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**PARLIAMENT OF INDIA
LOK SABHA**

**COMMITTEE ON EMPOWERMENT OF WOMEN
(2013-2014)**

(FIFTEENTH LOK SABHA)

TWENTY SECOND REPORT

**'VICTIMS OF SEXUAL ABUSE AND
TRAFFICKING AND THEIR REHABILITATION'**

**[Action Taken by the Government on the recommendations contained in the
Nineteenth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of
Women (2012-2013) on 'Victims of Sexual Abuse and Trafficking and their
Rehabilitation']**



**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2014/Magha, 1935 (Saka)

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Presented to Lok Sabha on 17.02.2014

Laid in Rajya Sabha on 17.02.2014



**LOK SABHA SECRETARIAT
NEW DELHI**

February, 2014/Magha, 1935 (Saka)

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**COMPOSITION OF THE COMMITTEE ON EMPOWERMENT OF WOMEN
(2013-2014)**

Hon'ble Chairperson - Rajkumari Ratna Singh

MEMBERS

LOK SABHA

2. Smt. Rama Devi
3. Smt. Jyoti Dhurve
4. (Dr.)Smt. Botcha Jhansi Lakshmi
5. Smt. Sumitra Mahajan
6. Smt. Ingrid Mcleod
7. Shri Sidhant Mohapatra
8. Dr. (Smt.) Ratna De Nag
9. Smt. Mausam Noor
10. Smt. Jayshreeben Patel
11. Smt. Bhavana Gawali Patil
12. Vacant@
13. Shri Raju Shetti
14. Smt. Supriya Sadanand Sule
15. Smt. Annu Tandon
16. Smt. Prabha Kishor Taviad
17. Shri Gurudas Dasgupta
18. Vacant
19. Vacant
20. Vacant

RAJYA SABHA

21. Vacant*
22. Vacant[#]
23. Smt. Naznin Faruque
24. Smt. Kanimozhi
25. Shri Ambeth Rajan
26. Dr. T. N. Seema
27. Vacant[^]
28. Smt. Vasanthi Stanley
29. Dr. C. P. Thakur
30. Dr. Prabha Thakur

SECRETARIAT

1. Sh. R.K. Jain - *Joint Secretary*
2. Sh. S.C. Chaudhary - *Director*
3. Sh. Raju Srivastava - *Additional Director*

@ Smt. Yashodhra Raje Scindia resigned her membership w.e.f. 19 December, 2013
* Smt. Anu Aga resigned her membership w.e.f. 26 November, 2013.
Smt. Jaya Bachchan resigned her membership w.e.f. 16 December, 2013
^ Smt. Maya Singh resigned her membership w.e.f. 23 December, 2013

INTRODUCTION

I, the Chairperson, Committee on Empowerment of Women having been authorized by the Committee to submit the Report on their behalf, present this Twenty Second Report (Fifteenth Lok Sabha) on the action taken by the Government on the recommendations contained in their Nineteenth Report (Fifteenth Lok Sabha) on 'Victims of Sexual Abuse and Trafficking and their Rehabilitation'.

2. The Nineteenth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of Women was presented to Lok Sabha and laid in Rajya Sabha on 08.05.2013. The Ministry of Women and Child Development, Ministry of Home Affairs and Ministry of Law and Justice have furnished the action taken replies to all the Observations/Recommendations contained in the Report.

3. The Committee on Empowerment of Women (2013-2014) considered and adopted the Draft Action Taken Report at their sitting held on 12th February, 2014. Minutes of the sitting are given in Appendix I.

4. An Analysis of the action taken by the Government on the recommendations contained in the Twenty Second Report (Fifteenth Lok Sabha) of the Committee is given in Appendix II.

5. For facility of reference and convenience, the Observations/Recommendations of the Committee have been printed in bold letters in the body of the Report.

NEW DELHI;
12 February, 2014
23 Magha, 1935 (Saka)

RAJKUMARI RATNA SINGH,
CHAIRPERSON,
COMMITTEE ON EMPOWERMENT OF WOMEN

CHAPTER I

REPORT

This Report of the Committee deals with the action taken by the Government on the observations/recommendations contained in their Nineteenth Report (Fifteenth Lok Sabha) of the Committee on Empowerment of Women on the subject 'Victims of Sexual Abuse and Trafficking and their Rehabilitation' pertaining to Ministry of Women & Child Development, Ministry of Home Affairs and Ministry of Law and Justice.

2. The Nineteenth Report was presented to Lok Sabha on 8 May, 2013 and was laid same day on the Table of Rajya Sabha. The Report contained 16 observations/recommendations.

3. Action Taken Replies in respect of all the 16 observations/ recommendations contained in the Report have been received from the Government. These have been categorised as follows:-

- (i) Observations/Recommendations which have been accepted by the Government :

Serial Nos.: 1, 2, 3, 6, 7, 8, 9,10, 11, 12, 14, 15 and 16

Total: 13
Chapter-II

- (ii) Observations/Recommendations which the Committee do not desire to pursue in view of Government's replies :

Serial No.: Nil

Total: 00
Chapter-III

- (iii) Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee:

Serial No.: 5

Total: 01
Chapter-IV

- (iv) Observations/Recommendations in respect of which final replies of the Government are still awaited :

Serial Nos. : 4 and 13

Total: 02
Chapter-V

4. The Committee desire that Action Taken Notes on the observations/ recommendations contained in Chapter – I of the Report and final reply to the observations/ recommendations contained in Chapter – V of the Report in respect of which the Government has submitted interim reply, may be furnished to the Committee within three months of the presentation of this Report.

5. The Committee will now deal with action taken by the Government on some of the observations/ recommendations that require reiteration or merit comments.

A. Crime against women
[Recommendation Serial No. 1]

6. The Committee had recommended as under:-

“The Committee note that although women may be victims of any of the general crimes such as ‘Murder’, ‘Robbery’, ‘Cheating’ etc, only the crimes which are directed specifically against women are characterised as ‘Crimes against Women’. The Committee find that Rape (Section 376), Kidnapping and Abduction for specified purposes (Section 363-373), Homicide for Dowry, Dowry Deaths or their attempts (Section 302/304-B), Torture-both mental and physical (Section 498-A), Molestation (Section 354), Sexual Harassment (Eve Teasing) (Section 509) and Importation of girls (upto 21 years of age) (Section 366-B) are crimes under the Indian Penal Code which are typified as crimes against women. Similarly, there are several crimes against women which are coming under Special and Local Laws (SLL) viz., Immoral Traffic (Prevention) Act, 1956, Dowry Prohibition Act, 1961, Indecent Representation of Women (Prohibition) Act, 1986 and the Commission of Sati (Prevention) Act, 1987. The Committee have also been informed that a total of 2,28,650 incidents of crime against women were reported in the country during the year 2011 as compared to 2,13,585 incidence in the year 2010, thereby, recording an increase of 7.1% during the year 2011. These crimes have continuously increased during 2007-2011 with 1,85,312 cases in the year 2007, 1,95,856 cases in the year 2008, 2,03,804 cases in the year 2009 and 2,13,585 cases in the year 2010 and 2,28,650 cases in the year 2011. The Committee are astonished to find that on the one hand, the incidents of sexual abuse, in various forms, are increasing at a lightning speed throughout the country and on the other hand, no concrete action plan appear to have been formulated and implemented by the Union

Government to genuinely persuade all the States to put a halt to various crimes against women on the grounds that as per Seventh Schedule, 'Police' and 'Public Order' are State subjects under the Constitution. The Committee have apprehension that if the current state of affairs are not handled properly by all the stakeholders, the rate of increase of victims of sexual abuse would be higher than the growth of population rate in the country by the end of year 2013. The Committee, therefore, strongly recommend that all the stakeholders viz., the Union Government and the State Governments should work in tandem to bring about a perceptible decrease in the crimes against women. For this purpose, a special Co-ordination Committee/ Monitoring Mechanism be put in place by the Union Government so that crime prevention techniques and other related aspects could be discussed with the State Governments, on monthly basis, and proactive measures such as providing financial assistance for modernisation of State Police in terms of weaponry, communication equipment, mobility, training and other infrastructure could be initiated within a stipulated time with a view to encouraging those States where improvements are significant, on the other hand, slow improving areas should be brought in for some harsh remedial measures.”

7. The Ministry of Home Affairs in their action taken reply have stated as under:-

“The recommendation of the Committee is duly noted.

Ministry of Home Affairs is extremely serious on the issues of crimes against women and takes every comprehensible measure to counter the menace. Centre-States Division within the Ministry of Home Affairs has been entrusted with the responsibility of coordinating with States / UTs on issues of Crimes against Women. These issues are taken up with the State Governments periodically through various forums like Chief Minister's Conference, Director General of Police Conference and various video-conferences with Home Secretaries of States /UTs.

As intervention measures, Ministry of Home Affairs has issued several advisories in the current year and is following up with the States/UTs on the implementation front through various forums.

- (i) Ministry of Home Affairs has issued an advisory on 22nd April 2013 whereby the States / UTs were requested to raise the women representation in Police to 33%.
- (ii) Advisory on protection of Children from Sexual Offences Act 2013 issued on 28.05.2013.

- (iii) Advisory based on Hon'ble Supreme Court directions regarding filing of FIR mandatorily in case of missing children was issued on 25.06.2013.
- (iv) Advisory on Registration of FIR irrespective of territorial jurisdiction and Zero FIR was issued on 10.05.2013.
- (v) Advisory on Sale and Regulation of acids has also been issued on 30.08.2013

The implementations of the guidelines by the States/UTs are monitored through video-conferences and other interactive forums.

The States/UTs are also very much serious in this issue and they also try to implement the existing legislations optimally to provide safety and security to the women.

The statistical rise in figures of crimes against women can also be attributed to the fact that registration of FIR across the country; has tremendously increased over the years, more so after enactment of new legislation; wherein non-registration of FIR has been made a criminal offence. Nowhere it is more evident than in Delhi whose statistics are appended below:

CRIME HEAD	2010	2011	2012	2013*
Rape	507	572	706	1472
Molestation of women	601	657	727	3220
Eve-Teasing	126	229	236	850
498-A/406 IPC (Cruelty by husband or In-Laws)	1410	1585	2046	2609

**Data of 2013 is provisional. Updated upto 30.11.13*

Ministry of Home Affairs also provides appropriate funding for modernization of State Police Forces on technology, weaponry, manpower and other fronts.”

