

STUDY ON THE RESPONSE OF THE CHILD PROTECTION SYSTEM TO VIOLENCE AGAINST CHILDREN IN RAJASTHAN



Enfold Proactive Health Trust
March 2022

In Collaboration with Resource Institute
for Human Rights (RIHR)
and UNICEF-Rajasthan



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for every child

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India's Constitution recognises the vulnerability of children and empowers the Indian State to frame special laws for children under Article 15(3) and enjoins the State to ensure that childhood is protected from exploitation. Special legislations such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (CALPRA), Prohibition of Child Marriage Act, 2006 (PCMA), Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015), and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) recognise specific offences against children and some of these laws also stipulate child-friendly procedures, hence, are substantive and procedural in nature. The JJ Act, 2015, in particular, provides an overarching framework to ensure care, protection, treatment and rehabilitation of children in conflict with the law or in need of State care and protection, and also prescribes offences against children. It establishes authorities such as the Child Welfare Committee, Juvenile Justice Board, and agencies such as the Special Juvenile Police Unit, and District Child Protection Unit, with a view to ensure an effective response to children in difficult circumstances.



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Available crime data provides a general overview of the nature of crimes against children reported in Rajasthan. For instance, in 2019, 7385 incidents of crimes against children were reported in Rajasthan, a jump from 5185 cases in 2018. Of these, 3132 cases (42%) constituted kidnapping related offences, 1313 cases (18%) were registered under rape, 596 cases (8%) under the POCSO Act, and 596 cases (8%) under the JJ Act, 2015. The pendency rate in courts of cases of crimes against children was 91% in 2018, decreased to 89% in 2019 and the Prohibition of Child Marriage Act, 2006 (19 cases). This is surprising considering that as per the National Family Health Survey-5, 2019-21, 24.4% women in Rajasthan, between 20-24 years were married

increased to 92% in 2020. The conviction rate in cases of crimes against children was 47% in 2018, climbed to 54% in 2019 and further increased to 59% in 2020. The data in 2019 also revealed that very few cases were registered under special legislations such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (48 cases) and the Prohibition of Child Marriage Act, 2006 (19 cases). This is surprising considering that as per the National Family Health Survey-5, 2019-21, 24.4% women in Rajasthan, between 20-24 years were married



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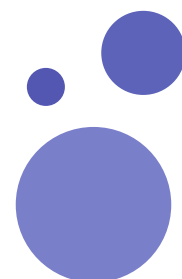
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LIST OF ABBREVIATIONS

ADCP	Assistant Director Child Protection
AHTU	Anti-Human Trafficking Unit
CALPRA	Child and Adolescent Labour (Prohibition and Regulation) Act, 1986
CCI	Child Care Institution
CICL	Child in conflict with the law
CJM	Chief Judicial Magistrate
CMPO	Child Marriage Prohibition Officer
Cr.PC	Code of Criminal Procedure, 1973
CWC	Child Welfare Committee
DCPU	District Child Protection Unit
DLSA	District Legal Services Authority
FIR	First Information Report
FSL	Forensic Science Laboratory
ICP	Individual Care Plan
IO	Investigating Officer
IPC	Indian Penal Code
IT Act	Information Technology Act, 2000
JJB	Juvenile Justice Board
OH	Observation Home
NCRB	National Crime Records Bureau
NFHS	National Family Health Survey
NGO	Non-governmental Organization
PCMA	Prohibition of Child Marriage Act, 2006
POCSO	Protection of Children from Sexual Offences Act, 2012
PP	Public Prosecutor
RLSA	Rajasthan State Legal Services Authority
SC/ST Act	Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989
SDM	Sub-Divisional Magistrate
SIR	Social Investigation Report
SJPU	Special Juvenile Police Unit
SLL	Special Local Laws
SP	Superintendent of Police
WCD	Ministry of Women and Child Development

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Chapter 1: Introduction- About the Study

1.1. Background

India's Constitution recognises the vulnerability of children and empowers the Indian State to frame special laws for children under Article 15(3) and enjoins the State to ensure that childhood is protected from exploitation. Special legislations such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (CALPRA), Prohibition of Child Marriage Act, 2006 (PCMA), Juvenile Justice (Care and Protection of Children) Act, 2015 (JJ Act, 2015), and the Protection of Children from Sexual Offences Act, 2012 (POCSO Act) recognise specific offences against children and some of these laws also stipulate child-friendly procedures, hence, are substantive and procedural in nature. The JJ Act, 2015, in particular, provides an overarching framework to ensure care, protection, treatment and rehabilitation of children in conflict with the law or in need of State care and protection, and also prescribes offences against children. It establishes authorities such as the Child Welfare Committee, Juvenile Justice Board, and agencies such as the Special Juvenile Police Unit, and District Child Protection Unit, with a view to ensure an effective response to children in difficult circumstances.



