*, 2011: 63.39 *per cent*, 2012: 62.90 *per cent*, 2013: 53.46 *per cent*, 2014: 52.38 *per cent*, 2015: 52.72 *per cent*, 2016: 51.62 *per cent*, 2017: 46.72 *per cent*, 2018: 45.38 *per cent* and 2019: 45.38 *per cent*.

29 Cruelty by husband or his relatives (section 498A of IPC): 1,38,058 and Dowry Prohibition Act: 137

***Police (Home Department)***

### *3.2.6 The Indecent Representation of Women (Prohibition) Act, 1986*

As per Section 4 of the Indecent Representation of Women (Prohibition) Act, 1986, no person shall publish, or cause to be published, or arrange or take part in the publication or exhibition of any advertisement and produce, sell, let to hire, distribute, circulate or send by post any book, pamphlet, papers, slide, films, writing, drawing, painting, photograph, representation or figure which contains indecent representation of women in any form.

As per police data provided (September 2020) by DGP, Rajasthan, 365 cases were registered with the police under the Act during the years 2010-19 and 68.77 *per cent* (251 cases) of the incidents were reported in 12 districts[30] alone implying that certain areas of the State were prone to crimes under this Act.

***Lack of initiative by concerned authority***

As per Section 5 of the Indecent Representation of Women (Prohibition) Act, 1986, any Gazetted Officer authorized by the State Government may, within the local limits of the area for which he is so authorized seize any item which he has reason to believe contravenes any of the provisions of this Act. The police staff available at a police station is authorised to take action in such cases and conduct search and seizure of the illicit materials under the Act.

A total of 183 cases were registered during 2012-19 under Indecent Representation of Women (Prohibition) Act in the State and 52.46 *per cent* of the incidents were reported in seven districts[31] .

Test check of police districts (11) revealed that 43 cases were registered in eight[32] of these districts while three had none during 2012-19. Further, merely eight of these 43 cases were registered on the basis of *suo moto* search and seizure under the Act, and that too, in only three police districts (Jaipur Rural-three, Tonk-four and Udaipur-one).

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that cases relating to indecent representation of women were being registered under Section 292, 292A, 293, 294 of Indian Penal Code/ Information Technology Act 2003 and action was being taken accordingly.

Audit is of the view that cases were not registered through the Indecent Representation of Women (Prohibition) Act, 1986 and this was indicative of lack of sincere efforts by the police to initiate requisite action as per provisions of the Act.

30 Jaipur North: 64; Jodhpur East: 32; Nagaur: 18; Bhilwara: 18; Jaipur South: 24; Bundi: 14; Jodhpur West: 12; Baran: 12; Jaipur West: 16; Jhalawar (16); Ajmer (13) and Pali (12).

31 Jaipur North: (20); Jhalawar (15); Bhilwara (14); Bundi (12); Jodhpur West (12); Baran (12) and Jaipur West (11).

32 Jaipur East (2); Jaipur West (11); Jaipur Rural (4); Tonk (1); Kota city (2); Udaipur (6); Pali (5) and Baran (12).

### *3.2.7 Registration of cases through court intervention*

Section 154 (3) and 156 (3) of Code of Criminal Procedure, 1973 (Cr PC) provides for registration and investigation of cases at the instance of court/magistrate/higher authorities in case Police does not register the complaints in the first instance. Scrutiny of records of 11 test checked police districts revealed that majority of the crimes against women were registered using these sections during January 2012- March 2017 as shown below in ***Table 5***:

***Table 5***

| Registered crimes against women | Registered after court intervention (sec 156(3) of CrPC) | Registered after intervention by higher authorities (sec 154(3) of CrPC) | Registered at Police Station (sec 154(1) of CrPC) |
|---|---|---|---|
| 46,120 | 24,609 (53.36%) | 1,863 (4.04%) | 19,648 (42.60%) |

GoR stated (March 2019) that incidents of crime were being registered freely and without fear in the state. Further, GoR attributed the registration of more cases through intervention of court to reporting the case after taking legal advice and exaggeration of the incidents by victims. However, in case of non-registration of complaints directly at the Police Stations as per Section 154(1) CrPC, departmental and legal action is initiated against the concerned officials.

Further scrutiny of records of test checked 11 police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk in August-September 2020, and remaining seven police districts in August-October 2021) revealed the following situation for the period April 2017- March 2020 as shown below in ***Table 6*** :

***Table 6***

| Registered crimes against women | Registered after court intervention (sec 156(3) of CrPC) | Registered after intervention by higher authorities (sec 154(3) of CrPC) | Registered at Police Station (sec 154(1) of CrPC) |
|---|---|---|---|
| 30,155 | 9,719 (32.23%) | 2,429 (8.06%) | 18,007 (59.71%) |

It is evident from aforesaid table that there has been decrease in registration through intervention of court cases and increase of cases registered directly at police stations during 2017-20, as compared to 2012-17.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that percentage of registration of cases through court intervention had declined. Further, action had been initiated against defaulting officers who were not registering cases in police station.

However, still high percentage (32.23 *per cent*) of cases were still being registered through alternate means as found in test checked 11 police districts, suggesting that there was need for enhancing trust between ground level police functionaries and the public.

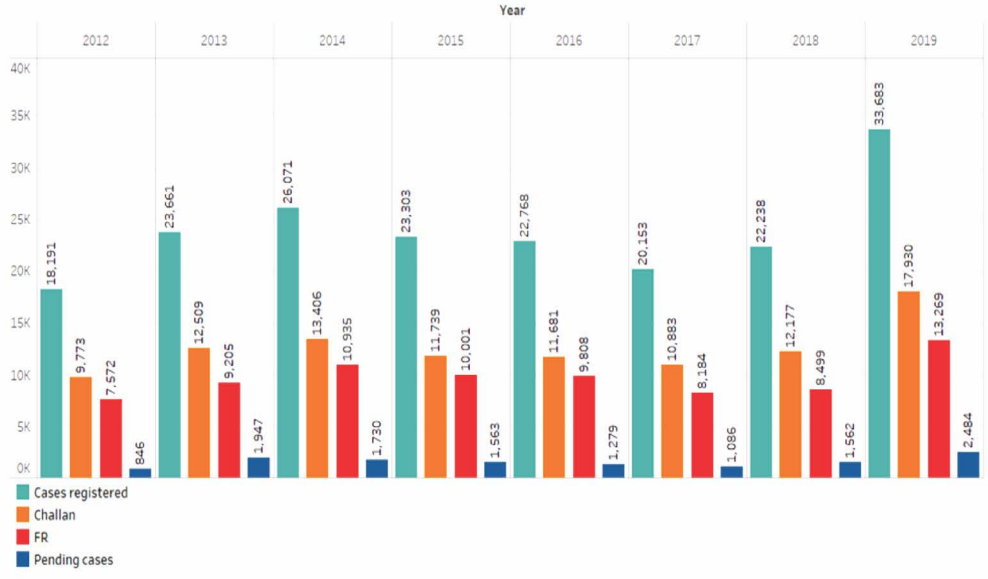
### *3.2.8 Delay in Investigation and submission of Challans/FRs in the Courts*

Complaints reported at the police station are recorded as First Information Report. Thereafter, Investigative officer is nominated by the SHO for investigation of case. On completion of Investigation, in case sufficient evidence to proceed against an accused is not available, the investigative officer files a Final Report (closure report). Conversely when the investigative officer collects sufficient prima facie evidence against the accused, a Charge Sheet or Challan is prepared and is submitted in the court.

According to the Paragraph 4.55 of the Rajasthan Police Manual 2001, every investigation must be completed without unnecessary delay or break. Circle Officers should see that for ordinary cases, investigation is not delayed beyond 15 days without sufficient cause. In case of further delay in investigation, after reviewing the case, SP can approve extension up to 30 days, IG up to 60 days and Nodal Officer of Women Crime Redressal Cell (IG, Human Rights) for more than 60 days.

Audit observed that a total of 1,90,068 cases were registered[33] under four major crimes i.e. 'Rape', 'assault on women with intent to outrage her modesty', 'cruelty by husband or his relatives', and 'dowry death' in the State during the period 2012-2019. Out of these, 77,473 cases were closed and in 1,00,098 cases challans were submitted in the Court by investigative officers while 12,497 cases were pending. During 2012-19, 1,41,795 persons were arrested for the aforesaid four categories of crimes. Details are shown in the ***Chart 13*** below.

***Chart 13: Details of cases registered, challan, Final Reports submitted in the Court and pending cases during 2012-19***




33 As per monthly crime reports and 'Crime in Rajasthan' published by Director General of Police Rajasthan.

Scrutiny of records of registered 16,434 cases relating to crime against women in 47 test checked Police Stations for the period 2012-17 revealed the following:

- Delays in completion of investigation in 2,515 cases (15.30 *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.

- After completion of investigation, delays in submission of challans (charge sheet containing charges found sustainable) to the courts for conviction ranged from 30 to 735 days in 1,113 cases (6.77 *per cent*).

- Delay in submission of Final Reports (proposal for closure of the case) to the court in 1,177 cases (7.16 *per cent*) also ranged from 30 to 1,431 days.

GoR attributed (January-March 2019) the delays in investigation to granting of stay orders by courts, overburdening of staff and delay in sample reports from Forensic Science Laboratory (FSL). Further, instructions for obtaining approval of competent authority in case of delayed investigations were also issued in September 2017 and November 2018 to all the SPs/DCPs.

Though reasons such as staff overburdening due to shortages may be genuine, the reply is not convincing as it is the responsibility of the investigating officer to timely obtain the test reports from FSL.

Further scrutiny of records of 9,415 cases relating to crime against women in 47 test checked Police Stations (14 in Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts in August-September 2020, and 33 in remaining seven police districts in August-October 2021), for the period April 2017 to March 2020, revealed the following:

- Delays in completion of investigation in 2,566 cases (27.25 *per cent*) relating to dowry, rape, POCSO and domestic violence etc. ranged from 61 to 1511 days after registration of cases and approval of competent authority was also not obtained in these cases, despite instructions issued by GoR for the same.

- After completion of investigation, delays in submission of challans (charge sheet containing charges found sustainable) to the courts for conviction ranged from 31 to 1207 days in 1,612 cases (17.12 *per cent* ).

- Delay in submission of Final Reports to the court in 1,151 cases (12.23 *per cent*) ranged from 31 to 1329 days.

Home Department, GoR's reply (February 2021) to the draft report (December 2020) was similar to what it gave in March 2019. Further, it stated that FSL and CCTNS projects had helped in bringing improvements in investigation of cases. ADG (Civil Rights) issued directions (December 2020) to SPs/DCPs for reduction of time limit in providing justice to victims of Rape and POCSO cases.

However, though the Home department provided aggregated data of disposal of cases, pendency etc., it did not provide details of disposal of cases highlighting the extent of delay at each level i.e. investigation and submission of Challan/FR in the courts. ***Table 7*** shows the details of pendency of cases related to crime against women during the period 2010-19. It clearly indicates that cases pending for disposal were increasing during the period.

***Table 7***

| Year | Dowry Death | Abetment of suicide of women | Cruelty by husband or his relative | Rape | Assault on women with intent to outrage her modesty | Kidnapping and abduction of women | Others | Total |
|---|---|---|---|---|---|---|---|---|
| 2010 | 65 | 14 | 324 | 160 | 30 | 272 | 55 | 920 |
| 2011 | 55 | 15 | 404 | 159 | 32 | 309 | 49 | 1023 |
| 2012 | 78 | 16 | 512 | 225 | 31 | 299 | 81 | 1242 |
| 2013 | 77 | 24 | 1155 | 470 | 245 | 646 | 126 | 2743 |
| 2014 | 50 | 22 | 1016 | 435 | 229 | 608 | 122 | 2482 |
| 2015 | 68 | 15 | 885 | 436 | 174 | 547 | 100 | 2225 |
| 2016 | 62 | 17 | 677 | 349 | 191 | 421 | 101 | 1818 |
| 2017 | 56 | 21 | 480 | 376 | 174 | 412 | 80 | 1599 |
| 2018 | 67 | 17 | 727 | 542 | 226 | 551 | 66 | 2196 |
| 2019 | 91 | 18 | 1280 | 643 | 470 | 766 | 103 | 3371 |
| **Total** | **669** | **179** | **7460** | **3795** | **1802** | **4831** | **883** | **19619** |

Timely investigation of registered cases is essential for prompt redressal of grievances and delivery of justice. However, substantial delays at each level i.e. investigation and submission of challans/final reports, without approval of competent authorities, resulted in delayed/denied redressal to victims in many cases.

### *3.2.9 Functioning of Mahila evam Bal Desk*

Centre for Development of Police Science and Management (CDPSM), Rajasthan Police Academy (RPA) Jaipur issued (2004) guidelines for setting up *Mahila evam Bal Desk* in each police station for providing friendly and conducive environment to women and children, to convey their grievances without fear and pressure. It was also expected to assist victims by suitable measures/counseling by police. Basic facilities like female toilets, seating arrangement and display board with name and telephone number etc., was to be made available at *Mahila evam Bal Desk*. Such *Mahila evam Bal Desk* had been established in 821 police stations[34] in the state as of March 2017.

As per guidelines, one Sub-Inspector (SI) (Preferable female)/Assistant Sub-Inspector (ASI)/Head Constable (HC) with two female constables were to be deployed in each *Mahila evam Bal Desk*. Training was also required to be given to desk officers and officials.

34 This desk was to be established in the police stations (821) excluding police stations where MSSK had established (40).

Audit scrutiny (April 2017 – May 2018) of records of selected 36 test checked police stations and *Mahila evam Bal Desks* for the period 2012-17 revealed that two Desks in PSs *Bekaria* (Udaipur) and *Parsola* (Pratapgarh) were not functional. Further, female officers in charge were not deployed in 33 Desks, basic facilities/infrastructures like furniture and female toilets etc. were not provided and display boards showing details[35] of *Mahila evam Bal Desk* were not put up in most of them *(Details in Appendix-I)*

GoR stated (March 2019) that shortcomings would be removed after availability of budget and human resource. Further, instructions have been issued to all SPs/DCPs for displaying the necessary information at police stations.

Further scrutiny of records in 10 test checked Police Stations and *Mahila evam Bal Desks* (Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts) in August-September 2020, and remaining 26 Police Stations and *Mahila evam Bal Desks* in August-October 2021, for the period April 2017 to March 2020, revealed that issues such as deployment of female officers in charge, availability of basic facilities/infrastructure and display boards with *Mahila evam Bal Desk* information had still not been resolved in most of them *(Details in Appendix-I).*

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that steps had been taken for better equipping the *Mahila evam Bal Desks.* For providing computer and furniture for the *Mahila evam Bal Desk,* ₹ 5.00 crore had been sanctioned and female staff (only 9 per cent available) had been deployed based on availability. It was added that female staff was deployed in four test checked police stations *Amarsar, Phulera, Narena* and *Bhankrota* in Jaipur (west). Further construction of reception hall with *Mahila evam Bal Desk* was under process in each police station.

Thus, despite instructions given by GoR, the situation has not improved on the ground which would hamper efforts towards creating a friendly and conducive environment for female victims to register their complaints.

### *3.2.10 Community Liaison Group*

Director General of Police issued (May 2007) standing order for constituting Community Liaison Group (CLG) at each district level and police station level for maintaining law and order and to act as a bridge between police and various communities. Main purpose of CLG was to make the public self-reliant for solving their problems. Their specific tasks included conducting public awareness programmes, helping police in curbing crime in the area, work on improving police-community relations, helping police in maintaining harmony and order in the area etc. In particular, CLGs have the potential to contribute towards prevention and redressal of women related crimes by reassuring public's trust in police, by raising awareness about SLLs and by engaging the public in building a safe environment for women. The groups were to have

35 Display boards showing name, address and telephone numbers of the concern officers, commissions, protection officers, NGOs, Legal-medical assistance, protection homes/shelters and women and child helplines etc.

compulsory representation of women which would enable them to effectively present and discuss the problems being faced by women in the area.

There were 40 police district level and 821 police station level CLGs functional in the State as of March 2017. Audit scrutiny of records of 36 test checked police stations in 11 police districts revealed for the period 2012-17, the following:

- In every CLG, at least two women and two members from weaker sections were to be included compulsorily. However, in 23 police stations (63.89 *per cent*) and five SP offices (45.45 *per cent*) members from weaker section and women were not included in the concerned CLG. *(Details in Appendix-II)*

- CLG members were required to be trained regarding their responsibilities. However, in nine SP offices (81.82 *per cent*) and 24 Police Stations (66.67 *per cent*) necessary training to CLG members was not provided. *(Details in Appendix-II)*

- At beat level[36], 12 to 15 members, at police station level 20 to 35 members and at district level 20 to 40 members were to be inducted in CLGs. However, in two SP offices (Pali and Kota City) and 11 Police Stations (30.56 *per cent*) members as per norms were not included in the CLGs constituted. *(Details in Appendix-II)*

- Meetings of CLG were to be held bi-monthly at the district headquarter and police station level and once a month at the beat level. Proceedings of meetings were to be documented in a register. District level CLG was to monitor CLG meetings at police station and beat level. However, in eight SP/DCP offices shortage of CLG meetings than prescribed ranged from 57 to 97 *per cent* and in 12 police stations such shortage ranged from 13 to 100 *per cent*. Further, details of proceedings of meetings were not entered in the CLG register.

- SP offices were required to review progress on half yearly basis and submit a report to Police Headquarters and Range IG concerned on 15 January and 15 July every year. However, seven out of 11 SP offices (63.64 *per cent*) did not review the function of CLGs half yearly and also did not submit a report to Police Headquarters and the range IG concerned. *(Details in Appendix-II)*

- In nine police stations, SP Jaipur rural (2012-15), SP, Udaipur (2012-14) and SP, Pali (2014-17) records of CLG were not made available to Audit for verification. *(Details in Appendix-II)*

GoR stated (March 2019) that Community Liaison Groups after including the members of all religions, male/female, social and economic sector, have been reconstituted (January 2019) according to order of ADGP (Police Community Policing) Rajasthan, Jaipur.

36 A beat is the territory and time that a police officer patrols. Beat police typically patrol on foot or bicycle which provides more interaction between police and community members.

Further scrutiny of records in 10 test checked Police Stations (Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts) in August-September 2020, and 26 Police Stations in August-October 2021, for the period April 2017 to March 2020, revealed the following:

- In 24 police stations (66.67 *per cent*) and four SP/DCP Offices (36.36 *per cent*) members from weaker section and women were not included in the concerned CLG. The records related to CLG were not provided by six test checked Police Stations *Sadar* (Jaipur West), *Ambamata, Ogana* (Udaipur), *Pratapgarh, Parsola* (Pratapgarh) *Sojat* Road (Pali). *(Details in Appendix-II)*

- In 10 SP/DCP offices (90.90 *per cent*) and 34 Police Stations (94.44 *per cent*) necessary training to CLG members was not provided. *(Details in Appendix-II)*

- In two DCP/SP offices (Jaipur-East and Kota City) and eight Police Stations (22.22 *per cent*), number of members as per norms were not included in the CLGs constituted. *(Details in Appendix-II)*

- In 10 SP/DCP offices shortage of CLG meetings than prescribed ranged from 50 to 100 *per cent.*

- 10 out of 11 SP/DCP offices (90.90 *per cent*) did not review the functioning of CLGs half yearly and also did not submit a report to Police Headquarters and the range IG concerned. *(Details in Appendix-II)*

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that separate training programme/workshop for CLG members were not organised. However, information relating to CLG work was provided during meetings of CLG members.

GoR did not provide details of CLG meetings, category wise details of members deployed in CLG at test checked districts and at police stations level. Further, details of review progress submitted half yearly by SP offices to Police Headquarters and Range IG concerned were also not provided.

Audit is of the view that non-inclusion of members from weaker section and women in CLGs, not providing necessary training members, shortages in conduct of meetings and lack of periodic review of the functioning at the level of range IG and Police Headquarters show that the CLG initiative was not being implemented as effectively as envisaged.

### *3.2.11 Quality of investigation of cases*

#### *3.2.11.1 Collection and sending samples to Forensic Science Laboratory*

According to directions issued (September 2011) by Additional Director General (Crime Branch) and in January 2013 by the Additional Director General (Civil Rights), in respect of rape and POCSO cases, medical examination of the victim should be done within 24 hours and if accused is arrested, the samples

(clothes, semen, swab, blood etc.) of the victim and the offenders should be collected and sent to Forensic Science Laboratory (FSL) immediately for analysis. Under POCSO, test reports should be collected from FSL on priority basis and investigation should be completed within one month and challan should be submitted in the court.

Records of samples and FSL reports regarding 665 rape and POCSO cases (out of 1,133 cases) registered in 47 Police Stations during 2012-17 were test checked. Audit results involving instances of delays in sample collection, submission to FSL and receiving the test reports from FSL is given in ***Table 8***.

***Table 8***

| Rape/ POCSO cases | Test checked | Samples collected | Not collected | Samples collected but not sent to FSL | Sample collection Delay | | Delay in sending sample to FSL | | Delay in collection of examination report from FSL | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | Cases | Range (days) | Cases | Range (days) | Cases | Range (days) |
| 1,133 | 665 | 569 | 96 | 63 | 342 | 2 to 834 | 452 | 2 to 1,113 | 312 | 43 to 1,207 |

The following can be deduced from the table above:

- In 96 cases (14.44 *per cent*) samples were not collected and in 342 cases (*60.11 per cent*) samples of the victims/offenders were collected with delays upto 27 months.
- In 63 cases (11.07 *per cent*), samples (clothes, semen, swab, blood etc.) were collected and deposited in *Malkhana* (store of seized items). However it was not sent to the FSL for forensic tests and in 452 cases (79.44 *per cent*) samples were forwarded to the FSL with delays upto 3 years.
- In 312 cases examination reports were collected from FSL with delays upto 39 months.

GoR stated (March 2019) that the non-collection/delay collection of samples by investigating officer was either due to delay in reporting of incident or delay in providing samples by victims. It was added that instructions are issued from time to time by GoR/Police Headquarters for timely collection of samples.

The reply is not convincing as in cases where samples were collected and sent to FSL, even their test reports were not taken from FSL up to three years despite GoR instructions for timely collection of samples, submission to FSL and collection of test reports from the FSL.

Further scrutiny of records of samples and FSL reports regarding 624 rape and POCSO cases (out of 915 cases) registered in 14 test checked Police Stations (Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts in August-September 2020) and remaining 33 Police Stations of Udaipur, Pratapgarh, Pali,

Kota City, Kota Rural, Baran and Bharatpur police districts in August-October 2021, for the period April 2017 to March 2020, revealed instances of delays in sample collection, submission to FSL and receiving the test reports from FSL, as given in ***Table 9.***

***Table 9***

| Rape/ POCSO cases | Test checked | Samples collected | Not collected | Samples collected but not sent to FSL | Sample collection Delay | | Delay in sending sample to FSL | | Delay in collection of examination report from FSL | |
|---|---|---|---|---|---|---|---|---|---|---|
| | | | | | cases | Range (days) | cases | Range (days) | Cases | Range (days) |
| 915 | 624 | 438 | 186 | 87 | 188 | 2 to 297 | 311 | 2 to 770 | 258 | 13 to 1178 |

The following can be deduced from the table above:

- In 186 cases (29.81 *per cent*) samples were not collected and in 188 cases (42.92 *per cent*) samples of the victims/offenders were collected with delays upto 9 months.
- In 87 cases (19.86 *per cent*), samples (clothes, semen, swab, blood etc.) were collected and deposited in *Malkhana* (store of seized items). However, they were not sent to the FSL for forensic tests and in 311 cases (71.00 *per cent*) samples were forwarded to the FSL with delays upto 25 months.
- In 258 cases examination reports were collected from FSL with delays upto 38 months.

Audit noticed that the percent of cases in which sample was not collected had increased during 2017-20 as compared to 2012-17.

Home Department, GoR's reply (February 2021) to the draft report (December 2020) was similar to what it gave in March 2019. Further, it stated that samples were being collected according to guidelines issued by Chandigarh Science Forensic Laboratory.

The slackness in collecting samples, failure to forward or delayed forwarding of samples for examination, delay in collection of the examination reports, points to insensitivity in cases related to incidents of rape and crimes under POCSO. In such a situation possibility of adverse impact on investigation and conviction in such heinous crimes cannot be ruled out.

### *3.2.11.2 Delay in examination of samples by FSL*

Audit scrutiny of records of state FSL regarding samples received from 47 test checked police stations during 2012-17 revealed that there were significant delays in 98.64 *per cent* cases (436 cases out of 442) in examination of the

samples related to cases of rape and POCSO. The details of delays in such cases is given in the ***Table 10.***

***Table 10***

| Name of Unit | Samples received during 2012-17 (March 2017) | Time taken in testing (in days) | | | | |
|---|---|---|---|---|---|---|
| | | Up to 30 | 31 to 90 | 91 to 180 | 181 to 365 | 366 and above |
| State FSL Jaipur | 442 | 6 | 45 | 71 | 50 | 270 |

From the above table, it can be seen that there were delay of more than one year in 270 cases (61.09 *per cent*) during 2012-17 (March 2017).