8. The Committee note that the reply of the Government has not addressed the Committee's recommendation to initiate pro-active measures such as providing financial assistance for modernisation of State Police in terms of weaponry, communication equipment, mobility, training and other infrastructure which would have direct impact on creating a congenial environment for the safety and security of women in the country. The Ministry has merely stated that

as intervention measures, several advisories have been to the States and appropriate funding for modernization of State Police Forces is also being provided. The Committee would like to reiterate their recommendation that a special Co-ordination/ Monitoring Mechanism should be put in place keeping in view the astronomical increase in the crimes against women in all the States/ UTs. As a matter of fact, the Committee would have appreciated if the Government had furnished explicit statistical data in terms of institutional measures recently introduced by them to bring out systemic changes in providing safety and security to women. Considering the fact that there would not be any noticeable impact of issuing advisories to the States/UTs, the Committee strongly recommend that specific modalities should be worked out and implemented by the Government at the earliest.

**B. Crime against women in Mega cities
[Recommendation Serial No. 2]**

9. The Committee had recommended as under:-

“The Committee find that as per Population Census 2011, 53 cities having population of over 10 lakh have been identified as Mega cities. According to National Crime Records Bureau, a total of 33,789 cases of crimes against women were reported from these 53 cities during the year 2011 as compared to 24,335 cases in the year 2010. The Committee are dismayed to note that among these Mega cities, Delhi has accounted for 13.3% of total such crimes followed by Bengaluru, Hyderabad and Vijayawada. The Committee is also astonished to note that Delhi has accounted for 17.6% of Rape cases, 31.8% of Kidnapping and Abduction cases, 14.0% of Dowry Deaths and 10.1% of Molestation cases among these 53 cities. All these statistical inputs explicitly point out to the fact that all the Mega cities in the country which are equipped with relatively modern police apparatus are being transformed as safe haven for criminals and anti-social elements who have scant regard for laws, law enforcement agencies and the legal system. The crime against women in Mega cities received a further shock and put the concept of modern policing combined with the objective of creating safe environment for women & children in complete jeopardy when a horrific incident took place in Delhi on 16 December, 2012 when a 23 year old student of physiotherapy was brutally gang-raped by six men in a moving bus. Even now, the spate of crimes against women in Mega cities has not been contained and the cases of rape, molestation, abduction of women & children etc., have become almost a daily, shameful affair. The Committee take a serious note of the entire scenario and strongly recommend that the Union Government, in purposeful co-ordination with all the State Governments, should make sincere

efforts to overhaul the tattered policing system in the country with a view to giving them a human face so that women, in distress, could approach them for redressal of their grievances. The Committee, therefore, urge upon the Government to consider setting up an Expert Group to study the challenges being faced by the country in the form of increasing crime against women & children in Mega cities and suggest practical solutions in tune with the requirements of 21st century. The Committee is apprehensive that if effective measures are not initiated in the right earnest, all these Mega cities would become dangerous place for women & children.”

10. The Ministry of Home Affairs in its action taken reply on the aforementioned recommendation have stated as under:-

“The recommendation of the Committee is duly noted. The issue of rising crimes against women in mega cities is a case of serious concern and Ministry of Home Affairs is taking every possible step to counter crimes.

The Ministry of Home Affairs is also assisting the State Governments for Modernization of State Police Forces. Under this scheme, assistance is being provided, inter-alia, for procurement of modern equipments for surveillance, communications, forensic science laboratories, etc., weaponry, vehicles, computerization, training infrastructure and for construction of Police infrastructure viz., Housing/Police stations/out posts/barracks etc. The Plan outlay of the project is Rs. 3750.87 crore and Non-Plan outlay is of Rs. 8,195.53 crore which excludes Rs. 432.90 for Mega City policing project. The project was initiated in 2012 – 13 and will be continued for another 05 years.”

11. **The Committee, considering the rapid transformation of Mega cities in the country as safe haven for criminals and anti-social elements who have scant regard for laws, law enforcement agencies and the legal system, had recommended the Government to appoint an Expert Group to study the challenges being faced by the country and suggest practical solutions to overhaul the tattered policing system in tune with the requirements of 21st century. However, in the action taken reply, they have only enumerated the assistance being provided by the Ministry of Home Affairs to the State Governments for procurement of modern equipment for surveillance, communications, forensic science laboratories, weaponry, vehicles etc. which the Committee are already aware of. The moot point which the Committee had gathered was that inspite of wide policing paraphernalia available with the State Governments, the spate of crimes against women in Mega cities has not been contained and cases of rape, molestation, abduction of women and children etc.**

have become almost a daily affair. The Committee, therefore, expected the Government to come up with the concrete solution to the problems being faced by women in Mega cities and apprise the Committee about the same in the action taken reply. In regard to recommendation of the Committee, in their action taken reply, they have also stated that the Plan outlay of the police modernization project is Rs. 3750.87 crores and Non-Plan is of Rs. 8195.53 crores which includes Rs. 432.90 crores for Mega city policing project. The project was initiated in 2012-13 and will be continued for another 5 years. The Committee infer that Rs. 432.90 crores for Mega city policing project, to be spread over in 5 years, is too meagre an amount to make any purposeful impact. Therefore, the setting up of an Expert Group for the aforesaid purpose cannot be substituted by customary assistance being given by the Ministry of Home Affairs to the State Governments. The Committee, therefore, reiterate their recommendation with regard to setting up an Expert Group to study the causes of increasing trend in crime against women and children in Mega cities and taking follow up remedial measures.

**C. Forensic Science Laboratories
[Recommendation Serial No. 5]**

12. The Committee had recommended as under:-

“The Committee find that the Directorate of Forensic Science Services (DFSS) under the Ministry of Home Affairs is the apex body for forensic science in the country. It administers the work of three Forensic Science Laboratories (CFSLs) at Kolkata, Hyderabad and Chandigarh and three new Central Forensic Institutes at Pune, Bhopal and Guwahati. The Committee also find that the present number of DNA Profiling Centres are not sufficient in view of the increasing number of rape cases in the country. The Committee are distressed to notice the recurring malady and insensitive approach of the Government to the effect that a negligible 25 DNA Centres have a meagre 50-60 trained manpower in India. The Committee have been informed that DNA analysis in a case can be completed in 2 days or a week. In case, there is delay in submission of exhibits to the laboratory, it will lead to the degradation of exhibits. Since DNA profiling is considered to be a major piece of evidence for filing a charge sheet in rape cases, the Committee strongly recommend that the Ministry of Home Affairs should critically review their own performance in setting up of more high-tech Forensic Science Laboratories with adequate trained manpower and work out a concrete action plan to motivate and/or persuade the potential States which have shown lack of interest in setting up of their own Forensic Science Laboratories. The Committee further emphasise that Ministry of Home

Affairs should atleast now tighten their belt and work out modalities to quantify the number of Forensic Science Laboratories/ DNA Profiling Centres, additional technical manpower and equipment required by following a yardstick of obtaining DNA results within a period of three weeks in all cases. Once a scientific analysis on this account is undertaken by the Ministry of Home Affairs, if need be, financial assistance may also be provided to various States for expeditious setting up of Forensic Science Laboratories/ DNA Profiling Centres.”

13. Replying to the above recommendation, the Ministry of Home Affairs have stated as under:-

“There are seven Central Forensic Science Laboratories functioning in the country.

Government has proposed for upgradation and creation of new Divisions in the existing CFSLs at Kolkata, Hyderabad and Chandigarh under XII Five Year Plan. Upgradation of equipments has also been proposed in the XII Plan Scheme of Directorate of Forensic Science Services.

An amount of Rs. 216.16 crore has been sanctioned for establishment of new high-tech Central Forensic Science Laboratories at Pune, Bhopal and Guwahati and an amount of Rs. 22.68 crore has been sanctioned for creation of new Forensic Divisions and upgradation of existing Divisions at CFSL Chandigarh, Kolkata and Hyderabad under 12th Five Year Plan Scheme.

Directorate of Forensic Science Services is undertaking a continuous process for filling up of regular posts by promotion and direct recruitment. Efforts are also being made to fill up some posts with contractual staff. As regards the infrastructure, the new complex of CFSL Kolkata is being established at Rajarhaat and an expansion of CFSL complex at Chandigarh is under process during XII Five Year Plan. Land has been acquired at CFSL Pune, Bhopal and Guwahati.

Requisitions have been sent to the Union Public Service Commission (UPSC) for recruitment of Gazetted posts of Scientific Officers and to Delhi Subordinate Services Selection Board (DSSSB) for recruitment of Non-Gazetted posts of Scientific Assistants.

An approximate analysis of Forensic Infrastructure required to handle the cases on Sexual assault and Disputed Paternity related cases is appended below:

1. No of crime cases related to Sexual assault and Disputed Paternity requiring DNA test in India per annum : **25000 (Approximately)**

(i) On an average no of exhibits : 5
(Samples) per case received

(ii) Total no of exhibits (samples) per : 25000 X 5 =125000
annum requiring DNA test (Approximately)

2. As per normal work norms one expert can examine on an average 50 exhibits (Samples) per month i.e. **10 cases per month.**

(i) Annually one expert can examine: 50 X 12 = 600 exhibits i.e. 120 cases.

(ii) Total No of experts required for examining 25000 cases per annum is: **250 (Approximately).**

3. Requirement of Laboratories : 50 (one laboratory shall be consisting of 5 DNA experts)

4. Financial Implications:

Machinery and equipment per laboratory	Rs 5 Crore (Includes recurring consumable chemicals etc.)	Total: 50 X 5 = Rs 250 Crore	Recurring expenditure of Rs 50 Crore per annum for 50 labs
Manpower (One expert + two supporting staff) per annum	Rs 20 Lakh X 5 = 1 Crore	Total: Rs 50 Crore per annum	Recurring each year
Building per laboratory	Rs 5 Crore	Total: 50 X 5= Rs 250 Crore	One time
Total		Rs. 550 Crore Approx.	For establishment of 50 new DNA laboratories involving 5 experts in each laboratory

14. The Committee, after taking into account the inadequate number of Forensic Science Laboratories/ DNA Profiling Centres combined with glaring shortage of technical manpower and equipment, had made a specific recommendation to work out modalities to quantify the overall requirement of Forensic Infrastructure in the country so that delay in submission of exhibits to the laboratory may not affect the filing of charge sheet, particularly, in rape cases. However, the action taken reply of the Government has tried to justify their overall concern for upgradation and creation of Forensic Infrastructure by stating that an amount of Rs. 238.84 crore has been sanctioned for establishment of new Central Forensic Science Laboratories (CFSLs) at Pune, Bhopal and Guwahati and upgradation of existing Divisions of CFSL Chandigarh, Kolkata and Hyderabad under 12th Five Year Plan Scheme. While working out the Forensic Infrastructure required to handle the cases of sexual assault and disputed paternity, the Ministry of Home Affairs has quantified the same as 50 new CFSLs, 250 Forensic Experts and an expenditure to the tune of Rs. 550 crores for the purpose. The Committee, after perusal of all related details find that no specific blue-print has been provided by the Ministry of Home Affairs to translate their overall projected Forensic Infrastructure into reality. The Committee also find the Ministry's action taken reply contradictory. On the one hand, the Ministry has stated that an amount of Rs. 238.84 crores has been sanctioned for establishment of new high-tech CFSLs as well as creation/ upgradation of new Forensic Divisions while on the other hand, they have quantified the total expenditure on these aspects to Rs. 550 crores. The Committee, therefore, reiterate their earlier recommendation and desire the Government not only to re-visit the urgent need of establishing new high-tech CFSLs by following the yardstick of obtaining DNA results within a period of three weeks but also to renew their efforts to obtain sufficient funds from the Ministry of Finance for giving financial assistance to various States/UTs so that the desired objectives of giving timely justice to women in distress are achieved without any further loss of time.