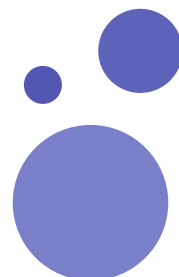
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Available crime data provides a general overview of the nature of crimes against children reported in Rajasthan. For instance, in 2019, 7385 incidents of crimes against children were reported in Rajasthan, a jump from 5185 cases in 2018. Of these, 3132 cases (42%) constituted kidnapping related offences, 1313 cases (18%) were registered under rape, 596 cases (8%) under the POCSO Act, and 596 cases (8%) under the JJ Act, 2015. The pendency rate in courts of cases of crimes against children was 91% in 2018, decreased to 89% in 2019 and increased to 92% in 2020. The conviction rate in cases of crimes against children was 47% in 2018, climbed to 54% in 2019 and further increased to 59% in 2020. The data in 2019 also revealed that very few cases were registered under special legislations such as the Child and Adolescent Labour (Prohibition and Regulation) Act, 1986 (48 cases) and the Prohibition of Child Marriage Act, 2006 (19 cases). This is surprising considering that as per the National Family Health Survey-5, 2019-21, 24.4% women in Rajasthan, between 20-24 years were married before they attained 18 years. Further, Rajasthan has ranked third among the top five States with high incidence of child labour. While there are several factors that affect the reporting of an offence, it is important to understand how matters that are reported are being dealt with by the police, CWCs, judiciary, and others, and the extent to which child-friendly procedures are being adhered. It is also necessary to document the challenges being faced by stakeholders involved, and identify the gaps in the response mechanism.

Further, since March 2020, India, like all countries around the world, was hit by the COVID-19 pandemic resulting in school closures, migrations, and loss of livelihood on an unprecedented scale. Existing evidence on the impact of pandemics and epidemics on child protection shows how vulnerabilities are exacerbated, and children are exposed to multiple risks. Yet evidence on the issue is limited, particularly at the regional level in India. Given the nature of the pandemic, it is important to understand its impact on reporting, as well as the response of the criminal justice system and the child protection system.

The role of the community in reporting violence against children and supporting children during their journey in the justice system also needs to be examined. This is important for identification of specific measures and reforms that can strengthen community responses and ensure access to justice for child victims of violence even during a pandemic.

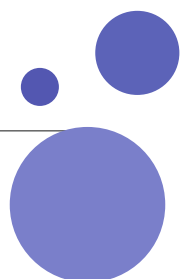
It was in this backdrop that an exploratory study was undertaken by Enfold Proactive Health Trust in partnership with RIHR and UNICEF Rajasthan. The study was conducted between July to December 2021.

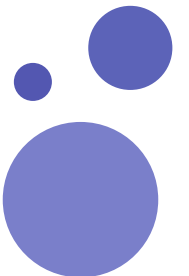



1.2. Methodology

The Study seeks to unpack the nature of reported cases of offences against children, the response of key actors such as the police, Special Juvenile Police Unit, Child Welfare Committee, District Child Protection Unit, and the judiciary, as well as the gaps in the response system. The specific objectives of the Study are as follows:

- a. Examine the nature of cases of violence against children in Rajasthan, profile of the victims, complainants, and accused, legal provisions invoked, and the site of violence.
- b. Examine the adherence to child-friendly procedures during the reporting and investigation of offences against children by the police and Special Juvenile Police Unit, and the gaps, challenges, and good practices.
- c. Examine the adherence to prescribed procedures and interventions made by the Child Welfare Committee in matters relating to violence against children in need of care and protection, gaps, challenges and good practices.
- d. Study the nature of disposal of cases of offences against children by courts, punishment imposed upon the offender and compensation ordered, and identify gaps, challenges, and good practices.
- e. Assess the extent of interface between the criminal justice system and the juvenile justice system in cases of violence against children.
- f. Understand the impact of COVID-19 on the reporting of violence against children to the police, and the response of the police, CWCs, courts, and other authorities.
- g. Frame recommendations for strengthening response of the State Government and the key actors such as the police, Childline, CWC, DCPU, judiciary, Rajasthan State Commission for Protection of Child Rights and the community to violence against children in Rajasthan.





The background is a solid blue color. It features several decorative elements: two vertical yellow rectangles on the left and right sides; several circles of varying sizes in shades of purple and blue; and a small purple circle in the bottom left corner.

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