Director, State FSL intimated (April 2018) that testing of samples are carried out on first cum first serve basis. It was added that, reasons for delays cannot be explained in the absence of complete details of the cases. Further, test reports at present are being sent within three months approximately from the date of receipt. The reply is not convincing only 11.54 *per cent* samples (51) were tested within period of three months and 88.46 *per cent* samples were examined with delays during 2012-17.

Further, scrutiny of records (September 2020) of state FSL regarding samples received from 47 test checked police stations during 2017-20 revealed that there were significant delays in 70.14 *per cent* cases (195 cases out of 278) in examination of the samples related to cases of rape and POCSO. The details of delays in such cases is given below in ***Table 11.***

***Table 11***

| Name of Unit | Samples received during April 2017 to March 2020 | Time taken in testing (in days) | | | | |
|---|---|---|---|---|---|---|
| | | Up to 30 | 31 to 90 | 91 to 180 | 181 to 365 | 366 and above |
| State FSL Jaipur | 278 | 83 | 77 | 46 | 32 | 40 |

From the above table, it can be observed that despite improvements over previous years, still there were delays of more than 90 days in 118 cases (42.45 *per cent*) during April 2017 to March 2020.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that DNA examination was pending with FSL for none of the cases upto 2017. Further, it also stated that equipment required for DNA test were procured under Police Modernisation Scheme and *Nirbhaya Fund Yojana* and 10 personnel were deployed on contract basis during 2020 for one year.

Audit considers that the reply does not provide the complete picture as steps taken for improvement of performance of Serum, Biological and other divisions was not intimated.

### *3.2.11.3 Underutilization of Mobile Forensic Units*

In Rajasthan, to help in evidence collection and investigation at the crime spot without delay, 34 Mobile Forensic Units (MFUs) were functional covering all 40 police districts as of March 2017.

Scrutiny of records of seven MFUs revealed that number of visits of MFUs for identification and collection of evidence material to help in investigation was minimal as they visited crime spots only in 331 (4.81 *per cent*) cases of crime against women out of the total 6,877 serious incidents (Rape and POCSO: 6,262 cases and Dowry death: 615 cases) during 2012-17. Further, the visits per month by each MFU ranged between one and six (except in Jaipur) only. Additional Directors Regional FSLs stated (October 2017-May 2018) that utilization of MFU services was dependent on police officer investigating the incidents. They also added that, had the MFU been called for at the crime spot for collection of samples/evidence, the result of investigation could have been better.

GoR stated (March 2019) that in all the rape and POCSO cases the services of MFUs are being utilized.

Further, scrutiny of records of nine MFUs maintained at State FSL revealed (September 2020) that out of total 5,913 serious incidents (Rape and POCSO: 5,567 cases and Dowry death: 346 cases) during 2017-March 2020, MFUs visited crime spots only in 488 cases (8.22 *per cent*) of crime against women. Further, the visits per month by each MFU ranged between one and seven (except in Jaipur).

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that the MFUs visited the site for identification and collection of evidence after receipt of information from police control room/investigating officer. Utilisation of MFUs was dependent on investigating officer and assistance of MFUs was being immediately provided in crime against women cases on the basis of requirement. In all sensitive cases of Rape and POCSO, MFUs were being utilised.

Details of visits carried out by 34 MFUs during 2011-2020 were also provided. However, a satisfactory reply as to why crime spots were visited only in 488 cases (8.22 *per cent*) out of 5,913 cases during 2017-20 by test checked nine MFUs was not provided.

Audit observed that there was a marginal improvement in utilisation of MFUs during the period 2017-20. However, contrary to the claims of GoR, the department had failed to ensure optimum and prompt utilization of the MFUs for collection of evidence from the location of the crime. Further, if the use of MFU was dependent on the investigating officer, such low utilization indicates that the investigating officers had not been effectively directed to use MFUs.

### *3.2.11.4 Not conducting DNA test and Audio-Visual recording*

Considering the significance of DNA testing in ensuring convictions and removing doubts in cases of rape and POCSO, Director General of Police

directed (June 2010 and January 2013) that in rape cases, DNA test must be carried out compulsorily and in POCSO cases, DNA test was to be assured preferably. Additionally, blood, sputum/saliva, semen, vaginal swab etc., samples were to be necessarily taken and kept in reserve, so that DNA test may be carried out as and when needed. Further, all the relevant aspects of case were to be recorded verbatim in the statement of the victims and audio-visual recording should be ensured in all the POCSO cases.

Scrutiny of records of 11 test checked police districts revealed that out of 6,527 registered cases of rape/POCSO cases for the period during 2012-17, DNA tests were not conducted in any of the rape/POCSO cases except in Kota city (four cases) and Udaipur (two cases). The reasons for not conducting DNA tests were not available on record.

Further, out of 1,687 POCSO cases reported in six[37] test checked police districts, audio-visual recording was conducted only in 327 cases (19.38 *per cent*). While, audio-visual recording was not conducted in any of the 697 POCSO cases reported in five[38] test checked districts.

Similarly, DNA test was not conducted in any of the 1,133 rape/POCSO cases registered in 47 test checked police stations. Further, audio-visual recording was not conducted in 47 test checked police stations (250 POCSO cases) except in police station, *Guda Endla* (Pali) where audio-visual recordings were done in all 15 registered cases.

GoR accepted the facts and stated (January-March 2019) that action is being taken to provide necessary equipment for audio-visual recording of statements of victim in POCSO cases wherever not available. Instructions have also been issued again to all SPs/DCPs for conducting DNA tests/audio visual recordings in all rape/POCSO cases to the possible extent.

Further scrutiny of records of four test checked police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk) in August-September 2020, and remaining seven police districts in August-October 2021 revealed that DNA testing and audio-visual recording were still not being carried out in a large number of cases during 2017-20. Out of 5,258 registered cases of rape/POCSO, DNA test was not conducted in 3,643 cases (69.28 *per cent*). The reasons for not conducting DNA tests were not available on record. Out of 1,422 POCSO cases, audio-visual recording was conducted in 771 cases (54.22 *per cent*) in test checked districts. The data of audio-visual recording were not provided by three SP offices (Tonk, Jaipur East and Baran).

Similarly, DNA tests were not conducted in 637 (69.62 *per cent*) out of 915 registered rape/POCSO cases and audio-visual recordings were conducted in 257 cases out of 338 POCSO cases in 14 test checked Police Stations of Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts in August-September 2020, and remaining 33 Police Stations of Udaipur, Pratapgarh, Pali, Kota City,

37 Tonk (21 out of 160), Kota Rural (27 out of 303), Udaipur (2 out of 411), Jaipur Rural (197 out of 198), Kota City (31 out of 306) and Pali (49 out of 309).

38 Jaipur (East), Jaipur (West), Baran, Bharatpur and Pratapgarh.

Kota Rural, Baran and Bharatpur police districts in August-October 2021 for the period April 2017 to March 2020.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that resources for audio-visual recording were provided in most of the police stations/circle offices. DNA testing was being carried out in sensitive rape and POCSO cases and videography was being done. Also, ADG (Civil Rights) issued (August 2020) standard operating procedure for investigation of Rape and POCSO cases.

Considering the fact that DNA test results are significant in ensuring convictions and removing doubts in cases of rape and POCSO, the reply of GoR is not tenable as during audit of 47 test checked police stations it was observed that DNA tests were not conducted in 637 (69.62 *per cent*) out of 915 registered Rape/POCSO cases for the period April 2017 to March 2020. Moreover, evidence regarding augmenting resources for audio-visual recording was not provided.

***Department for Child Rights***

### *3.2.12 The Protection of Children from Sexual Offences Act, 2012*

The Protection of Children from Sexual Offences (POCSO) Act, 2012 was enacted to protect children from offences of sexual assault, sexual harassment and pornography and provide for establishment of Special Courts for trial of such offences and for matters connected therewith or incidental thereto.

As per police data, 2,025 cases were registered under the Act during 2016-19 in the State.

***Lack of coordination with other agencies***

The Child Welfare Committee (CWC) plays a key role in ensuring support, care, protection and rehabilitation of victims of sexual offences. As per Rajasthan Juvenile Justice (Care and Protection of Children) Rules, 2011 CWC is expected[39] to coordinate with the Police and other agencies involved in the care and protection of children with the support of District Child Protection Unit (DCPU) and submit their work report to State Child Protection Unit on quarterly basis.

During scrutiny of records of eight test checked CWCs, information regarding existence of coordination on aspects such as investigations, sample collection, forensic examinations, etc. with Police and other agencies involved in the care and protection of children was not found on record. Such information was also not made available to Audit.

GoR stated (February 2019) that coordination activities of CWCs with police, etc. is a regular process.

39 As per Rule 25(r) of Rajasthan Juvenile Justice (Care and Protection of Children) Rules, 2011.

Reply is not convincing as there were 159 instances (incidents under rape/POCSO), where samples of victims/offenders were not collected or collected but not sent for examination in FSL ***(paragraph 3.2.11.1)*** and DNA tests in POCSO cases were not conducted ***(paragraph 3.2.11.4)*** in 47 test checked police stations during 2012-17, which clearly indicate lack of communication and proper coordination between the agencies.

Further scrutiny of records in 14 test checked Police Stations (Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts) in August-September 2020, and remaining 33 Police Stations in seven police districts in August-October 2021 revealed that there were 273 instances (incidents under rape/POCSO), where samples of victims/offenders were not collected or collected but not sent for examination in FSL. Further, DNA tests in 637 cases (out of 915) were not conducted ***(paragraph 3.2.11.4)*** during 2017-20. Further scrutiny of records of CWCs in two test checked districts (Jaipur and Tonk) in August-September 2020, and remaining six districts in August-October 2021, revealed that during 2017-20, coordination for monitoring of these cases by CWCs with police or courts was not apparent from the records of five test checked districts (Jaipur, Tonk, Pratapgarh, Kota and Baran). CWC Pali intimated (September 2021) that coordination was established with police and court, but no corroborative evidence was provided to Audit in this regard. Records were not provided by CWCs Udaipur (for April 2017 to 15th December 2019) and Bharatpur (for April 2017-18th October 2019). Hence, timely and effective investigations could not have been ensured.

DCR, GoR in its replies (January 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that "Rajasthan Juvenile Justice (Care and Protection of Children) Rules, 2011" was no more effective as GoI had notified new Juvenile Justice (Care and Protection of Children) Act 2015. These rules did not define the role and responsibility of Child Welfare Committee with reference to POCSO cases. In the context of POCSO cases, section 30 (XIII) of the Juvenile Justice (Care and Protection of Children) Act 2015 defines "*taking action for rehabilitation of sexually abused children who are reported as children in need of care and protection to the committee by Special Juvenile Police Unit or local police as the case may be, under POCSO Act 2012*". The POCSO Rules 2020 have been notified by the Government of India under the provisions of the POCSO Act 2012. In light of the new rules, State Government issued new set of guidelines for CWCs in the year 2020. CWC were discharging their duties in light of above mentioned provisions and other relevant provisions of POCSO Act, 2012. The CWCs did not have any role in the process and monitoring of police investigation.

The reply is not tenable as, Section 30 (xv) of the Juvenile Justice (Care and Protection of Children) Act 2015 provides that functions of the CWC includes *"co-ordination with the police, labour department and other agencies involved in the care and protection of children with support of the DCPU or the State Government*". Such coordination was not visible during Audit and GoR's reply also does not detail about the mechanism for coordination in place.

## Conclusion

*Still a high per cent victims of domestic violence incidents preferred to register the cases directly with the magistrates/police under sections of Indian Penal Code rather than through Protection Officers or Mahila Suraksha evam Salaha Kendras under the provisions of the PWDV Act. 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 in shortage in the department. WED did not ensure constitution of Internal Committees in all offices/workplaces in the State where ten or more employees were working. Adequate efforts to identify areas vulnerable to witch-hunting in any of the districts were not made.*

*Though Dowry Prohibition Officers were mandated to bring an end to the practice of dowry in society, none of the victims approached the CDPO in the state and DPOs in any of the district for relief.*

*There was lack of coordination between police and other agencies involved in the care and protection of the children.*

*Further, trust among the public on police functioning seemed to have improved as majority of the cases were getting registered directly in police stations. However, certain interventions such as Mahila evam Bal Desks, which were established for providing friendly and conducive environment to women and child to convey their grievances without fear and pressure, suffered for want of adequate human resource and infrastructure.*

*The quality of investigation of cases relating to rape and POCSO suffered as there was slackness in collecting samples, delay in forwarding of samples for examination and delay in collection of examination reports from the forensic laboratories. Also, in many cases, samples (clothes, semen, swab, blood etc.) collected from victims/offenders were not sent for forensic testing and were lying in Malkhana (store of seized items). Further, DNA test was not conducted in most of the rape and POCSO cases. This pointed to the negligence on part of the police in handling sensitive crimes relating to rape and POCSO. The delays in investigations were further exacerbated by the delays in submission of challans/FRs in a large number of cases. In such a situation possibility of an adverse impact on investigation and conviction of such heinous crimes cannot be ruled out.*

## 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.*

## 3.3 Rehabilitation

Victims of crime against woman as well as vulnerable women living in difficult circumstances are provided relief, rehabilitation and necessary assistance so that they can lead their lives with dignity. Various schemes and measures have been formulated by the central and State Government for this purpose. The main components of rehabilitation and assistance to be provided under these schemes consist of provision of secure place as shelter, clothes and items of daily use, education facilities and legal aid. Deficiencies noticed during their implementation are elaborated in the succeeding paragraphs:

### *Social Justice and Empowerment Department*

### *3.3.1 Non-performance of prescribed duties by Nari Niketans/Mahila Sadan*

*Nari Niketans/Mahila Sadan* have been established at divisional level to provide protection to women who are victims of immoral and social atrocities and to help them start their life afresh. Further the State Government has also enacted 'Rules for Homes and Shelter 1970' for the administration, admission and rehabilitation of persons in Homes and Shelters.

There are six *Nari Niketans* and one *Mahila Sadan*[40] in the State as of March 2020. Of these, records of four *Nari Niketans/Mahila Sadan* situated in Bharatpur, Jaipur, Kota and Udaipur were test checked during July 2017-April 2018.

Scrutiny of records revealed that follow up of rehabilitated women was not carried out by any of the *Nari Niketans/Mahila Sadan* during 2012-17, though 1,223 women were rehabilitated by these *Nari Niketans/Mahila Sadan* {Bharatpur (52), Jaipur (847), Kota (163) and Udaipur (161)}.

The State Government stated (December 2018) that follow up of rehabilitated women is being carrying out regularly. The reply is not tenable as follow up of only 32 rehabilitated inmates were carried out by *Mahila Sadan* Jaipur.

40 Ajmer (50 inmates), Jodhpur (50 inmates), Bikaner (50 inmates), Kota (50 inmates), Udaipur (50 inmates), Bharatpur (50 inmates) and *Mahila Sadan*, Jaipur (150 inmates).

The records of *Mahila Sadan* Jaipur were again test checked during August 2020 while the records of *Nari Niketans* in Bharatpur, Kota and Udaipur were test checked during August-October 2021.

Further scrutiny revealed that in *Mahila Sadan* Jaipur and *Nari Niketan* Kota, though 419 women were rehabilitated by these *Nari Niketans/Mahila Sadan* {Jaipur (269) and Kota (150)} follow up of only 60 rehabilitated inmates were carried out by *Mahila Sadan* Jaipur (12) and *Nari Niketan* Kota (48) during 2017-20. Moreover, follow up of rehabilitated women was not carried out by the *Nari Niketans* Udaipur and Bharatpur during 2017-20.

SJED, GoR in its reply (January 2021) accepted the facts in the draft report (December 2020) and stated that follow-up of inmates was carried out through telephonic and video calls but record was not maintained. The records were now being maintained regarding follow up of rehabilitated women.

Audit is of the view that the situation has not improved even after assurance given by GoR as evidenced from the further scrutiny carried in 2020 and 2021. Hence, drastic measures like personal level follow up by grass root government functionaries through visits, telephonic calls and correspondence are necessary for ensuring that the main function of these facilities i.e., rehabilitation is carried out satisfactorily.

SJED, GoR in its reply (February 2022) accepted the facts in the draft report (November 2021) and stated that the Department instructed the officers in-charge of *Mahila Sadan/Nari Niketans* to give special focus on availability of basic facilities and efforts towards rehabilitation of inmates during inspection.

### *3.3.2 Swadhar Greh Scheme*

*Swadhar Greh* Scheme was launched in 2011 by GoI after merging two existing schemes, *Swadhar* (2001-02) and Short Stay Home (1969). GoI released 100 *per cent* assistance directly to the *Swadhar Grehs* upto 2015-16. Since 2016-17, Central Government and State Government have financed these *Swadhar Grehs* in the ratio 60:40. The scheme is being implemented through NGOs and aims to provide temporary residential accommodation with provision of food, clothing, medical facilities, vocational and skill upgradation, training for economic rehabilitation of such women, as well as counseling, awareness generation and behavioral trainings, legal aid and guidance. *Swadhar Grehs* are to be monitored continuously at the district level by a District Women Welfare Committee (DWWC).

Out of seven functional *Swadhar Grehs*[41] in the State, audit scrutiny of three *Swadhar Grehs* (Baran, Tonk and Udaipur) having 525 inmates during 2012-17, revealed the following:

41 *Swadhar Grehs* at Baran, Dausa, Dungarpur, Jaipur, Jodhpur, Tonk and Udaipur.

#### *3.3.2.1 Irregularities related to admission/stay of women*

Scheme guidelines contain various provisions related to admission of inmates in *Swadhar Greh*. It lists the various situations and circumstances (including those suffering from domestic violence) which may be considered difficult for women. Such aggrieved women would be eligible for the benefits under *Swadhar Greh* Scheme, provided the potential beneficiary does not have any means of subsistence. The information of every victim admitted in the *Swadhar Greh* is to be sent to nearest police station. Women are to be interviewed by Counselors/Superintendent for deciding the rehabilitation programmes. Similarly, medical check-up of every admitted woman is to be undertaken within three days of admission. Further, provisions for duration of stay (up to one year for victims of domestic violence, etc.) are also given.

Scrutiny of records of three *Swadhar Grehs* revealed that:

- Implementing agencies admitted 48, 54 and 46 victim women in *Swadhar Grehs* Baran, Tonk and Udaipur respectively by recording domestic violence as reason in admission forms during 2012-17. The information of victim admitted in the *Swadhar Greh* was not sent to nearest police station. Further, corroborative evidence whether any case was registered in police station or in court against husband or his relatives, was not available on records.

- Primary interview of inmates by Counselors/Superintendent for diagnosis of problem was not carried out in Baran and Tonk during 2012-17 though an amount of ₹ 4.80 lakh and ₹ 4.08 lakh was claimed/paid in Tonk and Baran respectively for salary to Counselors. In such a situation the payments made to counselors doesn't appear to be justified.

- Prescribed medical check-up of none of the inmates admitted in the test checked *Swadhar Grehs* was undertaken during 2012-17.

- Seventy three women who were victims of domestic violence admitted at *Swadhar Greh*, Tonk stayed for more than one year and upto to seven years in violation of the provisions of the scheme.

GoR stated (December 2018) that admission of women residing in *Swadhar Greh* were as per guidelines as they were victims of domestic violence. Women were admitted on humanitarian ground and the expenses were to be borne by the NGO. Counselling and medical check-up of inmates were being done regularly by *Swadhar Grehs*. The reply is not tenable as audit scrutiny showed that provisions were not complied with and women were overstaying in *Swadhar Grehs*.

SJED, GoR in its reply (January 2021) to the draft report (December 2020) stated that most of the inmates admitted in these *Swadhar Grehs* wanted to resolve their problems through consultation and did not want to register their complaint in police station/court. Information of admitted women was being sent to nearest police station. It further stated that payment of grant was not

made in case of victims who stayed in violation of the provisions of the scheme during 2016-17 in *Swadhar Greh*, Tonk.

The reply is not tenable as for the years 2012-17, corroborative evidence relating to information of admitted victims sent to nearest police stations, primary interview by Counselors/Superintendent and medical check-ups of inmates were not provided to substantiate GoR's claim. Further, though payment regarding irregular stay of inmates in *Swadhar Greh* Tonk during 2016-17 was not made recoveries for similar payments made during 2012-16 were not carried out.

SJED, GoR in its reply (February 2022) to the draft report (November 2021) stated that Assistant Director, Tonk had been instructed for examining the payment made to the NGO during 2012-16 and in case payment was made against the rule then action for recovery had to be ensured.

#### *3.3.2.2 Availability of infrastructure and human resource*

***Lack of safety arrangements for inmates***

As per scheme guidelines, watchman/guard was to be deployed for providing safety of inmates of *Swadhar Grehs*. However, in *Swadhar Greh* Baran where 258 inmates were admitted, no watchman/guard was deployed during 2012-17.

GoR stated (August 2018) that explanations for irregularities have been called from the operating NGOs concerned. All Assistant/ Deputy Directors have also been instructed to submit factual report in this regard.

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that guard/watchman were deployed during 2012-20. However, Audit could not verify the reply as corroborative evidence such as factual report (August 2018) relating to deployment of guard/watchman during 2012-16 was not enclosed with the reply.

#### *3.3.2.3 Provision of services to inmates*

***Vocational and skill upgradation training not provided to victims***

Clauses B, D and H (iv) of the scheme guidelines envisage supportive institutional framework for women victims of difficult circumstances and provides for economic rehabilitation of victim women, vocational and skill upgradation training[42] under National Council for Vocational Training (NCVT) approved plan. Such trainings were to be organized by implementing agency in the recognized training institutes by Director General of Employment and Training.

Audit scrutiny of records of three test checked *Swadhar Grehs* revealed that such trainings were not provided to inmates in any of the *Swadhar Grehs*.

42 Beauty and wellness, textile and apparel sector, travel, tourism and hospitality etc.

GoR while accepting the facts stated (December 2018) that the inmates were not provided NCVT approved vocational trainings because they did not fulfill the minimum qualification criteria. Hence, only skill upgradation trainings were provided by the agencies. The fact remained that these women were not equipped with essential skills to live a life of dignity and independence in these facilities.

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) repeated the facts stated earlier (December 2018).

#### *3.3.2.4 Financial Issues*

Scrutiny of records of Director SJED, revealed (September 2020) that out of seven *Swadhar Grehs* functional in the State as of March 2017, only four (Jaipur, Baran, Dungarpur and Udaipur) remained functional as of March 2020. The other three were closed (*Gurukul Sewa Samiti,* Tonk (June 2017); Rajasthan Human Care Foundation Dausa (March 2018) and *Gram Vikas Sewa Sansthan,* Jodhpur (October 2018)).

In relation to accounts *of Swadhar Grehs* and *Ujjawala Homes* operating in the State, Special Secretary, SJED constituted (April 2018) an inquiry committee to examine the records and give specific recommendations within one month with respect to outstanding amounts relating to year 2016-17 and 2017-18. Audit noticed that Director, SJED made outstanding payment of ₹ 13.87 lakh to the *Swadhar Grehs* in Tonk, Baran, and Udaipur in 2019-20. *Swadhar Grehs* Tonk, Baran, and Udaipur were paid ₹ 4.51 lakh, ₹ 4.08 lakh, ₹ 5.28 lakh relating to year 2016-17. Payment to *Swadhar Greh* Tonk was made on the basis of recommendations of the committee.

Further scrutiny of records of test checked three Deputy/Assistant Directors, SJED (Tonk in September 2020 and remaining two districts in September-October 2021) revealed that during 2017-20, information about *Swadhar Grehs* regarding bills/vouchers relating to expenditure incurred, primary interviews of inmates by Counselors/Superintendent for diagnosis of problem, information sent to nearest police station, medical check-up of inmates etc. were not available with the district offices. Moreover, Assistant Director Tonk did not have information regarding rehabilitation status of inmates (25) residing at the time of closing of *Swadhar Greh.*

These findings indicate that functioning of *Swadhar Greh* was not proper and the department does not have information about the rehabilitation status of inmates who had to leave the *Swadhar Greh* upon its closure.

SJED, GoR in its reply (January 2021) to the draft report (December 2020) stated that information in this regard had been called from Assistant Director, SJED, Tonk.

SJED, GoR in its reply (February 2022) to the draft report (November 2021) stated that information in this regard had been called from Assistant Director, SJED, Tonk in December 2021 and January 2022.

However, information regarding recommendation of committee for payment to NGOs Baran and Udaipur districts were not furnished.

### 3.3.3 Ujjawala Scheme

The objective of *Ujjawala*[43] *Scheme* is prevention of trafficking of women and children for commercial sexual exploitation. It was introduced by GoI in 2007 and revised in April 2016. Since year 2016-17 funding pattern has been revised in ratio of 60:30:10 to be shared by Central Government, State Government and operating NGO. The scheme facilitates rehabilitation services to the victims by providing basic amenities/needs, medical treatment including counseling, legal aid and guidance and vocational training. The scheme has five components i.e. Prevention, Rescue, Rehabilitation, Re-integration and Repatriation of trafficked victims. It is to be achieved through social mobilization, involvement of local communities, awareness generation programmes and by facilitating rescue of victims from the place of their exploitation, placing them in safe custody and facilitating reintegration of the victims into the family and society at large.