**D. Fast Track Courts and increase of Judges' strength
[Recommendation Serial Nos. 7 and 8]**

15. The Committee had recommended as under:-

“The Committee find that with a view to ensuring that perpetrators of crime against women are brought to book without delay, the Ministry of Home Affairs is taking action for speedy investigation in such cases. Besides, the Ministry of Law and Justice has written to the Chief Justices of High Courts and Chief Ministers of States to impress upon the need to fast track trials of all

pending rape cases in the District Subordinate Courts as well as those pending in the High Courts in appeal. Accordingly, 1192 Fast Track Courts have been established in the country especially for dealing with cases of violence and sexual abuse against women and children. The statistical data of National Crime Records Bureau shows that in the last three years, the number of cases pending for trial have registered an increasing trend. From 69533 cases pending for trial in 2009, the number has gone up to 77855 in 2011. The Department of Justice also submitted that the Central Government has been supporting State Governments for establishment of Subordinate Courts through various schemes. A provision of Rs.4867 crore has been made for this scheme under the 12th Five Year Plan. Recently, the Delhi High Court has announced the constitution of 5 Fast Track Courts for speedy trial of rape cases. Punjab & Haryana High Court has also designated 8 existing courts in Punjab and 11 existing courts in Haryana for expeditious disposal of rape cases. The Committee are constrained to mention that setting up of Fast Track Courts would not be able to deliver the desired results until and unless these Courts are made permanent and additional posts in the Subordinate Judiciary are created to exclusively man these Courts. Besides, the administration of justice should be visible in true sense by ensuring that requests for frequent adjournments on flimsy grounds need not be entertained and time bound disposal of cases should be adhered to at all cost demonstrating that these are the fast track courts in real sense. The Committee, therefore, recommend that a quick study in co-ordination of State Governments and respective High Courts should be initiated by the Government to pragmatically analyse the State-wise requirement of Fast Track Courts alongwith the number of additional Judges required to man these Courts. While analysing this, care should be taken by the Government to make a future projection of the overall requirement of Fast Track Courts commensurate with the anticipated increase in the crimes against women and children and the number of Judges who would be retiring on attaining the age of superannuation. It should also be ensured that constitution of Fast Track Courts may not affect the functioning of normal courts in terms of re-deployment of Judges and court staff from normal courts to Fast Track Courts. The Committee would like to be kept informed about the progress made in this regard.”

“The Committee note that India today has 18000 positions of Judges at the subordinate Judiciary level. This is about 13 Judges for every one million of population. This is against an average of 50 Judges per one million population in developed countries and 35-40 in some other developing countries. The Committee have been apprised that Advisory Council of the National Mission for Justice Delivery and Legal Reforms passed a resolution in May, 2012 to the effect that the number of Judges in the subordinate Judiciary needs to be

doubled in the next five years to liquidate the pendency of arrear of cases. The Committee have also been given to understand that in the High Courts, there are 895 permanent Judges, whereas, the actual strength is less than 700 Judges. The Department of Justice, during the course of evidence has also informed that out of 18800 Judges, around three thousand positions are vacant which comes to about 20%. Today, out of sanctioned strength 18000, about 15000 are presiding the courts and there is a proposal to add another 15000 positions in the next five years and take the number to about 30000. The Committee acknowledge the resolution passed by the Advisory Council and the decision arrived at by the Government in co-ordination with State Governments and respective High Courts to increase the number of Judges and working hours in the country. However, the Committee are of considered opinion that even after increasing the strength of Judges, the Judge-population ratio in the country would be far less than the ratio in other developed/developing countries. Here, the Committee are constrained to refer to an old dictum that 'Justice Delayed is Justice Denied'. This maxim postulates that an unreasonable delay in the administration of justice constitutes an unconscionable denial of justice which give rise to innumerable socio-economic problems. The Committee feel that by increasing the strength of Judges, not only the framework of a democratic polity would be strengthened but also a perceptible change would be visible in the form of social well being and adherence to law and mores. In the light of the foregoing, the Committee recommend that the Government should make all out efforts to fill up all the existing vacant posts of Judges of the subordinate level as well as in the High Courts. The Committee would also like to be apprised of the concrete steps taken by the Government for bringing the Judge-population ratio at least to a level of 35-40 Judges per ten lakh population, if not 50 Judges per one million population as existing in developed countries."

16. The Ministry of Law and Justice (Department of Justice) in their action taken reply have stated as under:-

"The Committee has mentioned that setting-up of Fast Track Courts(FTC) may not deliver the desired results until and unless these Courts are made permanent and additional posts in the Subordinate Judiciary are created to exclusively man these Courts. In this regard, it may be stated that both the Government and Judiciary have taken initiative for substantial increase in the number of courts in the country. The Advisory Council of National Mission for Justice Delivery and Legal Reforms passed a Resolution in May, 2012 for doubling the existing number of courts to comprehensively address the problem of arrears and pendency in our judicial system. This decision was endorsed by the Supreme Court in the meeting of the Advisory Committee of National Court

Management Systems. It was also decided in the meeting of Chief Ministers of States and Chief Justices of High Courts on 7th April 2013 that in order to narrow down the judge-population ratio, the State Governments, in consultation with the Chief Justices will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure in terms of the judgments of the Supreme Court in cases of All India Judges' Association (2002) and Brij Mohan Lal (2012) within six months.

As the Subordinate Judiciary falls within the domain of State Governments and respective High Courts, all State Governments as well as the Registrar Generals of the High Courts were requested to assess their requirements. The States of Andhra Pradesh, Gujarat, Haryana, Punjab, Rajasthan, Arunachal Pradesh, Chandigarh and A&N Islands have projected the requirement which is either double or more than the present sanctioned strength. States of Bihar, Karnataka, Kerala, Odisha, Sikkim, Rajasthan and UT of Delhi have indicated a requirement which is close to or little less than double. States of Assam, Chhattisgarh, Himachal Pradesh, Maharashtra, Meghalaya, Tripura, Uttarakhand, Tamil Nadu and Puducherry have indicated a fewer number of judges to be added in the next 5 years. States of Mizoram, Nagaland and U.T. of Daman & Diu have not proposed any increase. The U.T. of Dadra & Nagar Haveli and Lakshadweep require only a few additional judges. Remaining States / UTs are yet to respond.

Follow up meeting was held on 31st May, 2013 with the Registrar Generals of High Courts and Home / Finance / Law Secretaries of the State Governments to review the action taken by them for implementing the decision in regard to doubling the subordinate courts in the States. It emerged that almost all the High Courts have initiated action for determining the additional number of subordinate courts required in the context of doubling the number of subordinate courts. The Statement at Annex - I gives tentative numbers which were indicated at the meeting.

While doubling the number of courts is a long term initiative, initially the focus is on creation of 10% additional positions of judges in subordinate judiciary as directed by the Supreme Court in its judgement dated 19th April, 2012 in Brij Mohan Lal case. Government has approved making available upto Rs. 80 crore per annum on a matching basis upto 31/3/2015 from out of the amount allocated (Rs. 500 crore per annum) for morning/evening/shift courts in the 13th Finance Commission Award for judiciary, for meeting the expenditure on 10% additional positions (about 1800) of judges to be created in the State Judicial Services in pursuance of the judgement of the Supreme Court in Brij Mohan Lal case.

Government has written to the Chief Ministers of all States and Chief Justices of all High Courts to set up Fast Track Courts for concluding trial of rape cases. The States have been requested to utilize the additional positions of Judges being created in the Subordinate Judiciary in pursuance of the directions of the Supreme Court in Brij Mohan Lal case, to be funded on a matching basis by the Central and the State Governments, for this purpose. The status of FTCs for cases of crimes against women was also discussed in the meeting of Law/Home, Finance Secretaries of States/UTs and Registrar Generals of High Courts held in New Delhi on 31st May, 2013. It was suggested that all the 10% additional positions of judges being created in pursuance of the judgement of Supreme Court in Brij Mohan Lal case may be utilised for Fast Track Courts. As per the information received, 160 FTCs have been set-up/designated for trial of cases of crimes against women. More such courts are in the process of being set-up. In Rajasthan, all the district & Sessions Judges have been designated as "Special Judge" on 28.01.2013 to hear inter-alia the cases relating to sexual offences against children in their respective jurisdictions. In Sikkim, directions have also been issued to all the courts where cases are pending involving offences against women, to fast track such cases and to expedite their trials. In Chhattisgarh, one Additional Session Judge for each Division has been designated as Fast Track Court for trial of sexual offences.

The matter concerning setting up of Fast Track Courts for trial of cases, inter-alia, involving offences against women was also discussed in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 7th April 2013 and it was decided that the State Governments shall, in consultation with the Chief Justices of the respective High Courts, take necessary steps to establish suitable number of Fast Track Courts for offences against women, children, differently abled persons, senior citizens and marginalized sections of the society and provide adequate funds for the purpose.

Chief Justice of all the High Courts have also been requested to invite the attention of the district judges to use of provisions under Section 157, 309 and 327 of the Code of Criminal Procedure with a view to examination of witnesses on a day to day basis, keeping adjournment at a bare minimum and expediting trial of cases involving heinous crimes such as rape."