Eight Protective and Rehabilitation (P&R) Homes were running in the State as of March 2016.

The implementation of the scheme was test checked in three districts (Bharatpur, Baran and Tonk) and records of two P & R Homes[44] were also test checked. The significant audit findings are elaborated in succeeding paragraphs.

#### 3.3.3.1 Provision of services to inmates

##### (a) Norms for provision of basic amenities not followed

As per paragraph 3.2 of clause G of the *Ujjawala* Scheme guidelines, basic amenities like clothes, toiletries and sanitary items etc., were to be provided to each inmate. The rate of reimbursement to NGOs was ₹ 175 per month per inmate. There was no provision in the scheme guidelines for cash payment to inmates in lieu of basic amenities.

Scrutiny of records of P & R Home at Baran revealed that neither any item to be distributed under basic amenities was found purchased or received from any donors, nor provided to inmates during 2013-17. However, cash payment at the rate of ₹ 175 per month was made to inmates by the implementing agency during 2013-17.

GoR accepted (December 2018) the facts and stated that since payment made to inmates was not as per rule, the reimbursement to NGO's will not be made for the year 2016-18.

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43 *Ujjawala* Scheme discussed here is different from the *Pradhan Mantri Ujjawala Yojana (PMUY)* which aims to safeguard the health of women and children by providing them with a clean cooking fuel – LPG.

44 P & R Homes run by *Mahila Udyog Parshikshan Samiti* (in Baran) and *Gurukul Sewa Samiti* (in Tonk).

Further, GoR in its reply (January 2021) to the draft report (December 2020) stated that the department had inspected the records of *Ujjawala Greh* run by *Mahila Udyog Parshikshan Samiti* (in Baran) and cancelled the outstanding grant of the year 2016-18. However, reply regarding recovery of irregular payment made during 2013-16 was not furnished.

SJED, GoR in its reply (February 2022) to the draft report (November 2021) stated that Assistant Director Baran had been instructed to examine the payment made during 2013-16 under *Ujjawala* scheme.

#### *(b) Insufficient accommodation for inmates*

As per housing criteria of the scheme, operating agency should provide a residential space of approximately 80 square feet per inmate excluding common space and utilities. Besides, P&R Homes should be properly ventilated with adequate basic facilities of bathrooms, toilets, dining hall and a multipurpose hall to be used as a common room/ entertaining room/ training hall.

There were 47 to 50 inmates in the P&R Home Tonk during 2013-17. Joint physical inspection of P & R Homes Tonk revealed that the home was running in building comprising of three rooms, one lounge (14x12 feet approximately), one toilet and one kitchen in 500 square feet against a norm of 4,000 square feet prescribed for 50 inmates. It was also noticed that basic facilities like beds, fans and water cooler etc. were not provided to the inmates.

SJED, GoR in its reply (February 2022) to the draft report (November 2021) stated that reply from Assistant Director, Tonk was being obtained.

### *3.3.3.2 Financial Issues*

Under the *Ujjawala Scheme*, NGOs implementing the scheme are provided funds for carrying out various functions and activities such as legal aid, medical/counselling and education, prevention activities etc. The scheme guidelines provide that grants for undertaking these activities, after approval by GoI, would be paid in instalments. First instalment is normally released with the sanction of the project, second and subsequent instalments are released on request of the State Government. Financial irregularities noticed during Audit that were related to these activities of NGOs are discussed below:

#### *(a) Doubtful payment to NGOs*

As per paragraph 3.4 of clause G of *Ujjawala* Scheme guidelines, it is important for victims to be provided with legal aid as they are the main witnesses against the traffickers/pimps/perpetrators and also the claimants to other rights like property, marital rights, divorce, maintenance and custody of children. In this regard:

- The operating NGO in Tonk district was reimbursed an amount of ₹ 4.25 lakh on legal aid though none of the inmates had court cases under consideration or pending during November 2013 to March 2017. Further, the reimbursements were made without any supporting bills/receipts.

SJED, GoR in its reply (February 2022) stated that replies from Assistant Director Tonk, was being obtained.

- In Baran, inmates (20 to 26 per month) were shown to have been paid ₹ 200 individually in cash per month in the name of legal aid and the amount was claimed as expenditure on legal aid by the operating NGO. The amount was reimbursed to NGO by the department despite the fact that none of the inmates had court cases under consideration. This resulted in irregular claim/expenditure of ₹ 2.00 lakh for legal aid during 2013-17.

- This Scheme provides Doctor's fee, cost of medicines, hospitalization, and appropriate linkages to de-addiction centres. Further, since the victims of trafficking undergo immense psychological trauma, professional counseling services is to be provided through a qualified clinical psychologist and psychiatrist. The maximum amount to be reimbursed against medical care was prescribed as ₹ 200 per month per inmate in the guidelines. In P & R Homes Baran, inmates were shown to have been individually paid ₹ 200 in cash per month in the name of medical care and the amount of ₹ 2.30 lakh was claimed and shown as expenditure during 2013-17 on medical care by the operating NGO, whereas actual medical care services should have been provided to the inmates. There were no children residing in P & R Homes Baran, despite which ₹ 200 per month per rescued victim child were shown to have been paid in cash individually to inmates for formal education. Thus, an amount of ₹ 1.60 lakhs was irregularly paid to inmates on account of formal school education during 2013-17.

- Similarly, in P & R Homes, Tonk an amount of ₹ 2.52 lakh was claimed and shown incurred on account of education expenses without any supporting bill and vouchers during the year 2013-17.

Thus, in the absence of beneficiaries as well as provision for cash payment in the scheme guidelines, payment of ₹ 6.42 lakh (₹ 2.30 lakh, ₹ 1.60 lakh and ₹ 2.52 lakh) made towards medical care and formal school education appear to be irregular and doubtful.

GoR while accepting the facts stated (December 2018) that the payment on account of medical care and education was made by Ministry of Women & Child Development, GoI upto 2015-16 and thereafter payment would be made by the department after obtaining all bills. Reply is not tenable as the payment made towards medical care and education by GoI was on the basis of request sent by SJED department for release of grant during 2013-16.

- The *Ujjawala* scheme guidelines provide for Clinical Psychologist and a part time Psychiatrist for counselling and treatment of the inmates residing in an *Ujjawala Home*. Scrutiny of record of P&R Homes Baran revealed that records were not maintained regarding counseling of inmates by the Clinical Psychologist. An amount ₹ 4.24 lakh was claimed and paid during 2013-17 for these services, but in the absence of records the extent of services provided by Clinical Psychologist/ Psychiatrist could not be verified in Audit.

The fact was also confirmed in joint physical inspection (October 2017) during which inmates also stated that they had never been counseled by Clinical Psychologist/ Psychiatrist. Thus, expenditure of ₹ 4.24 lakh charged for clinical Psychologist (₹ 2.47 lakh) and Psychiatrist (₹ 1.77 lakh) appeared dubious.

GoR intimated (December 2018) that services of psychologists were provided. The reply is not tenable as the fact was confirmed by inmates during joint physical inspection. Further, corroborating evidence was not provided by State Government with the reply.

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that the department had inspected the records of *Ujjawala Greh* Baran and cancelled the outstanding grant of the year 2016-18 and the payment relating to year 2015-16 was not made by GoI. GoR did not submit reply (January 2021) in respect of *Ujjawala Greh*, Tonk.

However, reply regarding payment made during 2013-15 was not furnished.

### *(b) Doubtful expenditure on Prevention & Counselling Activities*

Under the prevention component of the *Ujjawala Scheme* guidelines, awareness generation programmes through workshops/seminars were to be undertaken for vulnerable areas (source, transit or destination for both in country and cross border trafficking).

Audit scrutiny revealed that in Baran and Bharatpur, expenditure of ₹ 5.99 lakh and ₹ 5.76 lakh was incurred on prevention activities under *Ujjawala* scheme during 2013-17. However, there were no records to suggest that selection of sites was done on the basis of their vulnerability to trafficking of women and children and further, the operating agencies (NGOs) could not furnish justification on how these activities would prevent trafficking.

Further scrutiny of records of Director, SJED revealed (September 2020) that out of eight Protective and Rehabilitation (P&R) Homes functional in the State as of March 2016, only one Protective and Rehabilitation Home at Dungarpur was functional as of March 2020. Seven Protective and Rehabilitation Homes were closed during 2016-19 (2016-17: 2; 2017-18: 4 and 2018-19: 1).

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that the expenditure was incurred by Community Vigilance Groups in which women were included. However, the details of activities organized for prevention and counselling activities were not provided.

## *Department for Child Rights*

### *3.3.4 Balika Greh and Open Shelter*

As per section 34 of Juvenile Justice (Care and Protection of Children) Act, 2000 for the reception of child in need of care and protection during the pendency of any inquiry and subsequently for their care, treatment, education,

training, development and rehabilitation, seven governmental and 22 non-governmental *Balika Grehs* and nine Open Shelters were functional in the State as of March 2017. Rules for Homes and Shelters, 1970 are also applicable to state *Balika Grehs* and Open Shelter.

Out of 19 *Balika Grehs* (Government: four and Non-Governmental: 15) and four open shelters functional in eight test checked districts, records of eight *Balika Grehs*[45] (Governmental: 4 and Non-Governmental: 4) and two open shelters[46] were test checked during September 2017 to October 2018.

Later, Director, Department for Child Rights intimated (August 2020) that as of March 2020, seven Governmental and 48 Non-Governmental *Balika Grehs* and six Open Shelters were functional in the State. Results of scrutiny of records of four test checked Government *Balika Grehs* (Jaipur in August-September 2020, and remaining three Government *Balika Grehs* in August-October 2021) have been incorporated in the succeeding paragraphs.

DCR, GoR in its reply (January 2021) to the draft report (December 2020) stated that, all Child Care Institutions including *Balika Grehs* and Open Shelters were not governed by "Rules for Home and Shelters, 1970" however all these *Balika Grehs* and Open Shelters were governed by Juvenile Justice Act since 1986.

The reply is not acceptable, as Chapter I of "Rules for the Administration, Admission and Rehabilitation of Persons in Homes and Shelters, 1970", clearly states that these rules shall apply to all homes and shelters established by the Social Welfare Department, under the Moral and Social Hygiene and After Care Programmes.

DCR, GoR in its reply (January 2022) to the draft report (November 2021) stated that provisions of the JJ Act, 2015 overrode the "Rules for the Administration, Admission and Rehabilitation of Persons in Homes and Shelters, 1970".

The reply is not tenable as there was no provision in the JJ Act, 2015 which was explicitly overriding the "Rules for the Administration, Admission and Rehabilitation of Persons in Homes and Shelters, 1970". Further, no orders/circulars etc. in this regard, if issued by GoR, were provided to Audit.

#### *3.3.4.1 Lack of safety arrangements for inmates*

During 2012-17, thirteen girls had absconded from four government *Balika Grehs* (Bharatpur: one, Jaipur: five, Kota: five and Udaipur: two), of which six girls (Bharatpur: one, Jaipur: two, Kota: two and Udaipur: one) could not be traced as of August 2018.

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45 *Balika Grehs*- Governmental: Kota, Jaipur, Bharatpur and Udaipur.
Non-Governmental: (i) *Uddyan Ghar,* Jaipur; (ii) SOS Children Village of Rajasthan, Jaipur; (iii) *Meera Nirashrit Balika Greh*, Udaipur and (iv) *Madhu Smriti Mahila evam Bal Kalyan Uthana Sansthan,* Kota.

46 Open Shelters: (i) *Jan Kala Sahitya Munch Sansthan,* Jaipur and (ii) *Manu Sewa Sansthan,* Udaipur.

- One girl from a non-governmental *Balika Greh* (*Madhu Smriti Mahila evam Bal Kalyan Uthan Sansthan,* Kota) and four girls from two open shelters (*Jan Kala Sahitya Munch Sansthan,* Jaipur: three and *Manu Seva Sansthan* Udaipur: one) who absconded were brought back to the homes during 2012-17, but one of them was found raped.

GoR, while accepting facts, stated (February 2019) that efforts are being made for tracing the girls and security guards have been posted in three shifts.

- Further scrutiny of records of four test checked Government *Balika Grehs* (Jaipur in August-September 2020 and remaining three Government *Balika Grehs* in Kota, Bharatpur and Udaipur in August-October 2021) revealed that during 2017-20, seventeen girls (Jaipur: seven, Kota: four and Bharatpur: six) had absconded, of which, six girls (Jaipur: four and Bharatpur: two) could not be traced (September 2021).

On being pointed out (August 2020) Government *Balika Greh*, Jaipur replied that FIR had been lodged in police station regarding absconded girls and search for them was being done in surrounding areas. Regarding the two girls who remained absconding during 2012-17, *Balika Greh* replied that one girl had still not been traced. *Balika Greh*, Bharatpur replied (October 2021) that report had been lodged in police station and relatives had been informed accordingly.

DCR, GoR in its reply (January 2021) to the draft report (December 2020) accepted the facts and stated that cases of absconding and escaping of girls were found in specific homes. The human resource involved and the infrastructure to control the security system had been strengthened regularly by deploying CCTVs, jammers for prohibition of mobile usage etc. Number of security guards had been increased to three guards per shift in each *Balika Greh.* Inspection mechanism had also been strengthened.

DCR, GoR in its reply (January 2022) to the draft report (November 2021) stated that in *Balika Grehs*, adequate resources were deployed along with other safety measures including surveillance by guards.

However, the corroborative evidence to substantiate the above claims was not provided.

Audit is of the view that inadequate control due to poor security and inadequate manpower deployment at *Balika Grehs*/ Open Shelters could have contributed towards absconding of girls.

### *3.3.4.2 Provision of services to inmates*

#### *(a) School education not provided for the girls*

Rule 18 of the Rules for Homes and Shelters 1970 stipulates that there shall be arrangements in home or outside in educational institutions for imparting suitable education to inmates at government cost.

Scrutiny of records revealed that 113 girls resided for a period of more than one year during 2012-17 in four test-checked government *Balika Grehs* (Kota: 15, Bharatpur: 20, Jaipur: 63 and Udaipur: 15), but none of the girls was provided education by these *Balika Grehs*.

GoR stated (February 2019) that education is being provided to the girls who are interested. The reply is not acceptable as education to children from 6 to 14 years was compulsory in terms of Right of Children to free and compulsory Education Act, 2009. This also indicates the lack of counseling of girls for education.

Further scrutiny of records of four test checked Government *Balika Grehs* (Jaipur in August-September 2020 and remaining three Government *Balika Grehs* in August-October 2021) revealed that 71 girls (Jaipur: 17, Udaipur: 26 and Kota: 28) resided for a period of more than one year during 2017-20. Out of these 71 girls, 34 girls (Jaipur: 13, Udaipur: 18 and Kota: 03) were not provided education by these *Balika Grehs*. Further, *Balika Greh* Bharatpur did not furnish information regarding girls residing for more than one year.

On being pointed out Government *Balika Greh*, Jaipur replied (August 2020) that due to short duration of stay and lack of interest, education could not be provided. The reply is not tenable as 13 girls who were not provided school education had resided for more than a year in *Balika Greh*. Government *Balika Greh*, Udaipur replied (August 2021) that school education could not be provided to girls due to non-availability of document related to previous education. Government *Balika Greh*, Kota replied (September 2021) that education could not be provided to girls due to lack of interest.

DCR, GoR in its replies (January 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that the Juvenile Justice (Care and Protection of Children) Act, 2015 and The Juvenile Justice (Care and Protection of Children) Rule, 2016 mandated education of children who were residing in Child Care Institutions (CCI). All efforts were being made to connect children with formal or informal education, however the girls mentioned in para were residing in the CCIs for shorter period and to link them with formal education was not feasible. For any child (girl) who resided in CCIs for a longer period it was ensured that child was linked with education. Counsellors were being hired on visiting basis by the Child Care Institutions and DCPU under Integrated Child Protection Scheme. State Government had issued detailed guidelines for the reference of counselors. Considering the emergent need of regular counseling services, recently, State Government had sanctioned services of 1 Counsellor per Home.

The reply is not tenable as the audit observation pertained to girls who had resided in *Balika Greh* for more than one year during 2017-20 but were not provided school education. Also, no evidence has been provided regarding counseling for orientation towards education.

Thus, the girls staying at *Balika Grehs* were not provided opportunity to get education, making their reintegration into society even more difficult.

### *(b) Inadequate Medical facilities*

Rules 45 of Rajasthan Juvenile Justice (Care and Protection of children) Rules, 2011 stipulates that every institution including *Balika Grehs* and Open Shelters shall maintain a medical record of each child on the basis of monthly medical check-up. They should also provide necessary medical facilities including a doctor on call for regular medical check-up and treatment, tie up with local Primary Health Centre/Government Hospital for regular visits by their doctors and students.

Further, Rule 34 of Rajasthan Juvenile Justice (Care and Protection of children) Rules, 2016 also stipulates that a nurse or a para medical shall be available round the clock.

Audit scrutiny of records of 10 test checked government/non-governmental *Balika Grehs*/open shelters for 2012-17 revealed that:

- Medical examination of admitted girls within 24 hours of admission, their monthly medical check-ups, tie-ups with local PHC, regular visits by doctors and students of Government hospital, psycho-social profiling of girls was not done in any of the test checked *Balika Grehs*/open shelters.

- Remuneration of ₹ 400 per visit to Medical Officer (upto 20 visit in a month) was payable on contract basis. However, a Medical Officer in government *Balika Greh* Udaipur was irregularly paid remuneration (₹ 1.20 lakh) for 300 visits against 14 actual visits.

GoR stated (February 2019) that medical facilities are provided and regular quarterly checkup of inmates was carried out. Reply is not tenable as records relating to regular check-ups were not maintained.

Further scrutiny of records of four test checked Government *Balika Grehs* (Jaipur in August-September 2020, and remaining three Government *Balika Grehs* in August-October 2021) revealed the following:

- Medical examination of admitted girls within 24 hours was not done during 2017-18 but it was started from 2018-19 in Government *Balika Greh* Jaipur. In Government *Balika Grehs* Udaipur and Bharatpur medical examination of admitted girls within 24 hours of admission was not done during 2017-20. Medical examination of admitted girls within 24 hours of admission was being done in Government *Balika Greh*, Kota.

- Monthly medical check-ups tie up with local PHC, regular visits by doctors and students of Government Hospital were not done in any of test checked Government *Balika Grehs*. However, weekly visit by medical officer was being carried out during 2017-20 in Government *Balika Grehs* Jaipur and Kota. Further, psycho-social profiling of girls was not done in Government *Balika Greh* Jaipur, Udaipur and Bharatpur during 2017-20.

DCR, GoR in its replies (January 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that medical facilities

were being provided and regular quarterly check-up of inmates was carried out. However, evidence regarding tie-ups with local PHC and psycho-social profiling were not provided.

### *(c) Non distribution of clothes*

Rule 41 of the Rajasthan Juvenile Justice (Care and Protection of children) Rules, 2011 stipulates that the clothing and bedding shall be as per scale and climate conditions. The minimum standards of clothing for each girl are prescribed in ***Table 12.***

***Table 12***

| S. No. | Articles | Quantity |
|---|---|---|
| 1 | Skirts and blouse or *Salwar Kameez* or half Sari with blouse and petticoat | 5 sets per year for girls depending on age and regional preference |
| 2 | Bathing Towels | 4 set every year |
| 3 | Woollen sweaters | 02 sweaters biannually |
| 4 | Woollen shawls | 01 biannually |

*Source: Schedule-I of Rajasthan Juvenile Justice (Care and Protection of children) Rules, 2011.*

Scrutiny of records of 10 test checked government/non-governmental *Balika Grehs* and Open Shelters revealed the following:

### *(i) Government Balika Grehs*

- In *Balika Greh* Kota, towel was not provided to inmate girls during 2012-13 and 2015-16.
- In *Balika Greh* Udaipur, woolen sweater and shawls were not provided to inmate girls during 2013-17 as per norms.
- In *Balika Greh* Bharatpur, sweaters and woolen shawls were not distributed to inmate girls during 2014-17. Further, towels were also not distributed during 2014-15 and 2016-17, while only three towels were distributed in 2015-16 to the 128 inmates.

Further scrutiny of records of four test checked Government *Balika Grehs* (Jaipur in August-September 2020, and remaining three Government *Balika Grehs* in August-October 2021) revealed that:

- For girls residing in *Balika Greh* Jaipur during 2017-20, Woolen shawls were not provided to five girls and Woolen Shawls and Sweaters were not provided to 17 girls, during 2017-18. Further, Woolen Shawls were not provided to 14 girls during 2018-19. Out of 825 girls[47], 103 girls[48] were provided Bath Towels and 218 girls[49] were provided *Salwar Kameez* during 2017-20.

47 825 girls (2017-18: 236, 2018-19: 252 and 2019-20: 337)
48 103 girls (2017-18: 22, 2018-19: 39 and 2019-20: 42)
49 218 girls (2017-18: 8, 2018-19: 120 and 2019-20: 90)

- For girls residing in *Balika Greh* Kota during 2017-20, Woolen Shawls and Sweaters were not provided to 167 girls[50] and 159 girls[51] during 2017-20. Out of 1018 girls[52], Bath Towels and *Salwar Kameez* were provided only to 80 girls[53] and 135 girls[54] during 2017-20.

- For girls residing in *Balika Greh* Bharatpur during 2017-20, neither cloth was purchased nor cloth distribution registers were maintained during April 2017 to 6th December 2018. Further, *Salwar Kameez,* Sweaters, Woolen Shawls were provided only on two dates i.e. 7th December 2018 (36 girls) and 16th October 2019 (28 girls). Further, Bath Towels were not provided to any of the girls residing during 2017-20. Information regarding total inmates residing in the *Balika Greh* were not provided, though called for.

Thus, girls residing in *Balika Grehs* continued to be deprived of basic clothing items necessary for comfort and health.

### *(ii) Non-Governmental Balika Grehs*

- Woolen sweaters were not provided by *Madhu Smriti Mahila evam Bal Kalyan Uthan Sansthan*, Kota during 2012-17 except five woolen sweaters during 2013-14.

- No shawls were provided by *Meera Nirashrit Balika Greh,* Udaipur and *Madhu Smriti Mahila evam Bal Kalyan Uthan Sansthan*, Kota (except five in 2012-13 and 10 shawls in 2016-17) during 2012-17.

### *(iii) Open Shelter*

- Towels (2013-17), woolen sweaters (2013-14) and shawls (2013-15) were not provided to resident girls of *Jan Kala Sahitya Munch Sansthan,* Jaipur.

- No clothing was provided to resident girls by *Manu Seva Sansthan*, Udaipur since inception (March 2015 to March 2017).

GoR stated (February 2019) that clothes are being provided to girls as per norms. Further, instructions will again be issued for proper maintaining of records. Reply is not acceptable as prescribed clothes were not distributed as checked during the audit. The records of receipts and distribution of the clothes and other items was also not maintained properly.

DCR, GoR in its replies (January 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that the fact that clothes were distributed to the girls could not be denied, however records were not updated. Further, directions had been issued to all the Child Care Institutions for regular distribution and managing of records.

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50 167 girls (2017-18: 41, 2018-19: 68 and 2019-20: 58)
51 159 girls (2017-18: 41, 2018-19: 66 and 2019-20: 52)
52 1018 girls (2017-18: 316, 2018-19: 372 and 2019-20: 330)
53 80 girls (2017-18: 11, 2018-19: 56 and 2019-20: 13)
54 135 girls (2017-18: 30, 2018-19: 75 and 2019-20: 30)

The reply is not tenable as the audit findings do not corroborate the facts stated by the government. It is the responsibility of the concerned authorities to maintain proper records.