"Huge backlog and pendency of cases in courts is a major bottleneck affecting dispensation of timely justice. The pendency in courts is mainly because the filing of cases have been either equal or more than the disposal. The other causes of increasing pendency are number of State and Central

legislations, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions / appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts, lack of arrangement to monitor, track and bunch cases for hearing.

One of the main factors responsible for increase in pendency of cases in subordinate courts is inadequate strength of judges. Hon'ble Supreme Court, in its judgement of 21st March, 2002, in *All India Judges' Association & Others versus Union of India and Others*, had directed that an increase in judges' strength from the existing 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner.

The Law Commission in its 120th Report in 1987 had also recommended improvement in Judges-population ratio. The above view was supported by the Department related Parliamentary Standing Committee on Ministry of Home Affairs in its 85th Report. The Committee was of the opinion that "*the judge-population ratio recommended by the Law Commission should be accepted as a starting point with sufficient scope for variation on the basis of pendency and disposal*". The present requirement of number of judges is much greater, looking at the spate of litigation, population explosion and other factors. The inadequate judges' strength is a major cause of delay in disposal of cases. As per 120th Report of Law Commission, U.S.A. had 107 Judges per million population, Canada had 75 Judges, England had 51 Judges and Australia had 42 judges in comparison to India, which had only 10.5 Judges per million of population.

The Advisory Council of National Mission for Justice Delivery and Legal Reforms passed a Resolution in May, 2012 for doubling the existing number of courts to comprehensively address the problem of arrears and pendency in our judicial system. This decision was endorsed by the Supreme Court in the meeting of the Advisory Committee of National Court Management Systems.

As the Subordinate Judiciary falls within the domain of State Governments and respective High Courts, all State Governments as well as the Registrar Generals of the High Courts were requested to assess their requirements. The States of Andhra Pradesh, Gujarat, Haryana, Punjab, Rajasthan, Arunachal Pradesh, Chandigarh and A&N Islands have projected the requirement which is either double the present sanctioned strength or more than that. States of Bihar, Karnataka, Kerala, Odisha, Sikkim, Rajasthan and UT of Delhi have indicated a requirement which is close to or little less than the double.

States of Assam, Chhattisgarh, Himachal Pradesh, Maharashtra, Meghalaya, Tripura, Uttarakhand, Tamil Nadu and Puducherry have indicated a fewer number of judges to be added in the next 5 years. States of Mizoram, Nagaland and U.T. of Daman & Diu have not proposed any increase. The U.T. of Dadra & Nagar Haveli and Lakshadweep require only a few additional judges. Remaining States / UTs are yet to respond.

Hon'ble the Chief Justice of India has also written to the Chief Justices of the High Courts that although matters relating to Subordinate Judiciary fall within the domain of State Governments, current outlay in most of the States for the Judiciary is less than 1 per cent of total budget. The State Governments have a responsibility for funding the subordinate judiciary. The Chief Justices of the High Courts have been asked to strongly take up the matter with the State Governments to increase the budget outlay for the judiciary and that the State Governments must be persuaded to agree to double the existing number of courts in subordinate judiciary, along with the necessary infrastructure and ministerial staff, at the earliest.

In the Conference of Chief Ministers and Chief Justices of High Courts held on 07th April, 2013, it was decided that State Governments, in consultation with the respective High Courts, will take appropriate steps for creation of additional posts, creation of judicial infrastructure and ministerial staff to implement this decision. In order to implement the decision to double the existing number of courts over a period of five years, it is proposed that State Governments shall approach the 14th Finance Commission for additional devolution of funds to enable them to defray the expenses to be incurred for the increase in judicial officers, infrastructure and ministerial staff for the purpose. The Central Government will support these proposals of the State Governments in the proposal of Department of Justice to 14th Finance Commission.

Follow up meeting was held on 31st May, 2013 with the Registrar Generals of High Courts and Home / Finance / Law Secretaries of the State Government to review the action taken by them for implementing the decision in regard to doubling the subordinate courts in the States. It emerged that almost all the High Courts have initiated action for determining the additional number of subordinate courts required in the context of doubling the number of subordinate courts. The Statement at Annex - I gives tentative numbers which were indicated at the meeting. Almost all the State Governments were unanimous that they would need funding support for establishment of the additional courts. They were all advised to prepare a memorandum for additional funds required for the judicial sector and present it to the 14th Finance Commission. The Department

of Justice assured its full support to back up the State Governments in their efforts to seek devolution of funds for strengthening the subordinate judiciary.”

17. The Committee had recommended that the Ministry of Law & Justice should initiate a quick study, in co-ordination with State Governments and respective High Courts to pragmatically analyse the State-wise requirement of Fast Track Courts alongwith the number of additional Judges required to man these Courts. The Ministry, in their action taken reply, has stated that while doubling the number of courts is a long term initiative, initially the focus is on creation of 10% additional positions of judges in subordinate judiciary as directed by the Supreme Court in its judgement dated 19 April, 2012 in Brij Mohan Lal case. The Ministry has further stated that the Government has approved making available upto Rs. 80 crore per annum on a matching basis upto 31 March, 2015 from the amount allocated (Rs. 500 crore per annum) for morning/evening/shift courts in the 13th Finance Commission Award for judiciary, for meeting the expenditure on 10% additional positions (about 1800) of Judges to be created in the State Judicial Services. The Committee are happy to note that pursuant to the judgement by the Supreme Court dated 19 April, 2012, the Government has *inter alia* approved meeting the expenditure for creation of 10% additional positions of Judges in the State Judicial Services. As a follow-up action, in May, 2012, the Advisory Council of National Mission for Justice Delivery and Legal Reforms passed a resolution for doubling the existing number of courts. With the information made available by the Ministry, the Committee wish to emphasize that the Report on the subject was presented to Lok Sabha/ laid in Rajya Sabha on 8 May, 2013 and since then only one meeting with the Registrar Generals of High Courts and Home/ Finance/ Law Secretaries was held to review the action taken by them for implementing the decision in regard to doubling the subordinate courts in the States. The Committee understand that there are various stakeholders for implementing the relevant judgement of Supreme Court and therefore prescribing specific timelines may not be possible. Nevertheless, in the absence of any concrete roadmap on the part of the Ministry, it would be difficult to attain the objective of doubling the subordinate courts in the States. The Committee, therefore, strongly recommend that administrative, functional and legal bottlenecks in smooth and timely implementation of the decision made by the Ministry may be tackled and time bound programme should be worked out. The Committee would like to be kept abreast of the steps taken by the Ministry and the progress made thereafter.

E. Disposal of cases by Police and Courts
[Recommendation Serial No. 10]

18. The Committee had recommended as under:-

“The Committee note that performance of police in disposal of various IPC crimes committed against women in the country is far from satisfactory. For instance, a total number of 36151 rape cases in the country were under the investigation of police during the year 2011 which includes pending cases from previous year. During the year 2011, the police could investigate a paltry 22898 cases (63%) resulting in 13221 cases pending investigation at the end of the year. Similarly, out of 55017 cases of kidnapping and abduction of women and girls during the year 2011, the police could investigate 32958 cases (60%). The Committee have also been informed that the rate of conviction in various crimes committed against women viz., rape, kidnapping and abduction of women and girls, molestation, sexual harassment, importation of girls and under the Immoral Traffic (Prevention) Act is also disheartening. To quote a few, during the year 2011, 4072 persons were convicted for rape, whereas, 11350 persons were acquitted or discharged by the courts. 3174 persons were convicted for kidnapping and abduction of women and girls, whereas, 8110 persons were acquitted or discharged. Similarly, 918 persons were convicted under the Immoral Traffic (Prevention) Act, whereas, 1077 persons were acquitted or discharged. In their submission before the Committee, the Ministry of Home Affairs have informed that the conviction rate in rape cases in Delhi was much higher as compared to All India figure. In 2009, it was 47%, in 2010, it was 34% and in 2011, it was 41%. During the evidence before the Committee, the representative of the Ministry of Home Affairs also stated that the main problem in low conviction was due to delayed pronouncement of judgement as the trial continues for a number of years. Though the representative of the Ministry was candid in accepting that low rate of conviction was due to prolonged trial before the court, the Committee are of firm opinion that low rate of conviction is also attributable to shoddy investigation by the police authorities and/or inherent flaws in charge sheet filed by them. The Committee are surprised to find that the National Crime Records Bureau which is the nodal agency for bringing out annual publication on the crime scenario of the country has not been maintaining statistics on the basis of which it could be gathered that in how many cases, the charge-sheeted person has been acquitted or discharged due to shoddy investigation by the police authorities or inherent flaws in framing of charge sheet by them. The Committee, therefore, urge upon the Government to re-draw their action plan in co-ordination with the State Governments to ensure that the cases of crime against women are investigated by the police authorities at the

earliest and the cases should not be carried forward to a later date for want of investigation. The Committee strongly recommend that in case the acquittal of charge-sheeted person(s) is due to shoddy police investigation, the Investigating Officer should be held accountable for the lapse and stern disciplinary action should be initiated against the derelict police official(s) in such cases. The Committee also recommend that National Crime Records Bureau should examine the possibility of including the details of all such cases in which accused has been acquitted or discharged by the courts due to shoddy investigation by the police authorities or inherent flaws in framing of charge sheet by them in their publication titled 'Crime in India'."

19. The Ministry of Home Affairs in their action taken reply have stated as under:-

"The recommendation of the Committee is duly noted.

Ministry of Law and Justice is the nodal ministry in this regard and has already submitted their report to the Parliamentary Committee.

National Crime Records Bureau (NCRB) is the Statistical agency entrusted with the responsibility of collating data on various form of crimes; country wide.

The observations on shoddy police investigation and lapse of investigating officials primarily come under the domain of the trying Magistrate/Judge. Since it is under Magistrate's / Judge's discretion and not mandatory very rarely there have been observations indicating shoddy / lapse of investigation. Hence it is not easy to ascertain the data relating to such cases."

20. **In view of the low rate of conviction in various crimes committed against women viz., rape, kidnapping and abduction, molestation, sexual harassment etc., the Committee in their earlier recommendation had urged upon the Government to re-draw their action plan in co-ordination with the State Governments to ensure that all such cases are investigated by the police authorities at the earliest and in case the acquittal of charge-sheeted person(s) is due to shoddy police investigation, the Investigating Officer should be held accountable for the lapse and stern disciplinary action should be initiated against the derelict police official(s). However, the Ministry of Home Affairs has turned a blind eye to this recommendation of the Committee by curtly stating that the observations on shoddy police investigation and lapse of investigating official(s) primarily come under the domain of trying Magistrate/ Judge. Since it is under Magistrate's/ Judge's discretion and not mandatory, very rarely there have been observations**

indicating shoddy/ lapses of investigation. Hence, it is not easy to ascertain the data relating to such cases. Even the suggestion of the Committee to explore the possibility of including all such cases in which accused has been acquitted or discharged by the courts due to shoddy investigation by the police authorities or inherent flaws in framing of charge sheet in the publication titled 'Crime in India' brought out by the National Crime Records Bureau has been dismissed with a grim reply by the Ministry. It is extremely disturbing to note that the Ministry has not even bothered to try exploring a single other option for formulating a mechanism to identify the derelict Investigating Officer(s) who are responsible for shoddy investigation leading to acquittal of charge-sheeted person(s) in various crimes committed against women. Since the Committee strongly believe that low rate of conviction in crimes against women has an undeniable co-relation with shoddy police investigation, they reiterate their earlier recommendation and urge upon the Ministry to reconsider the recommendation for positive action.

**F. Compensation to victims of violence
[Recommendation Serial No. 13]**

21. The Committee had recommended as under:-

“The Committee observe that Section 357 of the Code of Criminal Procedure (Cr.PC) enables the courts to award compensation to victims of various crimes, including that of rape, molestation and eve teasing. Through the amendments in 2009 and 2013, new Sections were introduced in the Cr.PC which *inter alia* casts a responsibility on the State Governments to formulate a Scheme in coordination with the Central Government for providing compensation to those who are victims of crime and require rehabilitation. The Committee have also been informed that so far, 16 States/ UTs have formulated the Victim Compensation Scheme. The crimes that are contemplated for compensation by the States are rape, severe mental agony, loss of life, grievous hurt, loss of limb, rape of minor etc. The Committee are flabbergasted to observe that even when new Sections 375B and 357C have been added while effecting amendments to the Cr. PC in March, 2013, no sincere and visible efforts have been made by the Government to ensure that the Victim Compensation Scheme is implemented by all the States/ UTs. The Committee are exasperated by the fact that if the States/ UTs do not have the requisite apparatus in the form of Victim Compensation Scheme, how the women and girls who are victims of sexual abuse and other forms of crimes would be able to get the structured and effective relief from the Government. The Committee, therefore, urge upon the Government to impress upon all the State Governments/ UTs concerned to formulate the Victim Compensation Scheme at the earliest.”

22. The Ministry of Home Affairs in their action taken reply have stated as under:-

“The recommendation of the Parliamentary Committee is duly noted.

It may be pertinent to mention that Ministry of Home Affairs is constantly pursuing the States/UTs through Video Conferences and all other available forums to setup Victim Compensation Scheme as early as possible.

Hon'ble Supreme Court is also constantly urging the States/UTs to implement VCS through various judgments from time to time especially in the case of acid attack victims.

As of now, almost all States and all Union Territories except nine states (Andhra Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Tamil Nadu and Uttar Pradesh) have notified the scheme.”

23. **The Committee in their earlier recommendation had taken note of the fact that Section 357 of the Code of Criminal Procedure (Cr.PC) enables the courts to award compensation to victims of crimes including that of rape, molestation and eve-teasing. The Committee had also observed that through the amendments in 2009 and 2013, new Sections were introduced in the Cr.PC which casts a responsibility on the State Governments to formulate a Scheme in co-ordination with the Central Government for providing compensation to those who are victims of crime and require rehabilitation. However, so far, 16 States/ UTs have formulated the Victim Compensation Scheme. Being aggrieved with the slow pace of implementation of the Victim Compensation Scheme, the Committee had recommended the Government to impress upon all the defaulting State Governments/ UTs to formulate the Victim Compensation Scheme at the earliest. The Ministry of Home Affairs in their reply has elaborated on the formulation of Victim Compensation Scheme in almost all States/ UTs except nine States (Andhra Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Tamil Nadu and Uttar Pradesh) but is silent regarding conclusive action on the implementation of Victim Compensation Scheme in all the States/UTs. The Committee, therefore, infer that the objective of establishing Victim Compensation Scheme in all States/ UTs cannot be achieved by way of pursuing the States/ UTs through video conferencing and some innovating method has to be devised by the Ministry to persuade and compel the defaulting States/ UTs to immediately put in place the apparatus of Victim Compensation**

Scheme. The Committee, therefore, desire that this issue should be raised at the highest level of the defaulting States/UTs to establish the Victim Compensation Scheme mechanism so that people of the nation, especially the women and girls, do not suffer due to mishandling of the situation by the States/ UTs. The Committee would like to be apprised of the progress made in this regard.

CHAPTER II

OBSERVATIONS/RECOMMENDATIONS WHICH HAVE BEEN ACCEPTED BY THE GOVERNMENT

Recommendation No. 1 (Para No. 2.1)

Crime against women

The Committee note that although women may be victims of any of the general crimes such as 'Murder', 'Robbery', 'Cheating' etc, only the crimes which are directed specifically against women are characterised as 'Crimes Against Women'. The Committee find that Rape (Section 376), Kidnapping and Abduction for specified purposes (Section 363-373), Homicide for Dowry, Dowry Deaths or their attempts (Section 302/304-B), Torture-both mental and physical (Section 498-A), Molestation (Section 354), Sexual Harassment (Eve Teasing) (Section 509) and Importation of girls (upto 21 years of age) (Section 366-B) are crimes under the Indian Penal Code which are typified as crimes against women. Similarly, there are several crimes against women which are coming under Special and Local Laws (SLL) viz., Immoral Traffic (Prevention) Act, 1956, Dowry Prohibition Act, 1961, Indecent Representation of Women (Prohibition) Act, 1986 and the Commission of Sati (Prevention) Act, 1987. The Committee have also been informed that a total of 2,28,650 incidents of crime against women were reported in the country during the year 2011 as compared to 2,13,585 incidence in the year 2010, thereby, recording an increase of 7.1% during the year 2011. These crimes have continuously increased during 2007-2011 with 1,85,312 cases in the year 2007, 1,95,856 cases in the year 2008, 2,03,804 cases in the year 2009 and 2,13,585 cases in the year 2010 and 2,28,650 cases in the year 2011. The Committee are astonished to find that on the one hand, the incidents of sexual abuse, in various forms, are increasing at a lightning speed throughout the country and on the other hand, no concrete action plan appear to have been formulated and implemented by the Union Government to genuinely persuade all the States to put a halt to various crimes against women on the grounds that as per Seventh Schedule, 'Police' and 'Public Order' are State subjects under the Constitution. The Committee have apprehension that if the current state of affairs are not handled properly by all the stakeholders, the rate of increase of victims of sexual abuse would be higher than the growth of population rate in the country by the end of year 2013. The Committee, therefore, strongly recommend that all the stakeholders viz., the Union Government and the State Governments should work in tandem to bring about a perceptible decrease in the crimes against women. For this purpose, a special Co-ordination Committee/ Monitoring Mechanism be put in place by the Union Government so that crime prevention techniques and other related aspects could be discussed with the State Governments, on monthly basis, and pro-active measures such as providing financial assistance for modernisation of State Police in terms of weaponry, communication equipment,

mobility, training and other infrastructure could be initiated within a stipulated time with a view to encouraging those States where improvements are significant, on the other hand, slow improving areas should be brought in for some harsh remedial measures.

Reply of the Government

The recommendation of the Committee is duly noted.

Ministry of Home Affairs is extremely serious on the issues of crimes against women and takes every comprehensible measure to counter the menace. Centre-States Division within the Ministry of Home Affairs has been entrusted with the responsibility of coordinating with States / UTs on issues of Crimes against Women. These issues are taken up with the State Governments periodically through various forums like Chief Minister's Conference, Director General of Police Conference and various video-conferences with Home Secretaries of States /UTs.

As intervention measures, Ministry of Home Affairs has issued several advisories in the current year and is following up with the States/UTs on the implementation front through various forums

- (i) Ministry of Home Affairs has issued an advisory on 22nd April 2013 whereby the States / UTs were requested to raise the women representation in Police to 33%.
- (ii) Advisory on protection of Children from Sexual Offences Act 2013 issued on 28.05.2013.
- (iii) Advisory based on Hon'ble Supreme Court directions regarding filing of FIR mandatorily in case of missing children was issued on 25.06.2013.
- (iv) Advisory on Registration of FIR irrespective of territorial jurisdiction and Zero FIR was issued on 10.05.2013.
- (v) Advisory on Sale and Regulation of acids has also been issued on 30.08.2013

The implementations of the guidelines by the States/UTs are monitored through video-conferences and other interactive forums.

The States/UTs are also very much serious in this issue and they also try to implement the existing legislations optimally to provide safety and security to the women.

The statistical rise in figures of crimes against women can also be attributed to the fact that registration of FIR across the country; has tremendously increased over the years, more so after enactment of new legislation; wherein non-registration of FIR has been made a criminal offence. Nowhere it is more evident than in Delhi whose statistics are appended below :

CRIME HEAD	2010	2011	2012	2013*
Rape	507	572	706	1472
Molestation of women	601	657	727	3220
Eve-Teasing	126	229	236	850
498-A/406 IPC (Cruelty by husband or In-Laws)	1410	1585	2046	2609

***Data of 2013 is provisional. Updated upto 30.11.13**

Ministry of Home Affairs also provides appropriate funding for modernization of State Police Forces on technology, weaponry, manpower and other fronts.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Comments of the Committee

(Please see Paragraph No. 8 of Chapter I of the Report)

Recommendation No. 2 (Para No. 2.2)

Crime against women in Mega cities

The Committee find that as per Population Census 2011, 53 cities having population of over 10 lakh have been identified as Mega cities. According to National Crime Records Bureau, a total of 33,789 cases of crimes against women were reported from these 53 cities during the year 2011 as compared to 24,335 cases in the year 2010. The Committee are dismayed to note that among these Mega cities, Delhi has accounted for 13.3% of total such crimes followed by Bengaluru, Hyderabad and Vijayawada. The Committee are also astonished to note that Delhi has accounted for 17.6% of Rape cases, 31.8% of Kidnapping and Abduction cases, 14.0% of Dowry Deaths and 10.1% of Molestation cases among these 53 cities. All these statistical inputs explicitly point out to the fact that all the Mega cities in the country which are equipped with relatively modern police apparatus are being transformed as safe haven for criminals and anti-social elements who have scant regard for laws, law enforcement agencies

and the legal system. The crime against women in Mega cities received a further shock and put the concept of modern policing combined with the objective of creating safe environment for women & children in complete jeopardy when a horrific incident took place in Delhi on 16 December, 2012 when a 23 year old student of physiotherapy was brutally gang-raped by six men in a moving bus. Even now, the spate of crimes against women in Mega cities has not been contained and the cases of rape, molestation, abduction of women & children etc., have become almost a daily, shameful affair. The Committee take a serious note of the entire scenario and strongly recommend that the Union Government, in purposeful co-ordination with all the State Governments, should make sincere efforts to overhaul the tattered policing system in the country with a view to giving them a human face so that women, in distress, could approach them for redressal of their grievances. The Committee, therefore, urge upon the Government to consider setting up an Expert Group to study the challenges being faced by the country in the form of increasing crime against women & children in Mega cities and suggest practical solutions in tune with the requirements of 21st century. The Committee are apprehensive that if effective measures are not initiated in the right earnest, all these Mega cities would become dangerous place for women & children.