### *State Legal Services Authority*

### *3.3.5 Legal aid and victim compensation by RSLSA*

#### *3.3.5.1 Non disposal of applications seeking legal aid*

Regulation 20(1) of the Rajasthan State Legal Services Authority Regulation 1999 provides that the application for seeking legal aid shall be processed within one month. The details of applications received for legal aid in cases of crime against women in nine test-checked DLSAs and disposal thereof during 2012-17 is given in ***Table 13.***

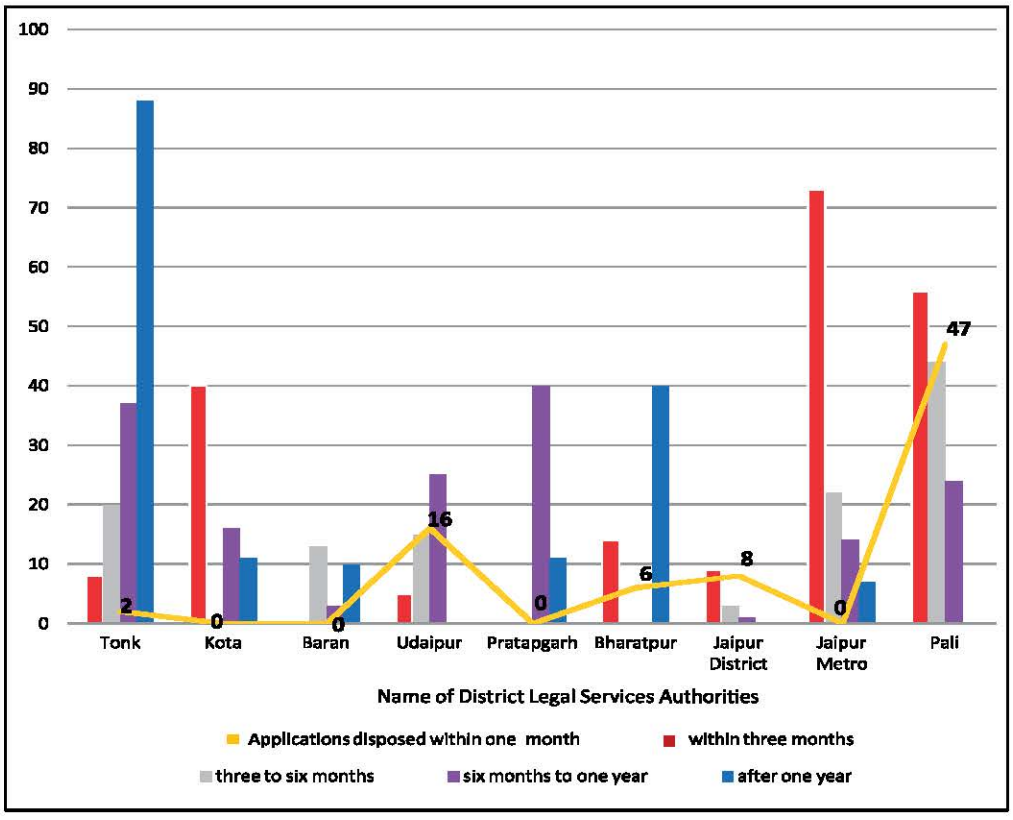
***Table 13***

| District Legal Services Authority | Applications for legal aid | Applications disposed within one month | Applications disposed off after the prescribed period of one month | | | |
|---|---|---|---|---|---|---|
| | | | within three months | three to six months | six months to one year | after one year |
| Tonk | 155 | 02 | 08 | 20 | 37 | 88 |
| Kota | 67 | 00 | 40 | 00 | 16 | 11 |
| Baran | 26 | 00 | 00 | 13 | 03 | 10 |
| Udaipur | 61 | 16 | 05 | 15 | 25 | 00 |
| Pratapgarh | 51 | 00 | 00 | 00 | 40 | 11 |
| Bharatpur | 60 | 06 | 14 | 00 | 00 | 40 |
| Jaipur District | 21 | 08 | 09 | 03 | 01 | 00 |
| Jaipur Metro | 177 | 00 | 73 | 22 | 14 | 07 |
| Pali | 171 | 47 | 56 | 44 | 24 | 00 |
| **Total** | **789** | **79 (10.01 *per cent*)** | **205** | **117** | **160 (20.27 *per cent*)** | **167 (21.17 *per cent*)** |

Thus, only 10.01 *per cent* applications were disposed within the prescribed time limit of one month. In 41.44 *per cent* cases legal aid to the victims was provided after six months.

Further, in DLSAs Pratapgarh and Baran not a single application was disposed of within the period of three months while DLSAs Tonk and Bharatpur disposed of 56.77 *per cent* and 66.67 *per cent* applications respectively after one year against prescribed norm of one month. DLSA, Jaipur metro did not dispose 61 applications for legal aid as of December 2018 after lapse of more than one year.

***Chart 14: Status of application received for legal aid and their disposal during 2012-17***



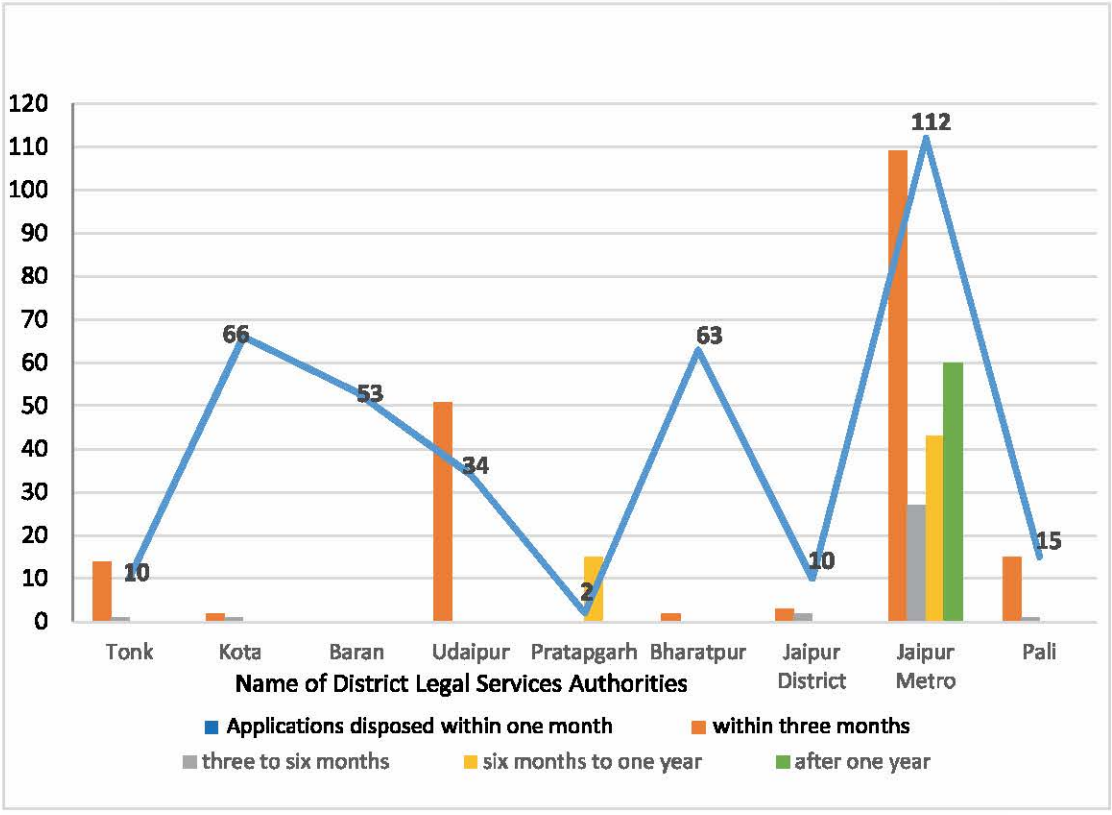

DLSA, Jaipur Metro replied (September 2020) that pending 61 legal aid applications have been disposed of.

Further audit analysis of three DLSAs (Jaipur District, Jaipur Metro and Tonk in August-September 2020) and remaining six DLSAs in August-October 2021, regarding details of applications received for legal aid and disposal thereof during 2017-20 is given in ***Table 14:***

***Table 14***

| District Legal Services Authority | Applications for legal aid | Applications disposed within one month | Applications disposed off after the prescribed period of one month | | | |
|---|---|---|---|---|---|---|
| | | | within three months | three to six months | six month to one year | after one year |
| Tonk | 25 | 10 | 14 | 01 | 00 | 00 |
| Kota | 69 | 66 | 02 | 01 | 00 | 00 |
| Baran | 53 | 53 | 00 | 00 | 00 | 00 |
| Udaipur | 85 | 34 | 51 | 00 | 00 | 00 |
| Pratapgarh | 17 | 02 | 00 | 00 | 15 | 00 |
| Bharatpur | 65 | 63 | 02 | 00 | 00 | 00 |
| Jaipur District | 15 | 10 | 03 | 02 | 00 | 00 |
| Jaipur Metro | 351 | 112 | 109 | 27 | 43 | 60 |
| Pali | 31 | 15 | 15 | 01 | 00 | 00 |
| **Total** | **711** | **365 (51.34 *per cent*)** | **196** | **32** | **58 (8.16 *per cent*)** | **60 (8.44 *per cent*)** |

***Chart 15: Status of application received for legal aid and their disposal during 2017-20***




Thus, 51.34 *per cent* applications were disposed within the prescribed time limit of one month during 2017-20 which shows a significant improvement over the period of 2012-17. However, in 16.60 *per cent* cases legal aid to the victims was provided after six months.

Five DLSAs Tonk, Kota, Pali, Pratapgarh and Udaipur accepted the facts (August 2020 and August-October 2021) and four DLSAs, Jaipur district, Jaipur metro, Bharatpur and Baran did not furnish reply.

Law & Legal Department, GoR in its reply (January 2021) to the draft report (December 2020) stated that 34,013 women and other persons benefited from free legal aid during 2016 to March 2020 in the State.

The reply is not pertinent to the audit observation regarding not disposing of application forms within the prescribed period.

### *3.3.5.2 Legal Aid Clinics*

#### *(a) Setting up of Legal Aid Clinics*

RSLSA directed (September 2015) the DLSAs to establish Legal Aid Clinics (LACs) in all urban local bodies, police stations, Jails and *Gram Panchayat* headquarter to provide initial advice, assistance in preparing representations and notices, filling up forms for the benefits available under different government schemes etc. Scrutiny of information provided by RSLSA revealed that against

the target of 11,037 LACs, 6,900 LACs (62.52 *per cent*) were established as of March 2017.

Further scrutiny of information provided by RSLSA revealed (August 2020) that this figure has increased to 8,576 LACs (77.70 *per cent*) as of March, 2020.

Law & Legal Department, GoR in its reply (January 2021) to the draft report (December 2020) stated that at present 8,886 Legal Aid Clinics had been established by RSLSA.

Thus, although progress is observed, the fact remains that 2,151 (19.49 *per cent*) Legal Aid Clinics are still to be established.

### *(b) Short deployment of Para Legal Volunteers*

As per circular issued (September 2015) by RSLSA to all the DLSAs, one ***Para Legal Volunteer*** (PLV) was to be deployed in each of the police stations to offer free legal aid services, facilitation of victims and to assist in applying for compensation.

It was observed in audit that out of 861 police stations in the State, PLVs were deployed in only 337 police stations (39.14 *per cent*) as of March 2017. Further, PLV was not available in 153 police stations under eight DLSAs (out of 35 DLSAs).

Similarly, the service of PLVs was available at only 37.55 *per cent* police stations in nine test-checked DLSAs. Further, not a single PLV was deployed at any of the police stations in Tonk and Pratapgarh districts wherein 199 and 961 rape cases respectively were registered during 2012-17. Thus, non-availability of PLVs deprived the victims of proper advice and defeated the very purpose of providing free legal aid services as well as compensation to the victims.

The deficiency of PLVs need to be viewed in light of the fact that there were 16,799 registered cases under 'rape', 'dowry death', kidnapping and abduction' and 'immoral trafficking of women and girls' in eight test checked districts during 2012-17.

Further information provided by RSLSA (August 2020) revealed that out of 861 police stations in the State, PLVs were deployed in only 52 police stations (6.04 *per cent*) as of March 2020.

Further scrutiny of records of test checked nine DLSAs (Jaipur District, Jaipur Metro and Tonk in August-September 2020, and remaining six DLSAs in August-October 2021) revealed that PLV was not available in 246 police stations[55] under eight DLSAs as of March, 2020. In DLSA, Pali all required 27 PLVs were deployed.

On being pointed out, DLSAs Jaipur District, Jaipur Metro and Tonk in August-September 2020 and Udaipur, Bharatpur, Kota, Pratapgarh and Baran in

55 246 police stations Jaipur Metro (70), Jaipur District (22), Tonk (26), Udaipur (43), Pratapgarh (15), Baran (09), Bharatpur (26) & Kota (35).

August-October 2021 stated that due to non-satisfactory work and lack of interest shown by PLVs, instructions for non-deployment of PLVs were issued by RSLSA in 2019-20.

The deficiency of PLVs need to be viewed in light of the fact that there were 7,644 registered cases under 'rape', 'dowry death', 'kidnapping and abduction' and 'immoral trafficking of women and girls' in eight DLSAs (eight test checked districts) during January 2018 to March 2020.

Law & Legal Department, GoR in its reply (January 2021) to the draft report (December 2020) stated that Rajasthan had a strong team of 3,915 Para-Legal Volunteers (PLV) throughout the State who were engaged at Police Stations and Jail Legal Aid Clinics, Village Legal Aid Clinics and in the front office of DLSA.

Reply however did not provide information regarding short deployment of PLVs at Police Stations.

Audit is of the view that non-availability of PLVs deprives victims of proper advice and defeats the very purpose of providing free legal aid services as well as compensation to the victims.

#### *3.3.5.3 Rajasthan Victim Compensation Scheme*

Whenever a recommendation is made by the Court or an application is made by victim or his/her dependent to the District Legal Service Authority or the State Legal Service Authority, as the case may be, they shall examine the case and verify the contents of the claim with regard to the loss or injury caused to victim/claimant and arising out of the reported criminal activity and shall award compensation within two months, in accordance with provisions of this Scheme.

As per Rajasthan Police Department's data, there were 46,077 registered cases under 'rape', 'dowry death', 'kidnapping and abduction' and 'immoral trafficking of women and girls' in Rajasthan during 2012-17. Audit however, observed that only 2,644 applications[56] (5.74 *per cent*) were received in legal services authorities for compensation during 2012-17. Out of the applications received, 1,319 victims (49.89 *per cent*) were paid compensation during that period and the rest were not found eligible.

Further, Rajasthan Police Department's data regarding above mentioned crimes revealed that 24,000 cases were registered in Rajasthan during January 2018 to March 2020. Audit observed that there was an improvement in terms of applications received and compensation provided as 4,013 applications (16.72 *per cent*) were received in legal services authorities for compensation during 2017-20 and out of the applications received 2,681 victims (66.81 *per cent*) were paid compensation during that period and the rest were not found eligible.

56 2012-13: 316 cases; 2013-14: 276 cases; 2014-15: 467 cases; 2015-16: 680 cases and 2016-17: 905 cases.

Specific reply was not provided by GoR which stated (January 2021) that providing compensation to the victim is welfare state's duty and it is provided when recommendation is made by police/court.

### *3.3.5.4 Delay in providing compensation to victims*

As per the provisions of the scheme, the compensation awarded by the Special Court under the POCSO Act, 2012 shall be paid within 30 days from the date of receipt of the order of the Special Court.

RSLSA was requested to provide information of the cases related to whole State, where compensation was delayed. However, the status of delay in award/payment of compensation was not made available by RSLSA and as such Audit could not verify the number of cases in which compensation was belatedly paid.

The status of applications received (including POCSO cases), eligibility cases and instances of delayed award of compensation during 2012-17 in the nine test-checked DLSAs is given in ***Table 15***.

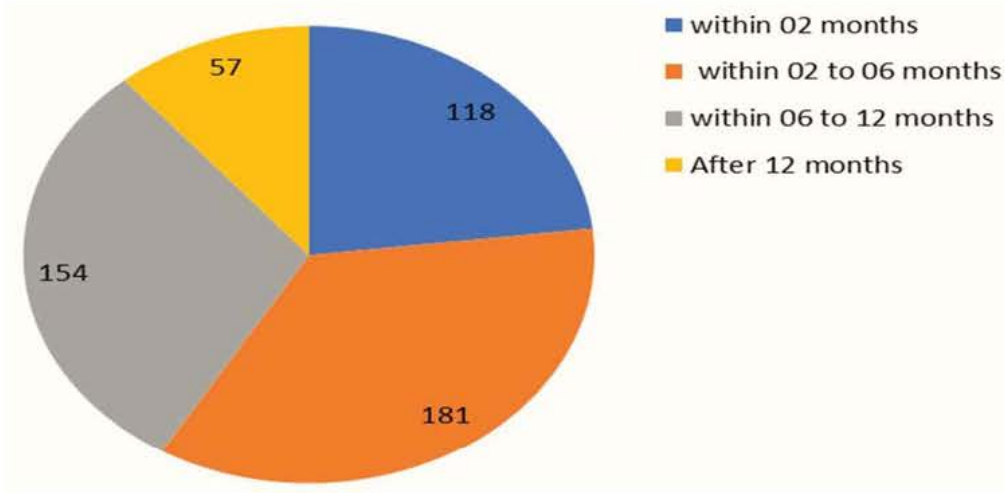
***Table 15***

| District Legal Services Authority | Applications received for compensation | Eligible applications | Cases where compensation was awarded | Cases where compensation was awarded | | | |
|---|---|---|---|---|---|---|---|
| | | | | within 02 months | within 02 to 06 months | within 06 to 12 months | After 12 months |
| Tonk | 96 | 28 | 28 | 04 | 05 | 08 | 11 |
| Kota | 245 | 94 | 94 | 04 | 48 | 32 | 10 |
| Baran | 76 | 23 | 23 | 10 | 06 | 03 | 04 |
| Udaipur | 455 | 127 | 127 | 23 | 43 | 50 | 11 |
| Pratapgarh | 29 | 21 | 21 | 06 | 07 | 04 | 04 |
| Bharatpur | 86 | 35 | 35 | 21 | 13 | 01 | 00 |
| Jaipur District | 145 | 65 | 65 | 27 | 28 | 09 | 01 |
| Jaipur Metro | 177 | 122 | 94 | 05 | 27 | 47 | 15 |
| Pali | 63 | 23 | 23 | 18 | 04 | 00 | 01 |
| **Total** | **1372** | **538** | **510** | **118** | **181** | **154** | **57** |

From the table it can be observed that:

***(i)*** Out of 510 cases where the compensation was awarded, only in 118 cases (23.14 *per cent*) it was awarded within two months. On being pointed out, the respective DLSAs intimated (August-December 2017 and January, April-May 2018) that instances of delay in payment of compensation had arisen due to late submission of documents and bank details by victims, delay in receiving information from concerned police station etc. Further, DLSA Baran also stated (October 2017) that efforts would be made for payment of compensation to the victims as soon as possible. The status of eligibility cases and instances of delayed award of compensation during 2012-17 in the nine test checked DLSAs is given in ***Chart 16***.

**Chart 16: Cases with delayed award of compensation (2012-17)**




***(ii)*** DLSA Jaipur Metro did not award compensation due to non-availability of particulars of 28 victims. Further, compensation of ₹ 43.35 lakh to 17 victims of Jaipur district (nine victims) and Jaipur Metro (eight victims) was not paid up to June 2018 even after decisions for compensation were taken during November 2014 to October 2017 in the meetings of these DLSAs.

Further scrutiny of records of Jaipur metro and Jaipur district (August-September 2020) revealed that out of remaining 17 victims, compensation of ₹ 20.75 lakh[57] to 8 victims of Jaipur district (two victims) and Jaipur Metro (six victims) were paid. Remaining 9 victims (Jaipur district- 7 victims) and (Jaipur Metro-2 victims) were still not paid (pending for four to six years) compensation as of September 2020 due to non-opening of bank account and non-submission of copy of bank passbook.

Further analysis of records of test checked nine DLSAs (Jaipur District, Jaipur Metro and Tonk in August-September 2020, and remaining six DLSAs in August-October 2021) regarding status of applications received (including POCSO cases), eligibility cases and instances of delayed award of compensation during 2017-20 is given in ***Table 16.***

57 ₹ 20.75 lakh: Jaipur district (2 victims: ₹ 4.00 lakh) and Jaipur Metro (6 victims: ₹ 16.75 lakh).

***Table 16***

| District Legal Services Authority | Applications received for compensation | Eligible applications | Cases where compensation was awarded | Cases where compensation was awarded | | | |
|---|---|---|---|---|---|---|---|
| | | | | within 02 month | within 02 to 06 months | within 06 to 12 months | After 12 months |
| Jaipur District | 160 | 66 | 66 | 39 | 27 | 00 | 00 |
| Jaipur Metro | 480 | 390 | 350 | 135 | 123 | 53 | 39 |
| Tonk | 127 | 67 | 67 | 44 | 14 | 07 | 02 |
| Udaipur | 125 | 90 | 55 | 31 | 12 | 06 | 06 |
| Pratapgarh | 30 | 13 | 13 | 02 | 04 | 04 | 03 |
| Pali | 85 | 70 | 69 | 31 | 35 | 02 | 01 |
| Baran | 87 | 64 | 64 | 56 | 08 | 0 | 0 |
| Kota | 207 | 154 | 154 | 88 | 45 | 17 | 04 |
| Bharatpur | 126 | 101 | 101 | 51 | 43 | 7 | 0 |
| **Total** | **1427** | **1015** | **939** | **477** | **311** | **96** | **55** |

From the table above, it can be observed that:

***(i)*** Out of 939 cases where the compensation was awarded, in 477 cases (50.80 *per cent*) it was awarded within two months. In reply, DLSAs, Jaipur Metro, Jaipur district, and Tonk (in August-September 2020) and Udaipur, Bharatpur, Kota, Pali, Pratapgarh and Baran (in August-October 2021) stated that non-conduct of monthly meetings, non-receipt of required documents from victim, shortage of budget, non-receipt of required documents from other departments were the main reasons for delay in awarding the compensation.

***(ii)*** Further, compensation to 152 victims of Jaipur district (14 victims), Jaipur Metro (137 victims) and Udaipur (one victim) of ₹ 233.45 lakh (Jaipur district (₹ 23.50 lakh) and Jaipur Metro (₹ 209.70 lakh) upto August 2020 and Udaipur (0.25 lakh) up to August 2021 was not paid even after decisions for compensation were taken up during May 2017 to May 2020 in the meetings.

In reply, DLSAs Jaipur Metro and Jaipur district (in September 2020) and Udaipur (in August 2021) stated that non-receipt of required documents from victim, non-opening of bank account were the main reasons. However, efforts were being made to provide payment at the earliest to victims.

Law & Legal Department, GoR in its reply (January 2021) to the draft report (December 2020) stated that compensation amounting to ₹ 97.99 crore was awarded to 6,844 beneficiaries during 2016 to March 2020. However, response to audit observation regarding delay in paying compensation to victims was not provided.

### *Conclusions*

*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. 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.*

*'Ujjawala Scheme' was introduced to prevent trafficking of women and children from commercial sexual exploitation through social mobilization, involvement of local communities etc. Under this Scheme, medical care, education to children of inmates and basic items of daily needs were not provided to inmates. 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. In the functional P&R Home, transparent procedures were not followed for procurement and payments. Thus, poor rehabilitation design, infrastructure and efforts leaves affected women with little alternative and no real safe home.*

*Further, during 2012-17, eighteen girls absconded from the test checked Balika Grehs/Open Shelters due to insufficient security of which six girls could not be traced even as of August 2018. Six girls from Balika Greh Jaipur and Bharatpur had absconded during 2017-20 and could not be traced. Irregularities like not providing school education, inadequate medical facilities, not distributing clothes as per norms etc., were also noticed.*

*Applications seeking legal aid were disposed off with delays by DLSAs. Para Legal Volunteers were deployed in very few police stations across the State, as of March 2020. Under the Rajasthan Victim Compensation Scheme, 2011, the number of cases in which compensation was awarded within stipulated time period was poor and, in some cases, extended beyond one year.*

### *Recommendations*

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.*

## 3.4 Gender sensitisation through training and public awareness

Public awareness and an enlightened society are key requirements for prevention of violence and discrimination against women. Various arms of the Government and NGOs are entrusted with the task of awareness creation in the society, provisions for which have been included in Policy for Women and relevant Special and Local Laws. Awareness regarding violence and atrocities against women like protection of women from domestic violence, sexual

harassment at workplaces, child marriage, witch-hunting, dowry prohibition, POCSO etc. was to be generated in the society through electronic media, print media etc. by the concerned departments. Gender sensitization training was to be given to the officials discharging duties at various levels of the government. The role, responsibility and impact of measures taken by state players for creating and spreading awareness among the populace and concerned officials are discussed here under:

### *Women Empowerment Directorate*

### *3.4.1 The Protection of Women from Domestic Violence Act, 2005*

#### *Lack of initiative for generation of public awareness*

Section 11 (a) and 11 (b) of PWDV Act provides that the State Government, shall take all measures to ensure that the provisions of this Act are given wide publicity through television, radio and the print media at regular intervals and periodic sensitisation and awareness training to State Government officers, including police officers and members of the judicial services is provided.

Scrutiny of records of WED revealed the following regarding lapses in public awareness generation and training of officials:

- Specified budget for publicity of the provisions of the Act was not allotted by the State Government during 2013-17, though budget head for the same was created/prescribed.

- Regular awareness programmes were not taken up by any of the eight test checked offices of the Assistant Directors of WED. Only a few isolated activities in five test checked districts such as rallies in *Gram Panchayats* and publicity through newspaper (only in Pratapgarh), puppet shows and *nukkad natak* (in Udaipur only in 2014-15) and workshops, awareness session, pamphlet distribution (in Baran during 2014-15 and 2016-17), awareness session and distribution of IEC material (in Pali only in 2016-17) and workshops in schools (in Jaipur only in 2016-17) were undertaken.