Reply of the Government

The recommendation of the Committee is duly noted. The issue of rising crimes against women in mega cities is a case of serious concern and Ministry of Home Affairs is taking every possible step to counter crimes.

The Ministry of Home Affairs is also assisting the State Governments for Modernization of State Police Forces. Under this scheme, assistance is being provided, inter-alia, for procurement of modern equipments for surveillance, communications, forensic science laboratories, etc., weaponry, vehicles, computerization, training infrastructure and for construction of Police infrastructure viz., Housing/Police stations/out posts/barracks etc. The Plan outlay of the project is Rs. 3750.87 crore and Non-Plan outlay is of Rs. 8,195.53 crore which excludes Rs. 432.90 for Mega City policing project. The project was initiated in 2012 – 13 and will be continued for another 05 years.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Comments of the Committee

(Please see Paragraph No. 11 of Chapter I of the Report)

Recommendation No. 3 (Para No.2.3)

Human Trafficking

The Committee are aware that in May, 2011, India has ratified the United Nations Convention on Transnational Organised Crime (UNTOC) which has one of its protocols as Prevention, Suppression and Punishment of Trafficking in Persons, particularly women and children. India has also ratified the SAARC Convention on Preventing and Combating Trafficking in Women and Children for Prostitution. The Committee have, however, observed that inspite of India being a part of global efforts to combat human trafficking, a total of 3517 incidents of crimes under various provisions of laws relating to human trafficking were reported in the country during the year 2011 as compared to 3422 during the year 2010 recording an increase of 2.8% during the year 2011. The Committee appreciate the initiative of various stakeholders, be it the Union Government or the State Governments, in combating human trafficking. However, taking a cue from the information furnished by the Ministry of Women and Child Development that as per a study conducted by NHRC-UNIFEM-ISS titled "Trafficking in Women and Children in India" 70,000 to 1 million women and children are trafficked into sex work as well as the estimation of GNK study that there are about 2.8 million sex workers in the country of which 36% are children. Juxtaposing the same to the statistical data furnished by National Crime Records Bureau to the effect that in the year 2011, 862 cases of procurement of minor girls were reported, 80 cases of importation of girls, 113 cases of selling of girls for prostitution, 27 cases of buying of girls for prostitution were reported but cases under Immoral Traffic (Prevention) Act, 1956 have registered a decrease of 28.4% during the year, the Committee doubt the authenticity of the relevant data provided by the National Crime Records Bureau. Though the Committee are aware that the data is only a partial reflection of the extent of human trafficking in the country as most of the incidents go unreported, they desire that a well thought out strategy be adopted by the Union Government i.e. the methodology for collection of data by National Crime Records Bureau be made more reliable, compilation of 'Crime in India' be published on half-yearly basis instead of on yearly basis and all the State Governments should be persuaded to issue instructions/ guidelines/standing orders to police authorities to scrupulously register cases of crimes against women and children including that of human trafficking. This is an onerous task and the Committee desire that the Union Government should take all measures to achieve it. The Committee would like to be apprised of a definite roadmap, including targeted dates for each of these activities, at the earliest.

Reply of the Government

National Crime Records Bureau (NCRB) has started data collection on Human Trafficking since 2006. The methodology of data collection is under continuous scrutiny and this endeavour, NCRB has re-formatted the forms of data collection which will provide more comprehensive figure.

For periodical monitoring of trafficked persons inter alia children, NCRB has recently started monthly data collection on “**Anti Human Trafficking**”.

Ministry of Home Affairs is in the process of implementing **Crime and Criminal Tracking Network and System (CCTNS)**, which will revolutionize the method of data collection. Under this mission mode project all the Police Stations will be connected through network and all information will be shared in real time. The goals of the system are to facilitate collection, storage, retrieval, analysis, transfer and sharing of data and information at the police station and between the police station and the State Headquarters and the Central Police Organizations.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Recommendation No. 6 (Para No.2.6)

National Database of Offenders

The Committee observe that creating a National Database of Offenders, whereby, criminals can be linked to their previous crimes would be helpful in tracking and resolving cases of rape/assault and abuse against women. The Committee have been informed that National Database of Offenders is an essential necessity and it will also help in resolving the cases of serial rapes and murders as well as identifying unknown criminals and their modus operandi. However, at present, India does not have a national law that empowers the Government to collect and store DNA profiles of offenders. Since National Database of Offenders/Criminals will not only facilitate the law enforcement agencies of various States to draw up a unified strategy to prevent various types of crimes including crimes against women and children but also restrict the intra-State mobility of habitual offenders/criminals in fear of being apprehended, the Committee strongly recommend that a time bound road map of the proposal should be formulated by the Ministry of Home Affairs. The Committee also recommend that all the legal glitches standing on the way of fructifying the proposal may be sorted out in consultation with the Ministry of Law and Justice at the earliest possible. The Committee urge upon the Government to take the desired steps and apprise the Committee accordingly.

Reply of the Government

The proposal is still under consideration by Ministry of Law and Justice. It would be pertinent to mention that Ministry of Law and Justice has already submitted their report to the Parliamentary Committee.

As per information provided by the National Crime Records Bureau (NCRB) their viewpoint is as below :

Section 4 of identification of Prisoners Act 1920 empowers police to take the photographs, fingerprints and foot prints of any person who has been arrested in connection with an offence punishable with rigorous imprisonment for a term of one year or more. Under Section 3 of this Act the measurements and photographs of convicts can be taken. Section 7 of this Act says if such arrested person is released without trial or discharged or acquitted by any court, all measurements and photographs (both negatives and copies) so taken shall be destroyed or made over to him. It implies that only the records of the convicted persons can be kept in the data base permanently.

Though the purpose for which the records of measurement and photographs taken as per provisions of Identification of prisoners Act 1920 could be used is not explicitly said (other than investigation or proceeding under Cr. PC) in the Act, to overcome the issues of privacy laws and rights of the accused persons / convicts it is advisable to have some specific provisions in the law for disclosing details of sexual offenders in public domain.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Recommendation No. 7 (Para No. 2.7)

Fast Track Courts

The Committee find that with a view to ensuring that perpetrators of crime against women are brought to book without delay, the Ministry of Home Affairs is taking action for speedy investigation in such cases. Besides, the Ministry of Law and Justice has written to the Chief Justices of High Courts and Chief Ministers of States to impress upon the need to fast track trials of all pending rape cases in the District/ Subordinate Courts as well as those pending in the High Courts in appeal. Accordingly, 1192 Fast Track Courts have been established in the country especially for dealing with cases of violence and sexual abuse against women and children. The statistical data of National Crime Records Bureau shows that in the last three years, the number of cases pending for trial have registered an increasing trend. From 69533 cases pending for trial in 2009, the number has gone up to 77855 in 2011. The Department of Justice also submitted that the Central Government has been supporting State Governments for establishment of Subordinate Courts through various schemes. A provision of Rs. 4867 crore has been made for this scheme under the 12th Five Year Plan. Recently, the Delhi High Court has announced the constitution of 5 Fast Track Courts for speedy trial of rape cases. Punjab & Haryana High Court has also designated 8 existing courts in Punjab and 11 existing courts in Haryana for expeditious disposal of rape cases. The

Committee are constrained to mention that setting up of Fast Track Courts would not be able to deliver the desired results until and unless these Courts are made permanent and additional posts in the Subordinate Judiciary are created to exclusively man these Courts. Besides, the administration of justice should be visible in true sense by ensuring that requests for frequent adjournments on flimsy grounds need not be entertained and time bound disposal of cases should be adhered to at all cost demonstrating that these are the fast track courts in real sense. The Committee, therefore, recommend that a quick study in co-ordination of State Governments and respective High Courts should be initiated by the Government to pragmatically analyse the State-wise requirement of Fast Track Courts alongwith the number of additional Judges required to man these Courts. While analyzing this, care should also be taken by the Government to make a future projection of the overall requirement of Fast Track Courts commensurate with the anticipated increase in the crimes against women and children and the number of Judges who would be retiring on attaining the age of superannuation. It should also be ensured that constitution of Fast Track Courts may not affect the functioning of normal courts in terms of re-deployment of Judges and court staff from normal courts to Fast Track Courts. The Committee would like to be kept informed about the progress made in this regard.

Reply of the Government

The Committee has mentioned that setting-up of Fast Track Courts(FTC) may not deliver the desired results until and unless these Courts are made permanent and additional posts in the Subordinate Judiciary are created to exclusively man these Courts. In this regard, it may be stated that both the Government and Judiciary have taken initiative for substantial increase in the number of courts in the country. The Advisory Council of National Mission for Justice Delivery and Legal Reforms passed a Resolution in May, 2012 for doubling the existing number of courts to comprehensively address the problem of arrears and pendency in our judicial system. This decision was endorsed by the Supreme Court in the meeting of the Advisory Committee of National Court Management Systems. It was also decided in the meeting of Chief Ministers of States and Chief Justices of High Courts on 7th April 2013 that in order to narrow down the judge-population ratio, the State Governments, in consultation with the Chief Justices will take requisite steps for creation of new posts of Judicial Officers at all levels with support staff and requisite infrastructure in terms of the judgments of the Supreme Court in cases of All India Judges' Association (2002) and Brij Mohan Lal (2012) within six months.

As the Subordinate Judiciary falls within the domain of State Governments and respective High Courts, all State Governments as well as the Registrar Generals of the High Courts were requested to assess their requirements. The States of Andhra Pradesh, Gujarat, Haryana, Punjab, Rajasthan, Arunachal Pradesh, Chandigarh and A&N Islands have projected the requirement which is either double or more than the present sanctioned strength. States of

Bihar, Karnataka, Kerala, Odisha, Sikkim, Rajasthan and UT of Delhi have indicated a requirement which is close to or little less than double. States of Assam, Chhattisgarh, Himachal Pradesh, Maharashtra, Meghalaya, Tripura, Uttarakhand, Tamil Nadu and Puducherry have indicated a fewer number of judges to be added in the next 5 years. States of Mizoram, Nagaland and U.T. of Daman & Diu have not proposed any increase. The U.T. of Dadra & Nagar Haveli and Lakshadweep require only a few additional judges. Remaining States / UTs are yet to respond.

Follow up meeting was held on 31st May, 2013 with the Registrar Generals of High Courts and Home / Finance / Law Secretaries of the State Governments to review the action taken by them for implementing the decision in regard to doubling the subordinate courts in the States. It emerged that almost all the High Courts have initiated action for determining the additional number of subordinate courts required in the context of doubling the number of subordinate courts. The Statement at Annex - I gives tentative numbers which were indicated at the meeting.

While doubling the number of courts is a long term initiative, initially the focus is on creation of 10% additional positions of judges in subordinate judiciary as directed by the Supreme Court in its judgement dated 19th April, 2012 in Brij Mohan Lal case. Government has approved making available upto Rs. 80 crore per annum on a matching basis upto 31/3/2015 from out of the amount allocated (Rs. 500 crore per annum) for morning/evening/shift courts in the 13th Finance Commission Award for judiciary, for meeting the expenditure on 10% additional positions (about 1800) of judges to be created in the State Judicial Services in pursuance of the judgement of the Supreme Court in Brij Mohan Lal case.

Government has written to the Chief Ministers of all States and Chief Justices of all High Courts to set up Fast Track Courts for concluding trial of rape cases. The States have been requested to utilize the additional positions of Judges being created in the Subordinate Judiciary in pursuance of the directions of the Supreme Court in Brij Mohan Lal case, to be funded on a matching basis by the Central and the State Governments, for this purpose. The status of FTCs for cases of crimes against women was also discussed in the meeting of Law/Home, Finance Secretaries of States/UTs and Registrar Generals of High Courts held in New Delhi on 31st May, 2013. It was suggested that all the 10% additional positions of judges being created in pursuance of the judgement of Supreme Court in Brij Mohan Lal case may be utilised for Fast Track Courts. As per the information received, 160 FTCs have been set-up/designated for trial of cases of crimes against women. More such courts are in the process of being set-up. In Rajasthan, all the district & Sessions Judges have been designated as "Special Judge" on 28.01.2013 to hear inter-alia the cases relating to sexual offences against children in their respective jurisdictions. In Sikkim, directions have also been issued to all the courts where cases are pending involving offences against women, to fast track such cases and

to expedite their trials. In Chhattisgarh, one Additional Session Judge for each Division has been designated as Fast Track Court for trial of sexual offences.

The matter concerning setting up of Fast Track Courts for trial of cases, inter-alia, involving offences against women was also discussed in the Joint Conference of Chief Ministers of States and Chief Justices of the High Courts held on 7th April 2013 and it was decided that the State Governments shall, in consultation with the Chief Justices of the respective High Courts, take necessary steps to establish suitable number of Fast Track Courts for offences against women, children, differently abled persons, senior citizens and marginalized sections of the society and provide adequate funds for the purpose.

Chief Justice of all the High Courts have also been requested to invite the attention of the district judges to use of provisions under Section 157, 309 and 327 of the Code of Criminal Procedure with a view to examination of witnesses on a day to day basis, keeping adjournment at a bare minimum and expediting trial of cases involving heinous crimes such as rape.

(Ministry of Law and Justice (Deptt. of Justice) O.M.No.15011 /87 /2012 - JUS(M)
dated 31.10.2013)

Comments of the Committee

(Please see Paragraph No. 17 of Chapter I of the Report)

Recommendation No. 8 (Para No.2.8)

Increase of Judges' strength

The Committee note that India today has 18000 positions of Judges at the subordinate Judiciary level. This is about 13 Judges for every one million of population. This is against an average of 50 Judges per one million population in developed countries and 35-40 in some other developing countries. The Committee have been apprised that Advisory Council of the National Mission for Justice Delivery and Legal Reforms passed a resolution in May, 2012 to the effect that the number of Judges in the subordinate Judiciary needs to be doubled in the next five years to liquidate the pendency of arrear of cases. The Committee have also been given to understand that in the High Courts, there are 895 permanent Judges, whereas, the actual strength is less than 700 Judges. The Department of Justice, during the course of evidence has also informed that out of 18800 Judges, around three thousand positions are vacant which comes to about 20%. Today, out of sanctioned strength of 18000, about 15000 are presiding the courts and there is a proposal to add another 15000 positions in the next five years and take the number to about 30000. The Committee acknowledge the resolution passed by the Advisory Council and the decision arrived at by the Government in co-ordination with State Governments and respective High Courts to increase the number of Judges and working

courts in the country. However, the Committee are of considered opinion that even after increasing the strength of Judges, the Judge-population ratio in the country would be far less than the ratio in other developed/ developing countries. Here, the Committee are constrained to refer to an old dictum that 'Justice Delayed is Justice Denied'. This maxim postulates that an unreasonable delay in the administration of justice constitutes an unconscionable denial of justice which give rise to innumerable socio-economic problems. The Committee feel that by increasing the strength of Judges, not only the framework of a democratic polity would be strengthened but also a perceptible change would be visible in the form of social well being and adherence to law and mores. In the light of the foregoing, the Committee recommend that the Government should make all out efforts to fill up all the existing vacant posts of Judges at the subordinate level as well as in the High Courts. The Committee would also like to be apprised of the concrete steps taken by the Government for bringing the Judge-population ratio atleast to a level of 35-40 Judges per ten lakh population, if not 50 Judges per one million population as existing in developed countries.

Reply of the Government

Huge backlog and pendency of cases in courts is a major bottleneck affecting dispensation of timely justice. The pendency in courts is mainly because the filing of cases have been either equal or more than the disposal. The other causes of increasing pendency are number of State and Central legislations, accumulation of first appeals, continuation of ordinary civil jurisdiction in some of the High Courts, vacancies of Judges, appeals against orders of quasi-judicial forums going to High Courts, number of revisions / appeals, adjournments, indiscriminate use of writ jurisdiction in High Courts, lack of arrangement to monitor, track and bunch cases for hearing.

One of the main factors responsible for increase in pendency of cases in subordinate courts is inadequate strength of judges. Hon'ble Supreme Court, in its judgement of 21st March, 2002, in All India Judges' Association & Others *versus* Union of India and Others, had directed that an increase in judges' strength from the existing 10.5 or 13 per 10 lakh people to 50 judges per 10 lakh people should be effected and implemented within a period of five years in a phased manner.

The Law Commission in its 120th Report in 1987 had also recommended improvement in Judges-population ratio. The above view was supported by the Department related Parliamentary Standing Committee on Ministry of Home Affairs in its 85th Report. The Committee was of the opinion that "*the judge-population ratio recommended by the Law Commission should be accepted as a starting point with sufficient scope for variation on the basis of pendency and disposal*". The present requirement of number of judges is much greater, looking at the spate of litigation, population explosion and other factors. The inadequate judges' strength is a major cause of delay in disposal of cases. As per 120th Report

of Law Commission, U.S.A. had 107 Judges per million population, Canada had 75 Judges, England had 51 Judges and Australia had 42 judges in comparison to India, which had only 10.5 Judges per million of population.

The Advisory Council of National Mission for Justice Delivery and Legal Reforms passed a Resolution in May, 2012 for doubling the existing number of courts to comprehensively address the problem of arrears and pendency in our judicial system. This decision was endorsed by the Supreme Court in the meeting of the Advisory Committee of National Court Management Systems.

As the Subordinate Judiciary falls within the domain of State Governments and respective High Courts, all State Governments as well as the Registrar Generals of the High Courts were requested to assess their requirements. The States of Andhra Pradesh, Gujarat, Haryana, Punjab, Rajasthan, Arunachal Pradesh, Chandigarh and A&N Islands have projected the requirement which is either double the present sanctioned strength or more than that. States of Bihar, Karnataka, Kerala, Odisha, Sikkim, Rajasthan and UT of Delhi have indicated a requirement which is close to or little less than the double. States of Assam, Chhattisgarh, Himachal Pradesh, Maharashtra, Meghalaya, Tripura, Uttarakhand, Tamil Nadu and Puducherry have indicated a fewer number of judges to be added in the next 5 years. States of Mizoram, Nagaland and U.T. of Daman & Diu have not proposed any increase. The U.T. of Dadra & Nagar Haveli and Lakshadweep require only a few additional judges. Remaining States / UTs are yet to respond.

Hon'ble the Chief Justice of India has also written to the Chief Justices of the High Courts that although matters relating to Subordinate Judiciary fall within the domain of State Governments, current outlay in most of the States for the Judiciary is less than 1 per cent of total budget. The State Governments have a responsibility for funding the subordinate judiciary. The Chief Justices of the High Courts have been asked to strongly take up the matter with the State Governments to increase the budget outlay for the judiciary and that the State Governments must be persuaded to agree to double the existing number of courts in subordinate judiciary, along with the necessary infrastructure and ministerial staff, at the earliest.

In the Conference of Chief Ministers and Chief Justices of High Courts held on 07th April, 2013, it was decided that State Governments, in consultation with the respective High Courts, will take appropriate steps for creation of additional posts, creation of judicial infrastructure and ministerial staff to implement this decision. In order to implement the decision to double the existing number of courts over a period of five years, it is proposed that State Governments shall approach the 14th Finance Commission for additional devolution of funds to enable them to defray the expenses to be incurred for the increase in judicial officers, infrastructure and

ministerial staff for the purpose. The Central Government will support these proposals of the State Governments in the proposal of Department of Justice to 14th Finance Commission.

Follow up meeting was held on 31st May, 2013 with the Registrar Generals of High Courts and Home / Finance / Law Secretaries of the State Government to review the action taken by them for implementing the decision in regard to doubling the subordinate courts in the States. It emerged that almost all the High Courts have initiated action for determining the additional number of subordinate courts required in the context of doubling the number of subordinate courts. The Statement at Annex - I gives tentative numbers which were indicated at the meeting. Almost all the State Governments were unanimous that they would need funding support for establishment of the additional courts. They were all advised to prepare a memorandum for additional funds required for the judicial sector and present it to the 14th Finance Commission. The Department of Justice assured its full support to back up the State Governments in their efforts to seek devolution of funds for strengthening the subordinate judiciary.