- In two test checked AD offices, only 67 (seven in Baran and 60 in Udaipur) officials of WED (57), Police (5), Legal and other Department (5) were trained during 2012-17 that too only through one training programme in each district during 2014-15.

GoR stated (February 2019) that one-day orientation programme for protection officers during 2014-15 and one-day workshop for combating crime against women during 2016-17 were also organized. GoR further stated that more efforts would be made for creating awareness through electronic media, TV, radio, etc.

Further scrutiny of records of Directorate, WED revealed (August 2020) that specified budget for publicity of the provisions of the Act had not been allotted by the State Government during 2017-20. Moreover, scrutiny of records of test

checked eight districts of WED (Jaipur and Tonk in August-September 2020 and remaining six districts in August-October 2021) revealed that awareness programmes under the Act were not organized due to non-availability of funds in five districts (Jaipur, Tonk, Pratapgarh, Bharatpur and Baran). In remaining three districts (Kota, Pali and Udaipur) it was stated that awareness was created through MSSK, One Stop Centre, *Sathins* etc. No training programme was organized in any of the test checked districts during 2017-20.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that separate budget for awareness was not allotted as Act related awareness activities were being performed by *sathins* in the villages through meetings. Also, training was imparted from time to time to the counselors of MSSKs and One Stop Centre and efforts were made for generating awareness among victims and their relatives who approached these centres. Further, printed posters were distributed in the districts. Orientation trainings for capacity building were also organized for Protection Officers in August 2020 and January 2021.

The reply is not tenable as most of the *sathins* were not aware about basic information such as location and functions of MSSKs, facilities provided in the SLLs etc. as discussed in ***paragraph 3.4.6***. Moreover, regular awareness programmes for the public were also not taken up.

Thus, it can be concluded that publicity about the provisions of this Act and training of officials for implementation of this Act were lacking. Only a few programmes were conducted which were sporadic and thus their effectiveness at best would have been minimal. This showed lack of planning and focus towards generating awareness in public and sensitizing the officials about various provisions of the Act and Rules. This has resulted in awareness not being created amongst aggrieved women of their rights/benefits available under the Act as well as not making the officials aware about their role and responsibility in providing protection and assistance to the women facing domestic violence.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that necessary information of the PWDV Act and MSSK was provided to the *Sathins* through online trainings in February and July 2021. It was added that public awareness was being created through newspapers and TV channels.

### *3.4.2 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*

#### *Gender sensitization training programmes not organised*

According to Section 19 (c) of the Act, every employer shall organise workshops, awareness programmes for employees and orientation programmes at regular intervals for sensitizing the IC members about the provisions of the Act.

Audit scrutiny of Commissioner, WED revealed that gender sensitization training to the members of IC was not provided in 12 districts even after four years since the enactment of the Act. Further, out of 19 workplaces where IC was formed, training to IC members was provided only in three[58] workplaces.

GoR stated (February 2019) that training programme was organized for the members of IC/LC in all the districts. Reply is not tenable as corroborative evidence for organizing training in 12 districts was not available.

Further scrutiny of records of Commissioner, WED revealed (September 2020) that gender sensitization training was provided to 50 members of ICs pertaining to various departments in January 2020 in Jaipur. When enquired (September 2020) it was stated that the information of trainings organized in the districts were maintained in the specific districts.

Further scrutiny of records of test checked eight districts of WED (Jaipur and Tonk in September 2020 and remaining six districts in August-October 2021) revealed that training programmes were not organized for the employees and members of IC/LC in the test checked districts except Baran district where three days training was organized for members of the ICs during 2017-18.

WCD Department, GoR in its replies (February 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that training was imparted from time to time to the counselors of MSSKs etc., necessary information regarding the Act was provided by One Stop Centres and MSSKs and also published in local newspapers for creating awareness.

The reply is not tenable as the above mentioned efforts are aimed at creating general awareness in public. Also, reply regarding conduct of gender sensitisation trainings for the members of ICs was not furnished.

### *3.4.3 The Prohibition of Child Marriage Act, 2006*

#### *(a) Lack of initiative to prevent solemnisation of Child Marriages*

The Act provides that CMPOs are required to prevent the solemnization of child marriage, create awareness and sensitize the community on the issue of child marriages.

Instructions were issued from time to time to CMPOs for seeking assistance of respectable member of the locality, an officer of *gram panchayat* or municipality or government/private undertaking or an office bearer of the NGO for creating awareness and sensitization in the community. However, mechanism to ensure compliance with these instructions was not established in 14 test checked CMPOs. Thus, the status of efforts/activities for creating awareness and sensitization regarding child marriage could not be verified by Audit.

58 GBH American Hospital, Udaipur; Rukamani Birla Modern High School, Jaipur and Apollo Spectra Hospital, Jaipur

WCD Department, GoR in its replies (February 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that the provisions of the Act were being implemented effectively by the Directorate in coordination with Home, Education, Medical departments and efforts were being made to prevent solemnization of child marriage through field functionaries viz. Patwari, Gram Sevak, CDPO, Anganwadi workers, *Prachetas* and *Sathins*. Also, various awareness activities like rallies, puppet shows and workshops were being organized.

### *(b) Poor utilization of Financial Resources*

The Department should have created public awareness about the ill effects of Child Marriages. However, scrutiny of records of Commissioner WED revealed that only ₹ 15.23 lakh[59] (average ₹ 3.05 lakh per annum) was spent on publicity through print and electronic media for generating awareness in the state during 2012-17. Further, in the eight test checked districts, awareness generation activities were not taken up for want of budget allocation.

GoR stated (February 2019) that in April 2017 an amount of ₹ 10,000 per district and ₹ 5,000 per block had been provided for awareness generation against child marriage and more efforts will be made for creating awareness through print media, electronic media, Doordarshan, etc.

Further scrutiny of records of WED revealed (August-November 2020) that ₹ 52.78 lakh (average ₹ 17.59 lakh per annum) was spent on publicity for creating awareness in the state during 2017-20 under Chief Minister Women Empowerment Programme. Out of this, in 2017-18, only ₹ 6.05 lakh were spent at the district level. Moreover, in the period 2018-20, the expenditure was incurred only at Directorate level and not at district level.

Further scrutiny of records of test checked eight districts of WED (Jaipur and Tonk in September 2020 and remaining six districts in August-October 2021) revealed that ₹ 2.25 lakh[60] was allotted during 2017-18 for awareness but only ₹ 1.62 lakh[61] expenditure was incurred for creating awareness.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that there was no separate budget provision for awareness on prevention of child marriage. Further, special campaign '*Sajha Abhiyan*' – a drive against child marriage – was organized during 2017-18 and out of allotted fund amounting to ₹ 39.00 lakh, ₹ 26.20 lakh was utilized in the State by incurring expenditure on awareness campaigns against child marriage during 2017-18. Also, related activities were regularly organized under '*Beti Bachao and Beti Padhao*'.

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59 2012-13: Nil, 2013-14: ₹ 0.34 lakh, 2014-15: ₹ 7.18 lakh, 2015-16: Nil and 2016-17: ₹ 7.71 lakh.

60 Jaipur: ₹ 0.30 lakh; Tonk: ₹ 0.45 lakh; Bharatpur: ₹ 0.40 lakh; Pali: ₹ 0.40 lakh; Baran: ₹ 0.40 lakh; Pratapgarh: ₹ 0.30 lakh; Kota: Nil and Udaipur: Nil.

61 Jaipur: ₹ 0.23 lakh; Tonk: ₹ 0.10 lakh; Bharatpur: ₹ 0.39 lakh; Pali: ₹ 0.40 lakh; Baran: ₹ 0.21 lakh; Pratapgarh: ₹ 0.29 lakh; Kota: Nil and Udaipur: Nil.

Thus, funds were not released to districts during 2018-19 and 2019-20 for creating awareness towards prevention of child marriage. Further, department did not furnish reply regarding less utilisation of allotted fund in three test checked districts Baran, Jaipur and Tonk.

Thus, though there had been an increase in allotment and expenditure towards creating awareness, at the district level, complete budget was not utilized. It is also important to note that National Family Health Survey (NFHS) 4 (2015-16) survey data states that as many as 35.40 *per cent* girls in Rajasthan were married below the age of 18 years compared to all India (26.80 *per cent*) and other neighbouring states like Gujarat (24.90 *per cent*) and Uttar Pradesh (21.20 *per cent*).

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that due to organisation of awareness programmes in government buildings with the help of NGOs, lesser than allotted funds were utilised for such activities.

### *3.4.4 Rajasthan Prevention of Witch-hunting Act, 2015*

#### *Lack of initiative for generation of public awareness*

The Special Officer[62] (SO) appointed under the act was responsible to set up awareness centres and organize workshops to educate public about their duties and the victim women about protection available to them under the Act and related rules/regulations/schemes. The State Government was required to encourage NGOs for establishing and maintaining awareness centres and organizing workshops.

Scrutiny of records of AD, WED in eight test checked districts revealed that awareness centres were not set up in any of the districts to carry out the mandated functions. Further, efforts were not made to encourage NGOs to establish and maintain awareness centres by WED.

GoR stated (February 2019) that awareness programmes are being conducted through Sakhi Centre, MSSKs and DLSAs. Reply is not convincing as corroborative evidence was not submitted with the reply.

Scrutiny of records of Directorate, WED revealed (August 2020) that awareness centres had still not been set up in the State and efforts were not made to encourage NGOs to establish and maintain awareness centres due to non-availability of budget.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that training was imparted from time to time to the counselors of MSSKs and One Stop Centre for awareness generation. Directorate generated awareness through training programmes, online trainings organized, posters and books. The MSSKs were being utilized as awareness

62 Special Officer not below the rank of programme officer or equivalent rank of Women Empowerment Department.

centres by the Directorate. Further, it stated that there was no provision in the Act/instructions for appointing NGOs for creation of awareness.

The reply is not tenable as awareness centres were not set up in the vulnerable districts and NGOs were not encouraged to set up awareness centres as per 5(v) of rules of Rajasthan Prevention of Witch-hunting Rules, 2016.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that awareness was being generated in vulnerable areas through *Sathins*.

### *3.4.5 Rajasthan State Commission for Women*

#### *Lack of initiative in conducting public hearings*

RSCW organizes public hearings at the district level and state level with the help of Women Empowerment Department, Police Department and local NGOs wherein the complaints received from aggrieved women are disposed by conducting spot hearings. District administration and WED are responsible for wide publicity of public hearing to be organized in a district by RSCW.

During 2012-17, total of 51 public hearings were held wherein 3,208 complaints of various nature were discussed by RSCW and suitable instructions were passed on to responsible departments. Audit scrutiny however, revealed that no public hearing was organized in five districts (Jaipur, Jalore, Karauli, Sawaimadhopur and Sirohi) during 2013-17 and in 16 districts[63] during 2014-17.

GoR stated (February 2019) that RSCW is a state level office and due to lack of resources it is difficult to conduct public hearing below district level.

Further scrutiny of records of RSCW revealed (August 2020) that total of only 10 public hearings were held wherein 359 complaints of various nature were discussed by RSCW during 2017-20.

Audit observed that no public hearing was organized in three districts (Jalore, Sawaimadhopur and Sirohi) during 2013-20; in 8 districts[64] during 2014-20; one district (Churu) during 2015-20 and in 11 districts[65] during 2017-20. No public hearing was held in the State since July 2018.

WCD Department, GoR in its reply (February 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that it was the discretionary power of the Member Secretary/ Members of the Commission to organize public hearings. Further, it was stated that it was not possible to organize public hearings due to non-nomination of Member

63 Ajmer, Banswara, Baran, Barmer, Bhilwara, Bundi, Chittorgarh, Dholpur, Dungarpur, Jaisalmer, Jhalawar, Jhunjhunu, Pratapgarh, Rajsamand, Sikar and Udaipur.

64 Banswara, Barmer, Dholpur, Dungarpur, Jaisalmer, Pratapgarh, Rajsamand and Udaipur.

65 Alwar, Bharatpur, Bikaner, Dausa, Hanumangarh, Jodhpur, Kota, Nagaur, Pali, Sriganganagar and Tonk.

Secretary and Members. Rajasthan State Commission for Women was also not constituted since October 2018.

Thus, WED missed the opportunity to reach out to the aggrieved women of the entire State through public hearings with the help of RSCW and other stakeholders. Further, efforts were also not made for conducting public hearing below the district level.

### *3.4.6 Performance of duties by key ground level personnel*

*Pracheta* is the key personnel at block/*Panchayat Samiti* level who discharges the duties through *Sathin* at *Gram Panchayat* level. *Pracheta/Sathin* has special role in organizing *Jajam Baithak*[66], creating awareness in the society regarding various provision of acts and rules intended to prevent child marriage, dowry system, domestic violence and other atrocities, witch-hunting and gender discrimination. Both the personnel are also responsible to assist the victims to get benefits/reliefs from various specific schemes.

#### *Lack of efforts to educate Sathins*

Women Empowerment Directorate is responsible for providing necessary training courses to *Sathins* to make them aware of their duties and responsibilities and various Acts, Rules and Regulations related to women's cause.

A survey was conducted during Audit (August 2017-May 2018) in order to assess the impact of efforts made by *Sathins* in performing the roles envisaged[67] for them. Feedback received from 80 *Sathins* in eight test checked districts reflected disconcerting ground level situation:

- 71.25 *per cent* were not aware about the location and functions of MSSKs, and officers designated for prevention of child marriage in their area;
- 80.00 *per cent* were not aware about sections of IPC which deal with crime against women;
- 76.25 *per cent* were not aware about provisions of Special and Local Laws;
- 87.50 *per cent Sathins* (70 out of 80) stated that they were not imparted training during 2012-17 about their duties and responsibilities and about provisions of various Acts related to women's cause.
- They accepted that they did not take steps to create awareness regarding prevention of evil practices of witch-hunting, child marriage, dowry system.

66 *Sathin* organise ***'Jajam Baithak'*** on every Friday in each village of *Gram Panchayat. Sathin* will aware women about various acts and schemes implemented by various department regarding prevention, protection and redressal of crime against women.

67 Creating awareness of the provisions of various Acts, Laws and Schemes, complaint redressal, rehabilitation and assistance.

Further, in order to assess the impact of efforts made by *Sathins* in educating the public in their jurisdiction, a survey of 140 rural women of 14 *Gram Panchayats* (of selected eight districts) was conducted by Audit. The survey revealed that:

- The women were neither aware of various SLLs (52.86 *per cent*) nor crimes punishable under relevant sections of the IPC (54.29 *per cent* respectively).

- They were also not made aware of the assistance and relief available to them through Rajasthan Victim Compensation Scheme (70.71 *per cent*), legal aid (70.00 *per cent*) and Para Legal Volunteers (80.71 *per cent*).

GoR stated (February 2019) that refresher course for 15 days is being prepared after incorporating various Acts and Laws related to women and girl child. Accordingly, all the *Sathins* will be given refresher training from 2019-20.

Scrutiny of records of WED revealed (September 2020) that contrary to GoR's claims, refresher training programme for *Sathins* was not organised during 2019-20.

WCD Department, GoR's reply (February 2021) to the draft report (December 2020) suggests that sample size for survey of *Sathins* and rural women was inadequate and a change in sample size could result in a change in the results of the survey. Further, it stated that minimum qualification of *Sathins* was 10$^{th}$ class pass and hence they could not be expected to have knowledge of various legal provisions and Acts. It stated that training was imparted to all the *Sathins* during July-September 2020 through online training programmes, and one day refresher training programme. They were also trained about *e-Mitra plus* machines. *Sathins* were allowed to use Anganwadi Centres as their office to make them more effective and knowledge of departmental schemes are also provided by the district officers from time to time.

The reply is not tenable as Audit has not generalized the facts that have come out from the survey. Rather, Audit's objective was to highlight the situation at the ground level based on which the department could have carried out a thorough and comprehensive study of their own to ascertain the competence of ground level functionaries such as *Sathins* and accordingly bring a change to their training programme. Further, despite informing in its previous reply (February 2019) that refresher course for 15 days would be conducted from 2019-20, the department organised refresher training only for one day each in July and August 2020.

Thus, awareness level of *Sathins* regarding duties and responsibilities assigned to them was not adequate and accordingly women were not aware about the safety measures and assistance available to them.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that trainings to *Sathins* for increasing effectiveness of their work were provided in December 2020, February, April and July 2021 through video conferencing.

## *Social Justice and Empowerment Department*

### *3.4.7 The Dowry Prohibition Act, 1961*

#### *Lack of initiative for generation of public awareness*

The Chief Dowry Prohibition Officer (CDPO) designated under the Rules was also responsible for administering and coordinating the work relating to dowry prohibition throughout the state. CDPO will also be responsible for creating consciousness and awareness among the public and set out programmes with a view to uproot the evil of dowry system.

Similarly, Dowry Prohibition Officers (DPO) at district level were responsible to create awareness among the public by organizing camps, publicity through Information and Broadcasting Department, *Panchayat Samitis* and other media against dowry and to involve local people for prevention of dowry.

Scrutiny of records of Commissioner, SJED revealed that though GoR designated (2004) the Additional Director, SJED and Deputy/Assistant Directors of SJED as CDPO (at state level) and DPOs (at district level) to conduct the functions under the Act, no significant activity for creating public awareness was carried out in the state due to non-availability of funds. Further, none of the DPOs in eight test checked districts organized the public awareness programme during 2012-17. The DPOs accepted the facts and stated (July-December 2017 and April-May 2018) that no funds were provided for organizing awareness programmes.

GoR stated (December 2018) that the department organizes social welfare week every year in October wherein one day is observed as Public Consciousness Day. Further, instructions for observing the 17 July of each year, as dowry prohibition day and creating public awareness had also been issued.

Further scrutiny of records of Director, SJED revealed (September 2020) that no other significant activity for creating public awareness relating to this Act was carried out in the state due to non-availability of funds separately during 2017-20 except social welfare week and celebration of dowry prohibition day organized each year. Similar information was provided by the eight test checked district offices (Jaipur and Tonk in August-September 2020 and remaining six in August-October 2021).

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that the department organized social welfare week every year in October wherein one day was observed as Public Consciousness Day. Further, instructions for observing the 17 July of each year as dowry prohibition day and creating public awareness had also been issued.

The reply is not tenable as Dowry Prohibition Day was not observed in eight test checked districts (except Kota) in 2019.

Further, the reply indicates the lack of concerted efforts of the department in creation of public awareness regarding the provisions, facility or alternate remedies available under the Dowry Prohibition Act.

### *Department for Child Rights*

### *3.4.8 The Protection of Children from Sexual Offences Act, 2012*

#### *(a) Lack of initiative for generation of public awareness*

Section 43 of the POCSO Act stipulates wide publicity through media including television, radio and the print media at regular intervals to make the general public, children as well as their parents and guardians, aware of the provisions of the Act.

Scrutiny of records of the Director, Department for Child Rights and eight test checked DCPUs revealed that the department did not carry out any activity for public awareness through media including television, radio and the print media at regular intervals.

The State Government stated (February 2019) that various books were distributed in the schools and posters were affixed in schools/police stations. However, details regarding these book distribution exercises and use of posters were not provided to Audit. Moreover, as per intimation (July 2017) from Director, DCR, the department did not carry out any activity for public awareness through media including television, radio and the print media during 2012-17. Clearly, a concerted public awareness campaign was not planned and executed.

Upon further scrutiny of Director, DCR (August 2020), it was revealed that awareness was created through books, sun board and stickers on railway coach. However, information corroborating this was not provided to audit. More importantly, a focused effort toward building a campaign plan and executing it was still missing.

Further scrutiny of records of the eight test checked DCPUs (DCPUs Jaipur and Tonk in August-September 2020 and remaining six DCPUs in August-October 2021) revealed that the department did not carry out any activity for public awareness through media including television, radio and the print media during 2017-20.

From the information provided by the department, it is clear that there was a lot of scope for enhanced publicity about the important aspects of this Act.

DCR, GoR in its replies (January 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that awareness generation was a continuous process and many other state level and central level agencies were also involved in this process. Books, posters and other IEC material was prepared and distributed, also messages and stickers were put on railway coach, and the department had records regarding conduct of such

activities. Moreover, during last year most of these activities were done virtually.

Audit acknowledges the various awareness generation activities conducted by the department. However, the department did not furnish records regarding awareness programmes conducted through media including television, radio and the print media and their impact on target population.

### *(b) Periodic training for government officials not organised*

As per section 43(b) of POCSO Act, the officers of the State Government and other concerned persons (including the police officers) were required to be imparted periodic trainings on the matter relating to implementation of the provisions of the Act.

Scrutiny of records of Director, Department for Child Rights revealed that periodic trainings relating to implementation of the provision of the Act were not organized during 2012-17, except for a one-day training programme in April 2015.

GoR stated (February 2019) that 71 training programmes/orientation were organised through Rajasthan Institute of Public Administration from November 2016 to January 2019. However, records related to training of police personnel and other concerned persons on POCSO were not made available to substantiate the reply.

Further scrutiny of records of Director, DCR revealed (August 2020) that periodic trainings relating to implementation of the provisions of the Act had not been organized during 2017-20. DCR stated (August 2020) that 39 trainings/workshop were organised. However, records related to training of police personnel and other concerned authorities on POCSO for the complete period (2012-2020) were not made available to substantiate the reply.

DCR, GoR in its replies (January 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that trainings/workshops were conducted on POCSO. Child Resource Centre (a separate institution) had also been established in collaboration with HCMRIPA[68], Jaipur to address the needs of the trainings. It added that 153 Trainings/Workshops and 118 special sessions were conducted by the Centre and the Data related to the trainings organised was provided to audit. It was also stated that POCSO and Child Sexual Abuse was spread between different agencies such as Police, Judiciary, RSLSA, Medical etc. and all these agencies continuously provided and rendered trainings.

The reply is not tenable as the complete details of training organized, schedule of training, name of trained personnel, expenses incurred on training etc. was not made available to audit. Hence, details of the trainings imparted by the department officials specifically on POCSO could not be verified by Audit.

68 Harish Chandra Mathur Rajasthan Institute of Public Administration.

Thus, Audit is unable to verify the claims about the efforts made by the department in creating awareness, disseminating information in the society and sensitising the government functionaries about the various provisions of the POCSO Act during 2012-20.

***Police (Home Department)***

### *3.4.9 Lack of initiative for generation of public awareness*

#### *(a) Low coverage of topics covering Crime against Women in training*

Police Training Schools (PTS), Kherwara and Bharatpur were established for providing basic training and refresher courses to newly appointed Constables, Head Constables and ASIs.

Audit scrutiny of records of Commandant, Police Training Schools, Kherwara and Bharatpur revealed that in the syllabus of training programmes organized by the training schools, topics related to Special and Local Laws on crime against women were not included.

GoR accepted the facts and stated (March 2019) that instructions have been issued (November 2018) to Assistant Inspector General of Police (Training HQ) Jaipur for including topics related to Special and Local Laws on crime against women in Basic/Refresher/Promotion Cadre Courses.

Reply received (September 2020) from Additional Director General of Police (Training) revealed that only a topic on *"Prevention of Witch-Hunting Act, 2015"* was included in the syllabus of training programme for officials who were promoted from Constable to Head Constable rank. Further, it was noticed that topics related to Special and Local Laws for crime against women (other than said Act) were still not included in the syllabi of Basic/Refresher/Promotion Cadre Courses.

Commandant, PTS, Kherwara informed (October 2020) that the topic related to domestic violence, sexual harassment at workplaces and POCSO have been included in the syllabus of refresher course for Constables and Head Constables.

Home Department, in its reply GoR (February 2021) to the draft report (December 2020) stated that 439 courses had been organised in which 1852 officers/officials were trained during 2020. However, reply regarding low coverage of topics related to crime against women covered in the police training schools Kherwara and Bharatpur was not provided.

#### *(b) Know Your Student–Know Your Police (KYS-KYP) programme*

To combat the incidents of sexual harassment, assault and atrocities against the students, through establishing trust and dialogue between police and students, an awareness programme *'Know Your Student-Know Your Police'* (KYS-KYP) was launched (2013) by the Police Department. Under this programme, information related to various Acts and Rules regarding safety and protection of women was to be disseminated to 1.21 crore students (*45.80 per cent* girls' students) studying in various schools and colleges in Rajasthan (2019-20).

The KYS-KYP programme was not implemented in any of the 11 test checked police districts except Tonk where 2.40 lakh students (2015: 1.91 lakh students and 2016: 0.49 lakh students) were covered under the awareness programme during 2015 and 2016. During audit, eight Superintendents of Police accepted (April 2017-May 2018) that they did not organize any programme. However, two Superintendents of Police (Kota City and Bharatpur) intimated (October 2017 and May 2018) that awareness programmes were organized but records were not maintained, hence, their replies could not be validated in Audit.

GoR stated (March 2019) that instructions were issued (July 2018) to all the SPs/DCPs for effective implementation of KYS-KYP programme and during 2018, 4.71 lakh students were covered under the programme in the state. However, the fact remains that 95.56 *per cent* (out of 106.15 lakh students) of the total students in the State were still not covered under this programme.

Further scrutiny of records of test checked 11 police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk in August-September 2020 and remaining seven police districts in August-October 2021) revealed that only 0.90 lakh students[69] out of 35.91 lakh were imparted KYS/KYP programme in the six test checked police districts while no programme was organized in five test checked police districts[70] during 2017-20. The records relating to KYS/KYP programme organised were still not maintained by test checked Police districts.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that under KYS/KYP programme, 2.74 lakh (2018) and 1.93 lakh (2019) students studying in schools/colleges were made aware about the law/rights by the police.

Reply is not tenable as department did not furnish the details of KYS/KYP programmes organised in the schools/colleges of test checked districts.

### *(c) Self Defense Skill Programme*

With a view to encourage girls to defend themselves in difficult situation, *'Self Defense Skill Programme'* was launched in August 2014 in the State.

Audit scrutiny of records revealed that 2.95 lakh girls were imparted self-defense skill programme in the State up to February 2018. Further, scrutiny of 11 test checked police districts revealed that 0.65 lakh girl students[71] (out of 14.07 lakh) were imparted Self Defense training under the Programme.

GoR stated (March 2019) that Self Defense Skill programme was implemented in the state and training was imparted to 3.47 lakh girl students as of December 2018. The fact remains that 92.66 *per cent* of the eligible girls in the State were still to be provided training.

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69 Jaipur-West: 2,935; Jaipur-Rural: 5,595 and Tonk: 7,860; Kota-City: 1,840; Baran: 9,317 and Bharatpur: 62,350.

70 Jaipur-East; Kota-Rural; Pali; Udaipur and Pratapgarh.

71 Udaipur (2,461); Jaipur East (475); Kota Rural (4,039); Pratapgarh (2,153); Baran (2,989); Tonk (2,789); Jaipur Rural (40,184); Bharatpur (2,218) and Pali (8,057).

Further scrutiny of records of test checked 11 police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk in August-September 2020, and remaining seven police districts in August-October 2021) revealed that only 0.46 lakh girls student[72] out of 16.62 lakh were imparted Self Defense Skill training in 10 test checked districts and no programme was organized to impart the training to the students in Jaipur-West during 2017-20.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that under Self Defense programme 0.68 lakh (2018), 0.85 lakh (2019) and 0.13 lakh (2020) girls had been trained for self-defense by the police. Further, 0.22 lakh (Jaipur-Rural), 0.02 lakh (Tonk) and 0.05 lakh (Jaipur Commissionerate) girls were trained for self-defense.

GoR did not furnish the details of self defense programmes for girls in Jaipur East and West. Moreover, details of self-defense training programme organised in Jaipur-Rural and Tonk that were provided with the reply did not tally with those provided during audit.

### *(d) Awareness generation among drivers and conductors*

Additional Director General of Police (Civil Rights) Jaipur issued directions (March and November 2016) to all police stations to maintain database of bus/taxi drivers and conductors falling under their jurisdiction and to organize monthly meetings with the drivers and conductors of buses and taxis to make them aware about prevention of crime, especially against women and girls.

Audit scrutiny of records revealed that the programme was not implemented in the 11 test checked police districts. Further, it was also observed in the 36 test checked police stations (PSs), that the PSs did not have a database of bus/taxi drivers and conductors falling in their jurisdiction.

GoR stated (March 2019) that instructions have been issued (July 2018) to all SPs/DCPs for organizing meetings with the drivers and conductors of buses and taxis to make them aware about prevention of crime especially against women and girls.

Further scrutiny of records of test checked 11 police districts (Jaipur East, Jaipur West, Jaipur Rural and Tonk in August-September 2020 and remaining seven police districts in August-October 2021) for the period 2017-20 revealed that the programme was still not being implemented in five test checked police districts (Jaipur-East, Jaipur-Rural, Kota-City, Kota-Rural and Udaipur). Further, 5,546 drivers and conductors[73] were imparted training in six test checked police districts through workshops to make them aware about prevention of crime especially against women and girls.

Further scrutiny of records in 36 test checked Police Stations (10 Police Stations in four districts Jaipur East, Jaipur West, Jaipur Rural and Tonk police districts

72 Jaipur-East: 2,273; Jaipur-Rural: 14,825; Tonk: 125; Udaipur: 1,949; Kota City: 1,840; Kota Rural: 9,898; Pratapgarh: 540; Baran: 7,689; Bharatpur: 1,606 and Pali: 4,822.

73 5,546 drivers & conductors: (Jaipur west-2,891; Tonk-149; Baran-441; Pratapgarh-448; Pali-542 and Bharatpur-1,075).

in August-September 2020 and remaining 26 Police Stations in remaining seven police districts in August-October 2021) revealed that meetings were not organised by these police stations during 2017-20, except PS *Narena* (Jaipur-Rural), PS *Sanderao* (Pali) and PS *Bheemganj Mandi* (Kota-City). Five PSs *Ogna* (Udaipur), *Pratapgarh*, *Parsola* (Pratapgarh), *Sadar* (Tonk) and *Transport Nagar* (Jaipur East) stated that meeting were organised, however, supporting key documents were not provided to Audit.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that instructions had been issued (July 2018) to SPs/DCPs for organising meetings with drivers/conductors regarding creation of awareness for protection of women and maintenance of records in this regard. Further, panic buttons were being installed in all transport vehicles to ensure smooth and safe travel for women.

Audit is of the view that previous experience has shown that issuing instructions will not serve the intended purpose unless there is proper follow up and monitoring.

### *3.4.10 Rajasthan State Legal Service Authority*

As per provisions of the Rajasthan State Legal Services Authority Regulations 1999, a Legal Awareness Committee was required to be constituted at every district and *taluk* level to promote legal awareness in the society, especially the women and the weaker sections of the society. The Committee was to hold Legal Literacy Camps, publish/distribute pamphlets, booklets and other newsletters for legal awareness, establish and control Para Legal Clinics to promote legal awareness. The term of office of the members of these committees has been prescribed as two years.

Further, in order to increase the frequency of holding Seminars/Legal Literacy Camps, the RSLSA issued (July 2012 and July 2018) guidelines for creation of legal awareness teams consisting of two Advocates and two PLVs at district and *taluk* levels. These Committees/teams were required to function under the directions of respective Legal Service Authorities.

Audit scrutiny of records of RSLSA and test checked DLSAs[74] revealed the following:

#### *(a) Non-constitution of Legal Awareness Committees*

Legal awareness committees were constituted intermittently during 2012-19. Audit scrutiny revealed (August 2020) that district and *taluk* level awareness committees were not reconstituted in the State after completion of their terms of two years in September 2019.

The records of meetings held by awareness committees during 2012-14 were not made available to Audit in eight test-checked DLSAs. The

74 For the audit period 2012-20: 9 test checked DLSAs (Tonk, Kota, Baran, Udaipur, Pratapgarh, Bharatpur, Jaipur District, Jaipur Metro and Pali).

Secretaries of eight test checked DLSAs[75] intimated (August 2017 and January-May 2018) that the committees were not functional and records were not maintained.

Further scrutiny of records of nine test checked DLSAs (three DLSAs Jaipur Metro, Jaipur District and Tonk in August-September 2020 and remaining six DLSAs in August-October 2021) revealed that meetings were not held by two DLSAs Jaipur Metro and Pratapgarh during 2017-20. Further, out of prescribed 84 meetings[76], cumulatively only 20 meetings[77] were held by seven DLSAs during 2017-20. On being pointed out, DLSAs Jaipur District, Jaipur Metro and Tonk in August-September 2020 and Kota, Pali and Baran in August-October 2021 accepted the facts for non/less organisation of meetings. Remaining three DLSAs Bharatpur, Udaipur and Pratapgarh did not furnish reply.

It was revealed (August 2021) that District Legal Awareness Committees were reconstituted in August 2021 in all the DLSAs in the State.

Law & Legal Department, GoR in its reply (January 2021) to the draft report (December 2020) stated that District Legal Services committees had been constituted in 35 DLSAs in September 2017 and stated that establishment of Legal awareness committee at various levels was under process.

However, department did not furnish reply regarding constitution of legal awareness committee at *Taluka* level nor did it furnish information regarding awareness committees not reconstituted in the State after completion of their terms of two years in September 2019.

### *(b) Legal Awareness Teams*

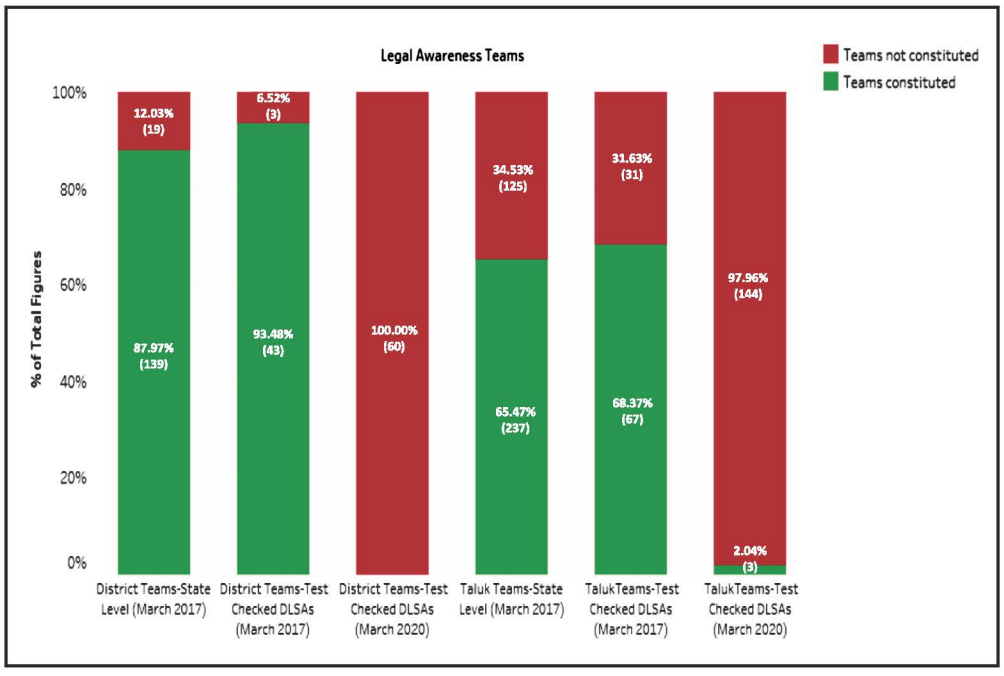
Shortfall in formation of district/*taluk* level legal awareness teams was noticed during audit. The extent of shortfall at the State level (March 2017) as well as in test checked districts (March 2020) is depicted in ***Chart 17*** below. Significantly, district level awareness teams were constituted in all the districts except Jalore as of March 2017.

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

76 84 meetings: (Jaipur District:12; Tonk:12; Baran:12; Udaipur:12; Bharatpur:12; Kota:12 and Pali:12).

77 20 meetings: (Jaipur District: Four, Tonk: Four, Kota: One, Baran: Three, Udaipur: Four, Bharatpur: Two and Pali: Two).

***Chart 17: Constitution of district/taluk level awareness teams in the State***




On being pointed out, DLSAs at Jaipur District, Kota and Udaipur stated (September 2017-January 2018) that *taluk* level teams were not constituted as the Para Legal Volunteers did not take interest in the activity.

Further scrutiny of records of nine test checked DLSAs (three DLSA Jaipur Metro, Jaipur District and Tonk in August-September 2020 and remaining six DLSAs in August-October 2021) revealed that none of the test checked DLSAs had legal awareness teams during 2019-20. Similarly, in all the test checked nine DLSA, none of the prescribed 147 legal awareness teams at *Taluk* level were functioning except in Udaipur where three teams were functioning in 2019-20.

On being pointed out, DLSAs Jaipur District and Tonk in August-September 2020 and Kota, Pali, Pratapgarh and Udaipur in August-October 2021 accepted the facts on non/less constitution of legal awareness teams. Remaining three DLSAs Jaipur Metro, Bharatpur and Baran did not furnish reply.

Law and Legal Department, GoR did not furnish reply to the draft report (December 2020) regarding constitution and functioning of legal awareness teams in test checked DLSAs and RSLSA.

### *(c) Deficiencies regarding Legal literacy camps*

The Legal Awareness Committees/teams were required to hold *'legal literacy camps'* to promote legal awareness in the society. Member Secretary, RSLSA also issued (July 2012) instructions to DLSAs regarding creating awareness among people on various topics of laws, receiving complaints and to identify the problems of locality especially related to women and children.

It was observed that issues relating to domestic violence Act, Child labour, POCSO Act, techniques of self-defense, PCPNDT Act, Prevention of child

trafficking etc. were covered in the legal literacy camps. However, aspects such as 'Indecent Representation of Women', and 'Witch-hunting' were not covered in the legal literacy camps as these topics were not included in the annual action plans of RSLSA during 2012-17. Further, audit scrutiny of nine test checked DLSAs revealed that:

- Publicity through video/documentary films about the various aspects of the legal services programmes was not done by any of them during 2012-17.

- Further scrutiny of records of nine test checked DLSAs (three DLSA Jaipur Metro, Jaipur District and Tonk in August-September 2020 and remaining six DLSAs in August-October 2021) revealed that Publicity through video/documentary films about the various aspects of the legal services programmes was not done by any of them during 2017-20. DLSAs Jaipur District, Jaipur Metro and Tonk in August-September 2020 and Udaipur, Pratapgarh, Kota, Baran, Bharatpur and Pali in August-October 2021 accepted the facts.

- As per annual action plans of RSLSA, legal literacy classes on the issue of 'right of children and women' were to be conducted annually in high schools and colleges. Against this requirement, during 2012-15, legal literacy classes were not held by two DLSAs (Bharatpur and Jaipur district).

- Further, DLSA Jaipur District did not provide information related to conduct of legal literacy classes during 2018-20, when asked for by Audit (August-September 2020).

- Legal literacy camps were required to be organised on the occasion of women's day annually but camps were not organised by DLSAs in Jaipur district (during 2012-16), Bharatpur (during 2014-15) and Pali (during 2014-16).

- Further information provided by nine test checked DLSAs (three DLSA Jaipur Metro, Jaipur District and Tonk in August-September 2020 and remaining six DLSAs in August-October 2021) revealed that Legal literacy camps were required to be organized on the occasion of Women's Day annually but no camps were organized by DLSAs in Jaipur Metro during 2017-18. However camps were organised in remaining eight test checked DLSAs.

Law and Legal Department, GoR in its reply (January 2021) to the draft report (December 2020) stated that 1,02,276 legal literacy camps were organised and 1,50,94,827 beneficiaries benefited during the period January2016 to March 2020. GoR did not furnish reply regarding observations in test checked DLSAs and RSLSA.

### *Conclusion*

*Audit findings indicated inadequate efforts towards creating awareness in society regarding violence and atrocities against women and rehabilitation of victims. Sufficient gender sensitization/awareness trainings regarding protection of women from domestic violence, child marriages, sexual harassment at workplaces, witch hunting, dowry prohibition and protection of children from sexual offences were not conducted.*

*Efforts towards redressal of grievances of victims were lacking as conduct of public hearings for quick disposal of complaints of aggrieved women through spot hearings was very low in the districts throughout the period of audit.*

*'Sathins' at Gram Panchayat level, were not able to effectively create awareness at the grass root level due to lack of knowledge. Awareness initiatives like 'Know Your Student–Know Your Police', self-defense skill, and meetings with drivers/conductors of taxis/buses were not implemented effectively.*

### *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.*

## 3.5 Human Resources and Infrastructure

Audit test checked the implementation of nine[78] Special and Local Laws enacted to provide relief/rehabilitation to the victims (women/children). Out of nine laws, there was provision for appointment of specific authorities for smooth and effective implementation in six of these laws such as appointment of Dowry Prohibition Officers under Dowry Prohibition Act 1961, Protection Officers under Protection of Women from Domestic Violence Act 2005, Child Marriage Prohibition Officers under Prohibition of Child Marriage Act 2006, Special Officer under Rajasthan Prevention of Witch-hunting Rules 2016, Special Public Prosecutor under Protection of Children from Sexual Offences Act 2012, Special Police Officer/Trafficking Police Officers under the Immoral Traffic (Prevention) Act, 1956.

78 *(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.*

Scrutiny of records of respective departments revealed that only under the Protection of Women from Domestic Violence Act 2005, 17 Protection Officers were deployed on regular basis as against the 33 required (as discussed in *paragraph 3.2.1(a)*); For the rest, the statutory work was allotted to various State Government officers in addition to their regular duties i.e. to:

- Sub Divisional Magistrates and Tehsildars as Child Marriage Prohibition Officers (as discussed in *paragraph 3.2.3*),
- Deputy Director/Assistant Director of Women Empowerment Directorate as Special Officer under the Rajasthan Prevention of Witch hunting Rules 2016,
- Deputy Director/Assistant Director of Social Justice and Empowerment Department as Dowry Prohibition Officers (as discussed in *paragraph 3.4.7*),
- Public Prosecutor and Government Advocate as Special Public Prosecutors, and
- In-charge (Inspector) as Special Police Officer and Additional SP of Anti Human Trafficking Unit as Nodal officer.

Audit also observed that there were vacancies in lower cadres in Women Empowerment Directorate, Social Justice and Empowerment Department, Department for Child Rights and Police (Home), as discussed in the succeeding paragraphs. Thus, due to non-appointment of statutory authorities and lack of proper support system available with them, effective implementation of aforesaid statues enacted for providing care, protection and justice to women could not be ensured.

### *3.5.1 Women Empowerment Directorate*

#### *Human Resources at Deputy/Assistant Director Offices in WED*

The Deputy/Assistant Director Offices in districts are important field formations of the Women Empowerment Directorate which facilitate and implement various activities of the department including those related to crime against women. Scrutiny of records of the position of human resource in eight test checked districts as of March 2017 shows that offices of the DDs/ADs were facing significant shortage, ranging from 50.00 to 91.67 *per cent*, in various cadres. The shortage was very high in Pratapgarh (91.67 *per cent*), Bharatpur (82.35 *per cent*), Baran (78.57 *per cent*) and Tonk (58.33 *per cent*) districts as shown in ***Table 17*** below:

***Table 17***

| *Name of districts* | *Sanctioned strength* | *Person in Position* | *Vacancy (%)* |
|---|---|---|---|
| Udaipur | 18 | 9 | 9(50.00%) |
| Kota | 12 | 6 | 6(50.00%) |
| Jaipur | 20 | 7 | 13(65.00%) |
| Tonk | 12 | 5 | 7(58.33%) |
| Baran | 14 | 3 | 11(78.57%) |
| Pratapgarh | 12 | 1 | 11(91.67%) |
| Bharatpur | 17 | 3 | 14(82.35%) |
| Pali | 17 | 8 | 9(52.94%) |

GoR stated (February 2019) that efforts are being made for filling the vacant posts on priority basis.

Further scrutiny of records of Commissioner, WED revealed (August 2020) that even after assurance given by the Government for filling the vacant posts on priority basis, test checked offices of the 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 which is given in ***Table 18*** below:

***Table 18***

| *Name of districts* | *Sanctioned strength* | *Person in Position* | *Vacancy (%)* |
|---|---|---|---|
| Udaipur | 24 | 7 | 17 (70.83%) |
| Kota | 12 | 5 | 7 (58.33%) |
| Jaipur | 22 | 7 | 15 (68.18%) |
| Tonk | 13 | 4 | 9 (69.23%) |
| Baran | 14 | 2 | 12 (85.71%) |
| Pratapgarh | 12 | 2 | 10 (83.33%) |
| Bharatpur | 17 | 5 | 12 (70.59%) |
| Pali | 17 | 6 | 11 (64.71%) |

The above table depicts that human resource deployment in Pratapgarh and Bharatpur district offices has improved. The incumbents for the post of AAO and Junior Assistant in Bharatpur and Senior Assistant in Pratapgarh were posted as of March 2020. Notwithstanding the minor improvements, the overall human resource situation in these districts was still very grim.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that request for recruitment was sent to Personnel and Administrative Reforms Department and efforts were made to recruit in coordination with Rajasthan Public Service Commission and Rajasthan Subordinate and Ministerial Services Selection Board.

The reply needs to be viewed in the light of the fact that 48.33 *per cent* and 75.00 *per cent* posts were still vacant against sanctioned posts in Udaipur and Pratapgarh districts respectively as of January 2021.

Audit is of the view that the huge vacancies existing in the critical field level cadres could be one of the reasons for poor implementation of the various policies and SLLs for which WED was the nodal department.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that posts were vacant due to delay in recruitment process.

### *3.5.2 Shortage of Field level Functionaries (Prachetas)*

*Pracheta* is the key personnel at block/Panchayat Samiti level who discharges the duties through *Sathin at* Gram Panchayat level. *Pracheta* creates awareness in the society regarding various provision of acts and rules and is also responsible to assist the victims to get benefits/reliefs from various specific schemes.

Scrutiny of records of Commissioner, WED revealed that only 36 *Prachetas* (12.20 *per cent*) were working against sanction of 295 posts in the State as of March 2018. Further, scrutiny of records of test checked eight ADs and 11 *Prachetas* (six regular and five Lady Supervisors (LS)) revealed that:

- Only 18 *Prachetas* (21.77 *per cent*) were working against sanction of 66 Prachetas as of March 2017.
- No regular *Pracheta* was deployed in any of the blocks of four districts (Baran, Bharatpur, Tonk and Pratapgarh).
- No specific space and other facilities were earmarked at block level for *Prachetas* to perform their duties.
- Only four *Prachetas* (all regular) provided assistance regarding free legal aid, financial assistance and only three *Prachetas* provided counselling services to the rural women in need.

On being pointed out, Commissioner, WED replied (February 2018) that instructions had been issued earlier (2009-10) to the District Officers for appointment of *Pracheta* on contractual basis, while, wherever *Pracheta* was not available the additional charge of *Pracheta* had to be given to LS of Integrated Child Development Services (ICDS) Department. The reply is not convincing as only five *Prachetas*[79] had been appointed on contractual basis since the issue of instructions, as of May 2018.

GoR stated (February 2019) that post of Lady Supervisor has been created (May 2017) at block level after abolishing the post of *Pracheta*. Recruitment of Lady Supervisor is under process.

Further scrutiny of records of Commissioner, WED revealed (August 2020) that 34 Prachetas were available as of March 2020. Further, against the sanctioned

79 Banswara: Two; Udaipur: Two and Rajsamand: One.

post of 277 Lady Supervisors, 147 Lady Supervisors have been deployed in August 2020 in the blocks.

Further scrutiny of records of test checked eight districts of WED (Jaipur and Tonk in August-September 2020 and remaining six districts in August-October 2021) revealed that against sanctioned posts of 75 Lady Supervisors, orders were issued (August 2020) for posting of 36 Lady Supervisors in these districts.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that requisition for recruitment of vacant post of Supervisor at Block level was sent (May 2020) to Rajasthan Subordinate and Ministerial Selection Board and would be filled up after completion of recruitment procedure.

Thus, although positive steps have been taken to address the human resource shortages at the grass-root level, significant vacancies still remain. To ensure that aid and assistance through ground level personnel is available to women at all times and in all places, complete deployment of these functionaries is imperative. Hence, all the sanctioned posts of Lady Supervisors should be filled up at the earliest so that access for women to these aides is ensured.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that 182 Lady Supervisors had been deployed. The work against vacant posts of Lady Supervisors of WED was being performed by giving additional assignment to the Lady Supervisors of ICDS.

### *3.5.3 Social Justice and Empowerment Department*

*Nari Niketans/Mahila Sadan* are rehabilitation homes established at divisional level to provide protection to women who were victims of immoral and social atrocities and to help them start their life afresh.

During scrutiny of records of four test checked *Mahila Sadan/Nari Niketans*, shortage of staff was noticed in each cadre. Against sanctioned strength of six persons[80] per *Nari Niketan,* only one or two persons were available except at Jaipur.

The State Government stated (March 2019) that vacant posts have been filled up by deputing personnel and efforts are being made for filling up of remaining vacant posts. However, supporting documents were not provided in this regard.

Further scrutiny of records of Director, SJED revealed (August 2020) persistent shortage of staff in each cadre still persists. Against sanctioned strength of six persons per *Nari Niketan,* only two or three persons were available at Udaipur, Jodhpur, Ajmer, Bikaner and Bharatpur and no person was available at Kota as of March 2020.

Further, the posts of Probation Officer (Kota and Udaipur) and Caretaker (Kota) were vacant since April 2012 and Superintendent (Udaipur, Kota and Ajmer)

80 Superintendent (1), Probation Officer (1), Caretaker (2), UDC (1), and Group D (1).

and Care taker (Jodhpur and Kota) were vacant since 2016-17, as of March 2020.

SJED, GoR in its reply (January 2021) to the draft report (December 2020) stated that officers/officials were deployed in *Mahila Sadan* and *Nari Niketans*.

The reply is not tenable as one to four posts (against six) are still vacant in *Nari Niketans* in the State. Further, nine posts (against 24) were vacant in *Mahila Sadan*, Jaipur.

Thus, in the absence of key functionaries of *Nari Niketans* the resident women were being denied meaningful opportunities to move away from their traumatic past and start their lives afresh.

SJED, GoR in its reply (February 2022) to the draft report (November 2021) stated that the staff were deployed against sanctioned posts.

However, scrutiny of the reply revealed that posts were still vacant in *Mahila Sadan* and *Nari Niketans.*

## *Department for Child Rights*

### *3.5.4 Balika Greh and Open Shelter*

***Balika Grehs*** were established at each divisional level under Juvenile Justice (Care and Protection of Children) Act, 2000, for care and treatment, education, training, development and rehabilitation of girls during pendency of any inquiry and subsequently as well. Important activities *such as* regular medical checkups, school education, providing clothes and follow up of rehabilitated girls were to be done.

Posts of one Superintendent, one Probation-cum-Prison Welfare Officer[81], three Caretakers[82] and one clerk for each government *Balika Greh* were sanctioned (April 2012) by the Director, SJED, Jaipur. Details of the person in position as of March 2017 against the sanctioned posts in test checked four government *Balika Grehs* is given in ***Table 19***:

***Table 19***

| Name of post | Sanctioned Strength (SS), Person in position (PIP) and Number of Vacancy | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Kota | | | Jaipur | | | Udaipur | | | Bharatpur | | | Total | | |
| | SS | PIP | Vacancy | SS | PIP | Vacancy | SS | PIP | Vacancy | SS | PIP | Vacancy | SS | PIP | Vacancy |
| Superintendent | 01 | 01 | 00 | 01 | 00 | 01 | 01 | 01 | 00 | 01 | 00 | 01 | 04 | 02 | 02 |
| Probation Officer | 01 | 00 | 01 | 02 | 00 | 02 | 01 | 00 | 01 | 01 | 00 | 01 | 05 | 00 | 05 |
| Caretaker[83] | 03 | 03 | 00 | 04 | 01 | 03 | 03 | 01 | 02 | 03 | 03 | 00 | 13 | 08 | 05 |
| Clerk/ Asstt. Admin. Officer | 01 | 00 | 01 | 01 | 00 | 01 | 01 | 00 | 01 | 01 | 00 | 01 | 04 | 00 | 04 |
| **Total** | **06** | **04** | **02** | **08** | **01** | **07** | **06** | **02** | **04** | **06** | **03** | **03** | **26** | **10** | **16** |

*Source: Information provided by Superintendent of concerned Balika Grehs.*

81 Two posts of Probation-cum-Prison Welfare Officer were sanctioned in Jaipur.
82 Posts of four Caretakers were sanctioned in Jaipur.
83 Three caretakers in Kota and three caretakers in Bharatpur were engaged on contract basis.

It can be seen from the table that:

- There was a substantial shortage (61.54 *per cent*) of human resource as there were only ten personnel available against sanctioned strength of 26 in all four-test checked *Balika Grehs* as of March 2017.

- The shortage of staff was seen in each cadre and only one or two persons were available to run *Balika Grehs* in case of Jaipur and Udaipur.

- The post of Probation-cum-Prison Welfare Officer and clerk were vacant since April 2012 in all four-test checked *Balika Grehs*. Only one caretaker each was posted in Jaipur and Udaipur against sanction posts of four and three respectively.

Further, in two non-governmental *Balika Grehs* (*Uddayan* Care Jaipur and *Meera Nirashrit Balika Greh,* Udaipur), posts of Superintendent, Counselor, Probation Officer/child welfare officer/case worker, paramedical staff, educator, doctor, craft & music teacher and PT instructor cum yoga teacher were vacant during 2012-17.

On an average, 196 inmates were residing in each of the test checked government *Balika Grehs* in Rajasthan in December 2017. However, less than three personnel were deployed in these *Balika Grehs* implying that they were operating on an average at more than 50 *per cent* vacancy levels. Thus, staff at the *Balika Grehs* were overburdened which would have impacted the quality of care and delivery of services to resident girls.

GoR, while accepting facts, stated (February 2019) that cadre control was previously under the jurisdiction of SJED, however now separate strength of staff is being transferred to the Department for Child Rights.

Further, Audit scrutiny revealed that 1704 inmates[84] were residing in seven Governmental *Balika Grehs* in the State as of December 2019. Details of persons in position as of March 2020 against the sanctioned posts in test checked four Government *Balika Grehs* is given in ***Table 20***:

84 Ajmer (285); Bharatpur (162); Bikaner (112); Jaipur (388); Jodhpur (251); Kota (411) and Udaipur (95).

***Table 20***

| Name of post | Sanctioned Strength (SS), Person in position (PIP) and Number of Vacancy | | | | | | | | | | | | | | |
|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| | Kota | | | Jaipur | | | Udaipur | | | Bharatpur | | | Total | | |
| | SS | PIP | Vacancy | SS | PIP | Vacancy | SS | PIP | Vacancy | SS | PIP | Vacancy | SS | PIP | Vacancy |
| Superintendent | 01 | 01 | 00 | 01 | 01 | 00 | 01 | 00 | 01 | 01 | 00 | 01 | 04 | 02 | 02 |
| Probation Officer | 01 | 00 | 01 | 02 | 02 | 00 | 01 | 00 | 01 | 01 | 00 | 01 | 05 | 02 | 03 |
| Caretaker[85] | 03 | 00 | 03 | 06 | 02 | 04 | 03 | 01 | 02 | 03 | 00 | 03 | 15 | 03 | 12 |
| Clerk/Asstt. Admin. Officer | 01 | 00 | 01 | 01 | 01 | 00 | 01 | 00 | 01 | 01 | 01 | 00 | 04 | 02 | 02 |
| **Total** | **06** | **01** | **05** | **10** | **06** | **04** | **06** | **01** | **05** | **06** | **01** | **05** | **28** | **09** | **19** |

*Source: Information provided by Superintendent of concerned Balika Grehs*

It can be seen from the table that:

- There was a substantial shortage (67.86 *per cent*) of human resources as there were only 09 personnel available against sanctioned strength of 28 in all four-test checked *Balika Grehs* as of March 2020.
- The posts of Probation-cum-Prison Welfare Officer were vacant since April 2012 in *Balika Grehs* Kota, Udaipur and Bharatpur.
- The shortage of staff was seen in each cadre and only one person was available in each of the *Balika Grehs* Kota, Udaipur and Bharatpur.

DCR, GoR in its replies (February 2021 and January 2022) to the draft reports (December 2020 and November 2021 respectively) stated that most of the vacant posts were filled in Government *Balika Grehs* and efforts were being made to fill the remaining vacant posts.

The fact remains that absence of crucial regular personnel can affect the quality of assistance to be provided as there can be issues of continuity and commitment with contractual staff in this scenario.

## *Police (Home Department)*

### *3.5.5 Shortage of human resource*

Against the strength of 1,10,518 police personnel of all ranks[86] sanctioned by State Government, only 95,479 police personnel were deployed as of January 2020. Bureau of Police Research and Development also reported (January 2020) that Rajasthan had 128 police personnel per lakh population as compared to average 158 police personnel per lakh population at national level.

85 Caretakers vacancies were filled by engaging on contract basis.
86 Including Civil and Armed Forces.

Significantly, there was shortage of 13.61 *per cent* human resource 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*[87]. The detail of staff in various cadres of the State Police Department as of January 2020 is given in the ***Table 21***.

***Table 21***

| Cadre | Sanctioned strength | Working strength | Shortage (-) | *Per cent* of Shortage |
|---|---|---|---|---|
| Indian Police Service | 215 | 188 | 27 | 12.56 |
| Addl. SP/Dy. SP | 982 | 786 | 196 | 19.96 |
| Inspector | 1,506 | 1,397 | 109 | 7.24 |
| Sub-Inspector | 4,689 | 2,371 | 2,318 | 49.43 |
| Assistant Sub-Inspector | 6,348 | 4,045 | 2,303 | 36.28 |
| Head Constable | 20,334 | 16,593 | 3,741 | 18.40 |
| Constable | 76,444 | 70,099 | 6,345 | 8.30 |
| **Total** | **1,10,518** | **95,479** | **15,039** | **13.61** |

*Source: Data provided by the State Police Department.*

Audit is of the view that there could be a direct correlation between deployment of police personnel and crime against women as crime against women during 2015 (28,177), 2016 (27,656), 2017 (25,614) and 2018 (27,895) reduced as compared to 2014 (31,165) which coincided with the increase in human resource from 82,193 in 2014 to 93,057 in September 2018.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that direct recruitment was being done to fill up the shortage of human resource. Recruitment of 5,438 constables was in progress as of January 2021.

### *3.5.6 Shortage of Women police personnel*

Ministry of Home Affairs, GoI issued Advisory (April 2013 and August 2014) according to which the representation of women in police at all levels should be increased through affirmative action so that they constitute about 33 *per cent* of the police. However, GoR issued (June 2013) orders for maintaining 30 *per cent* of the sanctioned strength as women personnel in all levels in the Police Department. During audit of records (2012-17) of 47 test checked PSs, it was seen that no women personnel were deployed in five PSs as of March 2017.

Information provided (September 2020) by DGP, Rajasthan revealed that against requirement of 33,155 (30 *per cent* of 1,10,518) women personnel in police, only 8,929 (8.08 *per cent*) were deployed as of January 2020.

Further scrutiny of records in 14 test checked Police Stations (in four police districts Jaipur East, Jaipur West, Jaipur Rural and Tonk) in August-September

87 37.71 *per cent*: sanctioned strength of 3 cadres-12,543 (Inspector-1,506, Sub inspector-4,689 and Assistant Sub inspector-6,348) shortage of 3 cadres-4,730 (Inspector-109, Sub inspector-2,318 and Assistant Sub inspector-2,303).

2020 and remaining 33 Police Stations of remaining seven police districts in August-October 2021, revealed that deployment of women personnel was inadequate against norms in all these PSs (except Ten MPSs)[88] during 2017-20.

Home Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that a provision of 33 *per cent* reservation in direct recruitment was made to meet the shortage of women police officers /officials.

The reply needs to be viewed in light of the fact that at present 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. Moreover, a focused strategy to gradually increase the proportion of women personnel needs to be formulated by the Government.

### *3.5.7 Infrastructure for Mahila Suraksha evam Salaha Kendra (Regulation and Grant) Scheme*

With an objective to provide counseling and appropriate advice to victim women and settling disputes through alternative dispute resolution mechanism, Mahila Suraksha evam Salaha Kendra (Regulation and Grant) Scheme, 2010 was being implemented in the State since June 2010. Under the scheme, 40 *Mahila Suraksha evam Salaha Kendras* (MSSKs) were established across the State, which are run by Non-Governmental Organizations (NGOs).

As per the scheme guidelines, dedicated workspace with basic facilities at MSSKs within the Mahila Police Station, was to be provided by the Police Department. At each MSSK, services of one male and one female police constable were also to be made available. Scrutiny of records of 11 test checked MSSKs during 2012-17 revealed the followings:

- Three MSSKs (Bharatpur, Pali and Tonk) were not functioning for the periods ranging between 12 to 45 months[89] due to non-selection of new NGO in time by WED.

- Lack of basic facilities like drinking water[90], female toilets[91], furniture (Tonk, Jaipur West, Bharatpur, Pali and Udaipur) and computer (Tonk, Jaipur West, Bharatpur and Pali) were noticed.

88 Jaipur-East: 15; Jaipur-West: 18; Jaipur-Rural: 18; Tonk: 12; Udaipur: 11; Kota Rural: 14; Pratapgarh: 11; Baran: 11; Bharatpur: 11 and Pali: 13.

89 Tonk: 20 March 2014 to 31 March 2015 (12 months), Pali: 01 December 2014 to 02 March 2016 (15 months) and Bharatpur: 2012-13 and 2014-17 except January 2017 to March 2017 (45 months).

90 Jaipur West, Tonk, Kota City, Udaipur, Bharatpur, Pali and Pratapgarh.

91 Jaipur West, Jaipur East, Tonk, Kota City, Baran, Udaipur, Bharatpur, Pali and Pratapgarh.

- In six MSSKs[92], neither male nor female constable was deployed for the period ranging from 24 to 60 months. Female constable was also not deployed in MSSK Jaipur (West) as of March 2017.

- Legal counsellors were not appointed by NGOs in two MSSKs at Kota City (2013-17) and Jaipur West (February 2014 to March 2017) as prescribed in the guidelines. Thus, legal advice was not available for long periods to the victims at these MSSKs.

- In four MSSKs[93], necessary records i.e. Cash Book, Budget/Grant Registers, Budget Utilisation Files, SP/SHO's recommendation files, Domestic Incident Report files and Stock Register of furniture, computer, printer etc., were not maintained.

Further, scrutiny of records of Commissioner, WED revealed (August-September 2020) that out of 40 MSSKs, 37 MSSKs in 2018-19 and 36 MSSKs in 2019-20 were functioning in the State and one MSSK at Jalore was not functioning as of August 2020 due to non-selection of new NGO in time by WED.

Further scrutiny of records in 11 test checked MSSKs (four MSSKs in four police districts Jaipur East, Jaipur West, Jaipur Rural and Tonk in August-September 2020, and seven MSSKs in remaining seven police districts in August-October 2021) during 2017-20 revealed that:

- MSSK Bharatpur was not functioning for the period May 2018 to August 2020 (28 months) due to non-selection of new NGO in time by WED.

- Lack of basic facilities like, separate counseling room[94], furniture (Tonk), female toilets[95], computer (Jaipur West, Tonk, Bharatpur and Pali) and telephone (Jaipur-Rural, Tonk, Pratapgarh, Pali and Bharatpur) were noticed.

- In five MSSKs[96], neither male nor female constable was deployed for the period April 2017 to March 2020.

- Display Board of important telephone numbers was not available in four MSSKs (Tonk, Udaipur, Pratapgarh and Baran).

- In Jaipur - West, Pali and Udaipur, during April 2017 - December 2019, necessary records i.e., Cash Book, Budget/Grant Registers, Budget Utilisation Files, SP/SHO's recommendation files, Domestic Incident Report files and Stock Register of furniture, computer, printer etc., were not maintained.

92 Kota-Rural, Tonk, Baran, Bharatpur, Pali and Pratapgarh.
93 Jaipur (East), Tonk, Pratapgarh and Baran.
94 Tonk, Udaipur, Baran, Bharatpur, Pali and Pratapgarh.
95 Jaipur East, Kota City, Pali and Pratapgarh.
96 Tonk, Baran, Bharatpur, Pali and Pratapgarh.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that necessary facilities were being provided in the MSSKs with the cooperation and coordination of Police Department and necessary records were being maintained at MSSKs. Department had made provision for providing basic facilities in the budget. Work of MSSK, Jalore could not be started due to code of conduct of election and necessary action was being taken in this regard.

The reply is not tenable as basic facilities were not available in three test checked police districts (Jaipur – East, Jaipur – Rural, Tonk) and basic records in Jaipur - West were not maintained.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that Home Department was responsible for providing basic facilities at MSSK and letters were issued to them from time to time.

Thus, the fact remains that basic facilities were not being provided.

### *Conclusion*

*Audit findings indicated that test checked offices of the DDs/ADs of WED faced significant shortage in various cadres. Against the sanctioned post of 294 Prachetas/Lady Supervisors, only 181 Prachetas/Lady Supervisors had been deployed as of August 2020. There was shortage of human resources in the Government run Nari Niketans/Mahila Sadan and Balika Grehs.*

*Inspectors/Sub-Inspectors/Assistants Sub Inspector hold major responsibilities of investigating crime cases, however, these cadres had 37.71 per cent vacancies which could have been a reason for delayed investigations of cases. The State police workforce had less than nine per cent of women personnel, which could affect the confidence and comfort of women victims to come forward for registration of complaints.*

### *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.*

# *Chapter 4*

## *Internal Control Mechanism*

# Chapter-4
# Internal Control Mechanism

## 4.1 Internal control mechanism

To ensure successful implementation of the various acts/schemes for prevention of crime against women, it is imperative that the State Government should have a proper monitoring and internal control system in place. Several procedures and feedback mechanisms have already been incorporated in the acts/rules to enable the GoR to keep continuous watch over the performance of the key field functionaries. This was supposed to provide timely, adequate and accurate information to the relevant authorities to enforce mid-course corrections for enhancement of the performance of the field offices.

Curbing crime against women and girl child in a big state like Rajasthan is an ongoing task involving multiple departments carrying out different activities at different levels. To ensure that objectives under various Acts and Schemes are met satisfactorily, administration is supposed to make plans, sets targets and deploy resources in the form of funds, infrastructure and human resources.

Five Departments/authorities (WED, SJED, DCR, Police & Legal Services Authority) were primarily entrusted with the task of preparation of plans for prevention of crime against women, enforcement of various act/rules/schemes in place, generating awareness about the issues, providing relief and work towards rehabilitation of the victims and monitoring the implementation of these measures. The internal controls and monitoring mechanisms included setting up of designated committees, holding their regular meetings, preparation of annual/periodic progress reports by the field functionaries and their evaluation by the higher authorities, conduct of prescribed inspections, instituting proper security measures at shelter homes, taking measures for rehabilitation of victims/destitute etc.

Audit evaluated whether the monitoring structures and evaluation mechanisms were effective in improving the State machinery involved in curbing crime against women and girl child and the findings are described below:

| Name of the Act | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.1 The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013*** | ***Section 21 of the Act*** | An annual report to the employer and the District Officer | IC/LC | District officers |
| | | The District Officer to forward brief reports on these annual reports to State Government | District officers | GoR |

None of the IC/LC submitted annual reports to employers/District Officers since enactment of the Act till 2017. Further, not a single brief was sent to the State Government by any of district officers since enactment of the Act till 2017. Further scrutiny of test checked districts (Jaipur and Tonk in August-September 2020 and remaining six districts in August-October 2021) revealed that there was no improvement during 2017-20 also.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that annual report of IC/LC was being sent to Directorate by the District Officers.

The reply is not tenable as the Directorate did not have complete information about the organisations where 10 or more employees were working. It had information of only 1540 such organisations (instead of 69,879 units in Rajasthan as informed by ESIC). The test checked districts also did not have complete information of ICs. Hence, annual report submitted by District Officers to Directorate could not have given complete information.

Annual Reports of ICs/LCs provide crucial information about their existence; functioning and their role in ensuring women feel safe and protected in work environment. Department's failure to enforce this mechanism is reflected in the fact that it does not even have complete and reliable information about the total number of ICs and LCs existing in Rajasthan.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that letters were issued (February 2021 and January 2022) to District Collectors for effective implementation of the Act.

| Name of the Act | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.2 The Prohibition of Child Marriage Act, 2006 & Rajasthan Prohibition of Child Marriage Rules, 2007*** | ***Rule 5 (3)*** of ***Rajasthan Prohibition of Child Marriage Rules, 2007*** | CMPO to send quarterly report to the District Magistrate on cases of attempted child marriages and the action taken. | CMPO | District Magistrate |
| | ***Rule 4*** of ***Rajasthan Prohibition of Child Marriage Rules, 2007*** | CMPO shall inspect from time to time records of the Marriage Registration Officer | CMPO | WED |

Quarterly returns were not sent by any of the test checked CMPOs during 2012-17. GoR stated (February 2019) that all concerned officers have again been instructed for submission of Quarterly Progress Report. Further scrutiny of test checked 14 CMPOs (three CMPOs of Jaipur and Tonk in August-September 2020 and 11 CMPOs of remaining six districts in August-October 2021) revealed that there was no improvement during 2017-20 except CMPO, Pali. It was stated that the quarterly

returns were being submitted to District Magistrate but no corroborative evidence was produced to audit. CMPO Rohat (Pali) did not furnish reply as of October 2021.

Out of 14 test-checked CMPOs, inspection of Marriage Registration Officers was not carried out by nine CMPOs during the period 2012-17 and one CMPO (Rohat) conducted only one inspection in 2016-17 while other four CMPOs (Pratapgarh, Pali, Ramganj Mandi and Jaipur-I) did not provide information/ records in this regard. GoR stated (February 2019) that all concerned officers have again been instructed for regular inspection of records of Marriage Registration Officers.

On being enquired, test checked 14 CMPOs (Three CMPOs of Jaipur and Tonk in August-September 2020 and 11 CMPOs of remaining six districts in August-October 2021) revealed that there was no improvement except in Jaipur-I which carried out three inspections (*Gram Panchayat* - Sirsi, Dhankaya and Begas) during 2017-20. CMPO Rohat (Pali) did not furnish reply as of October 2021.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated (February 2021) that District Collector obtained quarterly information from SPs office relating to stopping of child marriages. Further, notified Child Marriage Prohibition officers were instructed from time to time by the Directorate to inspect offices of Marriage Registration Officers.

The reply is not tenable as CMPOs were required to send quarterly returns to district collector. Further, replies regarding non-submission of quarterly returns by three test-checked CMPOs and inspections not conducted by the two test checked CMPOs were not provided.

Rajasthan records one of the highest number of cases of child marriage and the practice has been prevailing for a long time. Sustained efforts and constant monitoring of implementation of these efforts are essential to rid the State of this social evil. However, failure to enforce basic controls such as regular submission of reports and regular inspections by higher authorities has the potential to undermine the work done by the State and prevent them from taking steps to improve the current mechanisms.

WCD Department, GoR in its reply (February 2022) to the draft report (November 2021) stated that WED consolidated the information related to stopping of child marriages after obtaining it from District Collector and SP offices.

The reply is not tenable as information related to submission of quarterly reports by CMPOs to District Magistrate and inspection of records of the Marriage Registration Offices were still not provided to Audit.

| Name of the Scheme | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.3 Mahila Suraksha evam Salaha Kendra (Regulation and Grant) Scheme*** | ***MSSKs to be visited/inspected by Programme Officers (POs) at least once in a month***<br><br>***(Instructions (January 2014) of WED)*** | MSSKs were to be visited/inspected by Programme Officers (POs) at least once in a month | Programme Officer | WED |

Only 13.91 *per cent* (42 against 302) of the prescribed visits in MSSKs were conducted by POs during 2014-17. Further scrutiny of records of 11 MSSKs (four MSSKs in four Police Districts Jaipur East, Jaipur West, Jaipur Rural and Tonk during August-September 2020 and remaining seven MSSKs in seven Police Districts during August-October 2021) revealed that against 373 mandated inspections, only 45 inspections (12.06 *per cent*) were carried out in MSSKs Tonk (10), Jaipur – East (3), Jaipur – Rural (10), Pali (10), Baran (5), Kota-City (4), Kota-Rural (3). Not a single inspection was carried out by PO Jaipur – West, Udaipur, Pratapgarh, Bharatpur during 2017-20.

WCD Department, GoR in its replies (February 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that all the Deputy/Assistant Directors had been instructed (January 2021) to carry out monthly inspections of MSSKs for effective implementation and monitoring of various schemes of department and for sending the progress reports to Directorate after inspection.

The deficiencies like basic facilities, deployment of staff etc. at MSSKs have remained unnoticed/unresolved by the authorities of WED for long period of time due to persistent lack of monitoring and supervision.

| Name of the Regulation | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.4 Rajasthan State Commission for Women Regulation, 2007*** | ***Regulation 3(1) and 4(a)*** | Ordinary meeting of the Commission was to be held at least once in two months to enquire into any unfair practices, remedial action taken | Rajasthan State Commission for Women | GoR |
| | | Report annually thereof to the State Government | Rajasthan State Commission for Women | GoR |

Against the required 30 meetings, only 13 meetings were held during 2012-17. As part of further scrutiny, audit observed that situation had not improved since 2017 and only 4 meetings (against 18) were held during 2017-20. Moreover, no meeting was held during 2019-20.

WCD Department, GoR in its reply (February 2021) to the draft report (December 2020) stated that meetings of the Commission were not organised during 2019 and 2020 due to lack of required quorum and non-constitution of commission.

Thus, by not ensuring conduct of regular meetings of the Commission, the State Government failed to make use of an important feedback mechanism, based on which focused action could have been initiated.

| Name of the Regulation | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.5 Dowry Prohibition Act, 1961*** | ***Section 8(b)(4)*** | State Government shall constitute/appoint an Advisory Board for the purpose of advising and assisting the Dowry Prohibition Officers | SJED | GoR |

Advisory Boards were not constituted in test checked districts during 2012-17. GoR stated (December 2018) that District Advisory Boards have been constituted in four districts and the District Collectors of other districts have been instructed for nomination of social workers in the Advisory Board. Further scrutiny revealed (August 2020) that, even after lapse of two years since GoR's instructions, District Advisory Boards had still not been constituted in the remaining 29 districts of the state.

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) accepted the facts and stated that District Advisory Boards had been constituted in four districts and in remaining districts nomination would be done at the earliest.

Failure to install basic yet crucial monitoring mechanism such as District Advisory Boards has undermined State Government's efforts towards eliminating this scourge, as highlighted by the increasing number of dowry related crimes in Rajasthan.

| Name of the Regulation | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.6 Rules for Homes and Shelters 1970*** | ***Rule 52 and 53 (iii)*** | Inspection of homes and shelters by Director SJED and Chief Inspector at least once and twice in a year respectively | Director and Chief Inspector | GoR |

Director SJED (against 17 inspections) and Chief Inspector (against 34 inspections) did not carry out the inspections of the *Nari Niketans/Mahila Sadan* during 2012-17, except once in Jaipur by Director SJED. GoR stated (December 2018) that inspections were carried out by Director and Chief Inspector.

Contrary to GoR's reply, further scrutiny of records of *Mahila Sadan* Jaipur in September 2020 and *Nari Niketans* Kota, Udaipur and Bharatpur in August-October 2021 revealed that the Director, SJED, against the required 12 inspections, inspected only three times (Udaipur: August 2017; Jaipur: May 2019; and Kota: May 2019) and the Chief Inspector, against the required 24 inspections, inspected only three times (Udaipur: July 2018 and September 2019 and Jaipur: April 2018) during 2017-20.

SJED, GoR in its replies (January 2021 and February 2022) to the draft reports (December 2020 and November 2021 respectively) stated that district level monitoring committees had been constituted and quarterly meetings were organised.

However, GoR did not furnish reply regarding lesser number of inspections conducted in *Mahila Sadan*, Jaipur during 2017-20.

In the absence of adherence to simple monitoring mechanisms such as regular inspections, the deficiencies like deployment of staff, not following up of rehabilitated women etc. have remained unnoticed for long period of time.

| Name of the Guidelines | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.7 Swadhar Greh scheme guidelines*** | ***Clause K (i)*** | Constitution of District Women Welfare Committee (DWWC) for ensuring their smooth functioning | Assistant Director SJED | SJED |
| | ***Appendix III*** | Maintenance of separate file for each inmate having complete case record | Concerned NGOs | SJED |

DWWC was not constituted in any of the three test checked districts of Baran, Tonk and Udaipur. GoR stated (December 2018) that district level monitoring committees have been constituted (December 2017) and monitoring is being done regularly. Contrary to GoR's reply, further audit scrutiny of records of Assistant Director, SJED Tonk revealed (September 2020) that District Women Welfare Committee has still not been constituted in the district as of August 2020. District Office Baran and Udaipur informed (September-October 2021) that *Zila Mahila Kalyan Samitti* have been constituted in the districts.

Separate personal files of inmates as prescribed in guidelines were not maintained in *Swadhar Greh* Tonk and Baran during 2012-17. GoR stated (December 2018) that personal files were maintained during 2012-17 by *Swadhar Greh* Tonk and Baran. Further scrutiny of records of AD, SJED Tonk revealed (September 2020) that the *Swadhar Greh Gurukul Sewa Samiti* Tonk was closed in June 2017. Further scrutiny of records of DD/AD, SJED Tonk, Udaipur and Baran (Tonk in September 2020 and Udaipur and Baran in September-October 2021) revealed that personal files of inmates were not stored in records in district SJED offices.

SJED, GoR did not furnish reply.

Absence of personal files of inmates indicated that the actual assistance provided to inmates was not being properly recorded which would have hampered the assessment of efforts made towards their rehabilitation.

| Name of the Acts | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.8 POCSO Act*** | ***Section 44 (1)*** | Rajasthan State Commission for Protection of Child Rights (RSCPCR) was required to monitor the implementation of the provisions of the Act. | RSCPCR | GoR |

Out of total 605 complaints received by RSCPCR during January 2010 to December 2017, 503 complaints (83.14 *per cent*) were disposed and 102 (16.86 *per cent*) complaints remained pending as of March 2018. Further, scrutiny of RSCPCR revealed (September 2020) that out of total 421 complaints received during January 2018 – March 2020, 397 complaints (94.30 *per cent*) were disposed and 24 (5.70 *per cent*) complaints remained pending as of August 2020. The age of pendency in case of 28 (including previously pending 4) complaints ranged from twelve to forty-eight months. On being pointed out RSCPCR replied that complaints are pending due to non-receipt of report regarding submission of challans in the court.

DCR, GoR in its reply (January 2022) to the draft report (November 2021) stated that in few cases the investigation took more time or due to some other reasons the submission of challan may get delayed by the police, and hence such cases may not be considered as pendency of RSCPCR.

Audit is of the opinion that GoR may ensure effective monitoring to reduce the delay in disposal of cases of complaints.

| Name of the Acts | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.9 Rajasthan Juvenile Justice (Care and Protection of Children) Rules 2011*** | ***Rule 63*** | Inspection committees at State and district levels were required to be constituted for monitoring and overseeing the conditions and appropriateness in the institutions (girls' homes) | DCR<br>DCPUs | GoR<br>DCR |
| | ***Rule 62*** | Permission to a juvenile or child for going on leave by JJB or CWC and to refer the case to police for bringing the child back to the institution if the juvenile or child does not return on expiry of leave | Juvenile Justice Board or Child Welfare Committee | DCPU |
| ***4.1.10 Juvenile Justice (Care and Protection of Children) Act 2015*** | ***Section 30 (viii)*** | CWC to conduct two inspections per month of residential facilities and recommend action for improvement in quality of services to the DCPU and State Government. | CWC | DCPU and State Government |
| ***4.1.11 Commission for Protection of Child Right Act 2005*** | ***Section 13 (i)*** | Rajasthan State Commission for Protection of Child Rights has the mandate for inspections of institutions and take up irregularities with the concerned authorities for remedial action. | Rajasthan State Commission for Protection of Child Rights | GoR |
| ***4.1.12 Rules for Homes and Shelters 1970*** | ***Rule 22 (1)*** | Follow up of rehabilitated girls | Concerned Home | DCR |

(a) Members of voluntary organisations/ social workers were not included and these committees were not found functional as of June 2017 though orders for constitution of inspection committees at State/districts were issued (February 2012). GoR stated (February 2019) that inspection committees at state and district level were constituted in February 2012. Further scrutiny revealed (August 2020) that inspection committee at State level still did not have all the members required to be appointed (Medical expert was absent) and still it has not carried out prescribed inspections.

Further scrutiny of eight test checked DCPUs (Two DCPUs Jaipur and Tonk in August-September 2020 and remaining six DCPUs in August-October 2021) revealed that District Level Committee was constituted in all the DCPUs. However, DCPUs Jaipur and Baran did not have members from voluntary organisations/social workers in the constituted committees. Hence, inputs from non-governmental organisations engaged in these activities could not be obtained.

DCR, GoR in its reply (January 2022) to the draft report (November 2021) stated that Inspection committees at State and district levels were constituted.

However, details of nominated members were not provided to Audit.

(b) In *Madhu Smriti Mahila evam Bal Kalyan Uthan Sansthan*, Kota, 80 girls remained absent from the institution without obtaining permission of CWC, Kota during 2013-17. Of these, 42 girls did not return. Scrutiny further revealed that Child Welfare Committee as well as Sansthan did not refer these cases to police.

(c) Against the targeted 552 inspections, only 38 inspections (7 *per cent*) were carried out by five CWCs (Bharatpur, Jaipur, Tonk, Udaipur and Kota) during 2016-17. GoR stated (February 2019) that inspections of child care institutions are being carried out regularly. Further scrutiny of records of eight CWCs (two CWCs Jaipur and Tonk in August-September 2020 and remaining six CWCs in August-October 2021) revealed that, contrary to GoR's reply, frequency and number of inspections continued to be dismal. Against the targeted 1695 inspections, only 238 inspections (14.04 *per cent*) were carried out during 2017-20.

(d) The details of inspections of Government/NGOs run *Balika Grehs*, carried out by the Commission during 2012-17 was not available on records, though inspections were carried out by the chairperson of the Commission. Further, scrutiny of records of RSCPCR revealed (August 2020) that though 36 inspections (2018: 05 and 2019: 31) of Government/NGOs run *Balika Grehs* were carried out during calendar years 2018-19 relevant inspection reports were not provided to audit.

(e) Two thousand five hundred and eighty five girls were rehabilitated and discharged from 10 test checked Government/Non-Governmental *Balika Grehs* and open shelters but the follow up of rehabilitated girls as prescribed in rules was not carried out at any of the *Balika Grehs/shelters* during 2012-17. GoR stated (February 2019) that follow up of rehabilitated girls is being done by CWCs. Further scrutiny of four test checked *Balika Grehs* (*Balika Greh* Jaipur in August-September 2020 and remaining three *Balika Grehs* in August-October 2021) revealed that 1,912 girls (Jaipur: 672, Udaipur: 239 and Kota: 1,001) were rehabilitated but follow up of only 113 rehabilitated girls (Jaipur: 31, Udaipur: 55 and Kota: 27) was done in the three *Balika Grehs* during 2017-20. Further, in *Balika Greh*, Bharatpur, 378 girls were rehabilitated but follow up was not done during 2017-20.

DCR, GoR did not furnish reply.

Lapses by multiple agencies in adhering to control and monitoring provisions such as constitution of inspection committees, conduct of inspections, security of inmates, follow-up of rehabilitated girls etc. undermined the efforts of these agencies in providing security and protection to vulnerable and victimised girls.

| Name of the Guidelines | Section/ provision | Internal Control prescribed | Responsible functionary | Monitoring Authority |
|---|---|---|---|---|
| ***4.1.13 Rajasthan State Legal Services Authority Regulations 1999*** | ***Regulation 12 and 16*** | The District Authority/*Taluk* Committee shall meet once in a month to discuss and monitor the pending cases and to take decision to award compensation and provide free legal aid to the victims. | DLSA<br><br>TLSC | RSLSA<br><br>DLSA |

The shortfall of meetings during 2012-17 in nine test-checked DLSAs was 65.93 *per cent* while in eight test-checked TLSCs it was 86.88 *per cent*. In two TLSCs (*Anta* in Baran district and *Sojat* in Pali district) no meeting was organized during 2012-17.

Three DLSAs (Bharatpur, Jaipur and Tonk) stated (March–July 2018) that due to non-deployment of full-time secretary, legal services to be provided (cases of legal aid and compensation) could not be monitored effectively.

Further scrutiny of records of nine DLSAs (three DLSAs Jaipur District, Jaipur Metro and Tonk in August-September 2020 and remaining six DLSAs in August-October 2021) revealed that despite a Secretary being appointed in September 2018, none of the test checked nine DLSAs and eight TLSCs organized the prescribed number of meetings. The shortfall of meetings during 2017-20 in DLSAs was 37.65 *per cent* while in TLSCs it was 92.01 *per cent*.

Law & Legal Department, GoR did not furnish reply.

Pending cases were not properly monitored and decision to award compensation and provide free legal aid to the victims were delayed, due to huge shortfall in the meeting of DLSAs/TLSCs.

### *4.1.14 Cases registered with police and courts under Special Laws*

Data related to crime against women registered under Special and Local Laws (SLLs) during 2012-19 was collected from the State Police Department. Further, a similar data for the same period was also called for from Rajasthan High Court, Jodhpur. A fair comparison of two sets of data revealed that very few cases (3,139 cases) were registered under SLLs with police in comparison to total number of cases (1,10,023 cases) registered in various courts during 2012-19 as given in the ***Table 22.***

**Table 22**

| S. No. | Name of SLLs | Number of cases registered with Court | Number of cases registered with police | Difference |
|---|---|---|---|---|
| 1. | The Immoral Traffic (Prevention) Act, 1956 | 1,204 | 581 | 623 |
| 2. | The Dowry Prohibition Act, 1961 | 13,463 | 130 | 13,333 |
| 3. | The Indecent Representation of Women (Prohibition) Act, 1986 | 1,060 | 183 | 877 |
| 4. | The Commission of Sati (Prevention) Act,1987 | 1 | 0 | 1 |
| 5. | The Protection of Women from Domestic Violence Act, 2005 | 68,506 | 49 | 68,457 |
| 6. | The Prohibition of Child Marriage Act, 2006 | 224 | 74 | 150 |
| 7. | The Protection of Children from sexual offences Act, 2012 | 24,887 | 2,025 | 22,862 |
| 8. | The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 | 578 | 0 | 578 |
| 9. | The Rajasthan Prevention of Witch-hunting Act, 2015 | 100 | 97 | 3 |
| | **Total** | **1,10,023** | **3,139** | **1,06,884** |

*Source: Data provided by the Rajasthan High Court, Jodhpur and State Police Department.*

It can be seen from the above table that there was a huge difference in the number of cases registered under three SLLs 'The Dowry Prohibition Act, 1961', 'The Protection of Women from Domestic Violence Act, 2005' and 'The Protection of Children from sexual offences Act, 2012'. Thus, the data was not being reconciled. This was indicative of lack of proper coordination between police and legal authorities and other stakeholders.

GoR stated (January 2019) that many cases were submitted directly in the courts under various sections of IPC and CrPC and not submitted in the police stations. However, details regarding cases registered directly in the courts under specific sections of IPC and CrPC was not provided by the police to substantiate the reply.

Home Department, GoR in its reply (February 2021) to the Draft Report (December 2020) stated that many cases were submitted directly in the courts under various sections of IPC and CrPC and not submitted in the police stations. Further, many cases were registered in court on suo moto basis.

Reply needs to be viewed in the light of the huge difference in the cases registered with police department and courts while effective efforts were not made by the Department to reconcile the difference.

***Conclusion:***

*The internal control mechanism prescribed under various acts/rules established for protection of women and girl child was not functioning properly. The authorities concerned did not undertake proper monitoring of the shelters and protectives homes and did not meet as per prescribed periodicity to discuss critical issues of welfare of women and girl child. The Internal Committee/Local Committee did not submit annual reports to employers/District Officers, only 12.89 per cent of the prescribed inspections of MSSKs were carried out by the POs in test checked districts, against required 48 meetings of Rajasthan State Commission for Women. Only 35.42 per cent (17 meetings) were held during*

*2012-20. District Advisory Boards under Dowry Prohibition Act had still not been constituted in the 29 districts as of December 2020. The quality of services in Balika Grehs could not be ensured due to lack of inspections, residential facilities and other requirements for children in need of care and protection. Follow up of rehabilitated girls as prescribed in rules was not carried out at any of the Balika Grehs/shelters during 2012-19. None of the test checked DLSAs and TLSCs organized prescribed number of meetings during 2012-20.*

### *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.*

Anadi Misra

**JAIPUR,**
**The 06 April, 2022**

**(ANADI MISRA)**
**Accountant General**
**(Audit-I), Rajasthan**

**Countersigned**

**NEW DELHI,**
**The 08 April, 2022**

**(GIRISH CHANDRA MURMU)**
**Comptroller and Auditor General of India**

# *Appendices*

## Appendix-I

**(Refer Paragraph 3.2.9)**

**Statement showing the deficiencies in the functioning of *Mahila evam Bal Desk* in the test checked police stations**

| Deficiencies | Name of Police Stations |
|---|---|
| **During 2012-17** | |
| **Non-availability of *Mahila evam Bal Desk*** | Bekaria (Udaipur), Parsola (Pratapgarh). |
| **Availability of female in-charge** | Bhankrota (Jaipur West). |
| **Non availability of Separate counselling room** | Bhankrota and Sadar (Jaipur West); Lalkothi (Jaipur East); Kaithuni Pole (Kota City); Chechat (Kota Rural); Kotwali and Nahargarh (Baran); Ogana, Amba Mata, Dhan Mandi and Bekaria (Udaipur); Parsola (Pratapgarh); Kotwali, Guda Endla and Sojat Road (Pali). |
| **Non availability of Separate female toilet** | Bhankrota and Sadar (Jaipur West); Lalkothi (Jaipur East); Baroni (Tonk); Kaithuni Pole (Kota City); Kaithun and Chechat (Kota Rural); Kotwali and Nahargarh (Baran); Ogana, Amba Mata, Dhan Mandi and Bekaria (Udaipur); Parsola (Pratapgarh); Kotwali, Sewar and Nadbai (Bharatpur); Kotwali, Guda Endla, Sanderao and Sojat Road (Pali). |
| **Non availability of furniture** | Bhankrota and Sadar (Jaipur West); Lalkothi and Transport Nagar (Jaipur East); Baroni (Tonk); Railway Colony and Kaithuni Pole (Kota City); Kaithun and Chechat (Kota Rural); Kotwali and Nahargarh (Baran); Ogana, Amba Mata, Hathi Pole, Dhan Mandi and Bekaria (Udaipur); Parsola (Pratapgarh); Kotwali, Guda Endla, Sanderao and Sojat Road (Pali). |
| **Non availability of Display Board** | Bhankrota and Sadar (Jaipur West); Lalkothi and Transport Nagar (Jaipur East); Chechat (Kota Rural); Chhabra (Baran); Hiran Magri, Ogana, Sayara, Dabok, Hathi Pole, Dhan Mandi and Bekaria (Udaipur); Parsola and Pratapgarh (Pratapgarh); Kotwali, Guda Endla and Sanderao (Pali); Amarsar, Phulera and Narena (Jaipur |

| Deficiencies | Name of Police Stations |
|---|---|
| | Rural); Kotwali, Sewar, Khoh and Nadbai (Bharatpur). |
| **During 2017-20** | |
| **Non availability of female in-charge** | Ogna, Ambamata, Bekariya, Hathipole, Hiran Magri (Udaipur); Pratapgarh, Parsola (Pratapgarh); Guda Endla, Sojat Road, Kotwali, Sanderao (Pali); Chhabra, Kotwali, Nahargarh (Baran); Bheemganj Mandi, Railway Colony, Kaithunipole (Kota city); Kaithun, Chechat (Kota Rural); Kotwali, Sewar, Khoh, Nadbai (Bharatpur); Bhankrota (Jaipur West); Amarsar, Phulera and Narena (Jaipur Rural); Lalkothi and Transport Nagar (Jaipur East); Baroni, Sadar and Newai (Tonk). |
| **Non availability of separate counselling room** | Ambamata, Ogna (Udaipur); Guda Endla, Kotwali (Pali); Kaithunipole (Kota city); Lalkothi (Jaipur East); Newai (Tonk). |
| **Non availability of separate female toilet** | Ambamata, Ogna, Sayra, Bekariya (Udaipur); Guda Endla (Pali); Parsola (Pratapgarh); Kaithun (Kota Rural); Kaithunipole (Kota city); Nadbai (Bharatpur); Phulera and Narena (Jaipur Rural); Lalkothi (Jaipur East); Baroni and Newai (Tonk). |
| **Non availability of furniture** | Ambamata, Ogna, Bekariya (Udaipur); Parsola (Pratapgarh); Guda Endla (Pali); Kaithun (Kota Rural); Kaithunipole (Kota city); Nadbai (Bharatpur); Sadar (Jaipur West); Amarsar, Phulera and Narena (Jaipur Rural); Lalkothi and Transport Nagar (Jaipur East); Baroni and Niwai (Tonk). |
| **Non availability of Display Board** | Ogna, Sayra, Ambamata, Dabok (Udaipur); Guda Endla (Pali); Kotwali, Nahargarh (Baran); Kotwali, Sewar, Khoh, Nadbai (Bharatpur); Pratapgarh, Parsola (Pratapgarh); Bheemganj Mandi (Kota city), Bhankrota and Sadar (Jaipur West); Phulera (Jaipur Rural); Lalkothi (Jaipur East); Baroni, Newai and Sadar (Tonk). |

## Appendix-II

**(Refer Paragraph 3.2.10)**

**Statement showing the details of deficiencies noticed in the Community Liaison Group in test checked districts and Police Stations**

| Deficiencies | Name of district offices and Police Stations |
|---|---|
| **During 2012-17** | |
| **Trainings to CLG Members were not provided** | DCP Jaipur (East); SP Tonk; SP Kota (City); SP Kota (Rural); SP Baran; SP Jaipur (Rural); DCP Jaipur (West); SP Pali and SP Bharatpur. |
| | PSs Lal Kothi and Transport Nagar (Jaipur-East); Niwai and Baroni (Tonk); Bheemganj Mandi, Railway Colony and Kaithuni Pole (Kota City); Kotwali, Nahargarh and Chhabra (Baran); Chechat and Kaithun (Kota Rural); Parsola (Pratapgarh); Bekaria, Dhanmandi, Hathipole and Ambamata (Udaipur); Kotwali, Guda Endla and Sojat road (Pali); Kotwali, Sewar, Khoh and Nadbai (Bharatpur). |
| **Half yearly Review Reports were not sent to Range IGs and Police Headquarters** | DCP (East) Jaipur; DCP (West) Jaipur; SP Tonk; SP Baran; SP Kota (City); SP Kota (Rural) and SP Pali. |
| **Members of weaker section/ women were not included in CLG** | SP Kota (Rural); SP Jaipur (West); SP Jaipur (Rural); SP Pratapgarh and SP Pali. |
| | PSs Lal Kothi and Transport Nagar (Jaipur East); Sadar, Niwai and Baroni (Tonk); Kotwali and Nahargarh (Baran); Railway Colony, Kaithuni Pole and Bheemganj Mandi (Kota City); Kaithun (Kota Rural); Parsola (Pratapgarh); Bekaria, Dhanmandi and Hathipole (Udaipur); Kotwali, Guda Endla, Sanderao and Sojat road (Pali); Kotwali, Sewar, Khoh and Nadbai (Bharatpur). |
| **Prescribed number of members were not included in the constituted CLG** | SP Pali; SP Kota (City). |
| | PSs Kotwali and Nahargarh (Baran); Railway Colony, Kaithuni Pole and Bheemganj Mandi (Kota City); Bekaria and Hathi Pole (Udaipur); Guda Endla (Pali); Kotwali, Sewar and Nadbai (Bharatpur). |

| Deficiencies | Name of district offices and Police Stations |
|---|---|
| **Records of CLG were not made available** | SP Jaipur (Rural) (2012-15); SP Pali (2014-17); SP Udaipur (2012-14). |
| | PSs Newai (2012-14) and Baroni (2012-14) (Tonk); Chhabra (2012-15) (Baran); Ogana (2012-13), Bekaria (2012) and Amba mata (2012-14) (Udaipur); Parsola, (2012) (Pratapgarh); Chechat (2012-14) (Kota Rural); PS Phulera (2012-13) (Jaipur Rural). |
| **During 2017-20** | |
| **Trainings to CLG Members were not provided** | SP Pali, SP Kota Rural, SP Udaipur, SP Baran, SP Bharatpur, SP Pratapgarh, SP Kota City, DCP Jaipur (West); SP Jaipur (Rural); DCP Jaipur (East). |
| | PSs Kaithun, Chechat, (Kota Rural); Guda Endla, Sanderao, Kotwali, Sojat Road (Pali); Ambamata, Hathipole, Dabok, Hiran Magri, Bekariya, Dhan Mandi, Ogana (Udaipur); Nahargarh, Kotwali, Chhabra, (Baran); Sewar, Kotwali, Khoh, Nadbai (Bharatpur); Bheemganj Mandi, Railway Colony, Kaithunipole (Kota City), Parsola, Pratapgarh (Pratapgarh), Sadar and Bhankrota (Jaipur West); Phulera, Narena and Amarsar (Jaipur Rural); Sadar and Baroni (Tonk); Lal Kothi and Transport Nagar (Jaipur East). |
| **Half yearly Review Reports were not sent to Range IGs and Police Hqrs** | SP Pali, SP Kota Rural, SP Udaipur, SP Baran, SP Bharatpur, SP Pratapgarh, SP Kota City, DCP Jaipur (West), SP Jaipur (Rural), DCP Jaipur (East). |
| **Members of weaker section/ women were not included in CLG** | SP Pali, SP Kota Rural, SP Kota City, DCP Jaipur (West). |
| | PSs Kaithun, Chechat (Kota Rural); Nahargarh, Kotwali, (Baran); Sewar, Kotwali, Khoh, Nadbai (Bharatpur); Hathipole, Bekariya, Dhan Mandi (Udaipur); Bheemganj Mandi, Kaithunipole (Kota City); Guda Endla, Sanderao (Pali), Parsola, Pratapgarh (Pratapgarh); Lalkothi (Jaipur East); Sadar (Jaipur west); Phulera, Amarsar, Narena (Jaipur Rural); Sadar, Newai (Tonk). |
| **Prescribed number of members were not included in the constituted CLG** | SP Kota City (04/17 to 12/18), DCP Jaipur (East). |
| | PSs Nahargarh (Baran); Hathipole, Sayra (2017 & 2019) (Udaipur); Sanderao (04/17 to 12/18) (Pali), Nadbai (2017 to 2018) (Bharatpur), Bhankrota, |

| Deficiencies | Name of district offices and Police Stations |
|---|---|
| | (Jaipur West); Amarsar (Jaipur Rural); Lal Kothi (Jaipur East). |
| **Records of CLG were not made available** | SP Pali, SP Kota Rural, SP Udaipur, SP Baran, SP Bharatpur, SP Pratapgarh, SP Kota City. |
| | PSs Ambamata, Ogana (04/17 to 12/18) (Udaipur); Pratapgarh (04/17 to 12/17), Parsola (04/17 to 12/17) (Pratapgarh); Sojat Road (Pali); Sadar (Jaipur West) (04/17to 12/18). |

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