(Ministry of Law and Justice (Deptt. of Justice), O.M.No.15011/87/2012-JUS(M)
dated 31.10.2013)

Comments of the Committee

(Please see Paragraph No. 17 of Chapter I of the Report)

Recommendation No. 9 (Para No.2.9)

Police strength

The Committee find that, as on 31.12.2011, the existing police strength [(Civil and Armed) (Men and Women)] in the country was 12.8 lakhs against the sanctioned strength of 16.6 lakhs, rendering 22.9% posts vacant. Maharashtra has the highest actual strength of Civil Police accounting for 13.2% of the total civil police in the country followed by Uttar Pradesh which is around 1,55,477 personnel (12.1%). Delhi has the largest contingent of 66,686 (85%) of the total police strength of 78,428 in the seven Union Territories. The Committee have been informed that as per BPR&D publication 'Data on Police Organisations in India', as on January, 2011, the total number of women police stations were 442 of which Tamil Nadu had the highest number of 196 and some States like Arunachal Pradesh, Bihar, Himachal Pradesh, Maharashtra, Mizoram, Nagaland, Sikkim, Uttarakhand, West Bengal, Andaman & Nicobar Islands, Chandigarh, Daman & Diu, Delhi and Lakshadweep do not have any women police stations. The Committee have also been apprised that the existing police population ratio per lakh of population, as on 1.1.2011 based on BPR&D publication is 137.86 which is still much below the United Nations recommended ratio of 450. Having analysed various aspects in the foregoing paragraphs, be it, the increased number of victims of sexual abuse, crime against

women in mega cities, serious problem of human trafficking, involvement of juveniles in crime against women, insufficient number of forensic science laboratories, requirement of Fast Track Courts or availability of Judges, the Committee are dismayed to note that the existing police population ratio in the country is far less than the acceptable level. The Committee are of considered view that the people in distress firstly come in contact with police and only thereafter, a chain of events takes place in the form of medical examination of the victim, recording of statement before the Magistrate, assigning the case to Public Prosecutor and appearance in the Court proceedings. If there is an overall shortage of police personnel including women police stations, the Committee have serious apprehension that all other efforts initiated by the Government would not yield the desired results. The Committee are also amazed to notice that even after more than six decades of our independence and the constitutional dream of securing the gender equality, we have not been able to bring the women in the mainstream and even today, 'the mainstream remains very much a male stream'. The Committee, therefore, recommend that the Government should come out with a realistic assessment of State-wise number of police personnel required in the country to meet the new challenges in the form of increased crimes against women. Thereafter, the blue-print, so prepared, could be discussed with all the State Governments for urgent implementation. In the process, the Government should also persuade the States where Women Police Stations are either not existing or functioning at a miniscule level, to set up atleast 2-3 Women Police Stations in each District so that the women, in distress, could explain their agony to women police personnel without fear or inhibition. The Committee wish to be apprised of the steps taken by the Government in this regard.

Reply of the Government

As per recent data provided by BPR&D the status of Women Police in the country is as below:

	Women Police	Growth over Previous Year
2009	66153	9486
2010	71756	5603
2011	84479	12723
2012	97518	13039

Bureau of Police Research and Development (BPR&D) has recently approached all States and UTs requesting them to provide at least 04 women in each police station of the country.

As per input, provided by the State Govts. of Maharashtra, A & N Islands, Sikkim, Mizoram, West Bengal, Goa, Meghalaya, Madhya Pradesh, Punjab, Arunachal Pradesh, Delhi, Uttarakhand, Uttar Pradesh, Rajasthan and UT of Chandigarh, the States/UTs have already issued directions to the concerned for providing women police in each Police Station.

The issue of 'Law' and 'Order' being State subject under Constitution, the requirement, availability, deployment of women police in States comes under the purview of State Governments and accordingly policies are implemented. The perception of the State Government on optimum utilization of available resources to maintain 'Law' and 'Order' is the sole discretion of the State Governments. In the DGP conference held in June, 2013, most of the States opined that instead of going for exclusive All Women Police Station, it is prudent to have women presence in each police Station. Ministry of Home Affairs is also of opinion that instead of stressing on creating exclusive All Women Police Stations, emphasize should be on increasing Women representation in Police.

Ministry of Home Affairs has issued an advisory on 22nd April 2013 whereby the States / UTs were requested to raise the women representation in Police to 33%.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Recommendation No. 10 (Para No.2.10)

Disposal of cases by Police and Courts

The Committee note that performance of police in disposal of various IPC crimes committed against women in the country is far from satisfactory. For instance, a total number of 36151 rape cases in the country were under the investigation of police during the year 2011 which includes pending cases from previous year. During the year 2011, the police could investigate a paltry 22898 cases (63%) resulting in 13221 cases pending investigation at the end of the year. Similarly, out of 55017 cases of kidnapping and abduction of women and girls during the year 2011, the police could investigate 32958 cases (60%). The Committee have also been informed that the rate of conviction in various crimes committed against women viz., rape, kidnapping and abduction of women and girls, molestation, sexual harassment, importation of girls and under the Immoral Traffic (Prevention) Act is also disheartening. To quote a few, during the year 2011, 4072 persons were convicted for rape, whereas, 11350 persons were acquitted or discharged by the courts. 3174 persons were convicted for kidnapping and abduction of women and girls, whereas, 8110 persons were acquitted or discharged. Similarly, 918 persons were convicted under the Immoral Traffic (Prevention) Act, whereas, 1077 persons were acquitted or discharged. In their submission before the Committee, the Ministry of Home Affairs have informed that the conviction rate in rape cases in

Delhi was much higher as compared to All India figure. In 2009, it was 47%, in 2010, it was 34% and in 2011, it was 41%. During the evidence before the Committee, the representative of the Ministry of Home Affairs also stated that the main problem in low conviction was due to delayed pronouncement of judgement as the trial continues for a number of years. Though the representative of the Ministry was candid in accepting that low rate of conviction was due to prolonged trial before the court, the Committee are of firm opinion that low rate of conviction is also attributable to shoddy investigation by the police authorities and/or inherent flaws in charge sheet filed by them. The Committee are surprised to find that the National Crime Records Bureau which is the nodal agency for bringing out annual publication on the crime scenario of the country has not been maintaining statistics on the basis of which it could be gathered that in how many cases, the charge-sheeted person has been acquitted or discharged due to shoddy investigation by the police authorities or inherent flaws in framing of charge sheet by them. The Committee, therefore, urge upon the Government to re-draw their action plan in co-ordination with the State Governments to ensure that the cases of crime against women are investigated by the police authorities at the earliest and the cases should not be carried forward to a later date for want of investigation. The Committee strongly recommend that in case the acquittal of charge-sheeted person(s) is due to shoddy police investigation, the Investigating Officer should be held accountable for the lapse and stern disciplinary action should be initiated against the derelict police official(s) in such cases. The Committee also recommend that National Crime Records Bureau should examine the possibility of including the details of all such cases in which accused has been acquitted or discharged by the courts due to shoddy investigation by the police authorities or inherent flaws in framing of charge sheet by them in their publication titled 'Crime in India'.

Reply of the Government

The recommendation of the Committee is duly noted.

Ministry of Law and Justice is the nodal ministry in this regard and has already submitted their report to the Parliamentary Committee. National Crime Records Bureau (NCRB) is the Statistical agency entrusted with the responsibility of collating data on various form of crimes; country wide.

The observations on shoddy police investigation and lapse of investigating officials primarily come under the domain of the trying Magistrate/Judge. Since it is under Magistrate's/ Judge's discretion and not mandatory very rarely there have been observations indicating shoddy / lapse of investigation. Hence it is not easy to ascertain the data relating to such cases.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Comments of the Committee

(Please see Paragraph No. 20 of Chapter I of the Report)

Recommendation No. 11 (Para No.2.11)

Ujjawala – A scheme for victims of trafficking

The Committee note that Ujjawala Scheme has been initiated in December, 2007 for prevention of trafficking & rescue, rehabilitation and re-integration of victims of trafficking for commercial sexual exploitation. The target group includes women and children who are vulnerable as well as those who are victims of trafficking for commercial sexual exploitation. The Scheme is being implemented through Non-Government Organizations (NGOs). The rehabilitation component receives the maximum grant under the Scheme. The rehabilitation package includes setting up of Protective and Rehabilitation Home with basic amenities such as food, clothing etc., provision for legal aid and medical care for psychological and emotional rehabilitation and vocational training for economic rehabilitation. The Committee were also informed that since the launch of this Scheme, the Ministry of Women and Child Development have supported 201 projects in 21 States, 186 projects have a preventive component, 95 for rescue, 101 for rehabilitation, 66 projects for re-integration and 14 projects for repatriation. Thus, it can be safely presumed that since the launch of the Scheme, in 5 ½ years, only 201 projects have been supported by the Ministry. Besides, the Scheme is not spread over the entire country. The Committee find this utterly an unsatisfactory situation and a futile attempt to window-dressing, especially when there is a sudden spurt in crimes against women. The Ministry have attributed the non-existence of projects under Ujjawala in all the States/ UTs to reasons like inability of the State Governments to proactively identify or recommend good proposals etc. The Committee are pained to mention that none of these reasons appears to be so insurmountable as to block the pan-India coverage of such an important endeavour. The Committee, therefore, strongly recommend that the Ministry should make renewed and concerted efforts to convince the State Governments about the impact of this small but very significant effort towards prevention, rescue, rehabilitation, reintegration and repatriation of victims of trafficking. The Committee would also like the Government to ensure that more and more NGOs may be co-opted for making this Scheme visible throughout the country.

Reply of the Government

The concern expressed by the Hon'ble Committee has been communicated to all State Governments/UT Administrations with the request to give wide publicity of the Scheme and forward proposals of the organizations fulfilling the schematic norms. As on date total Ujjawala projects sanctioned are 257 and the component details are as under:

Total No. of Projects under Ujjawala Scheme	Prevention	Rescue	P & R Homes	Reintegration	Repatriation
257	232	118	138	73	14

It is to mention here that each project has one or more components under the Scheme.

(Ministry of Women and Child Development, O.M. No. 4-16/2013-CP dated 12.11.2013)

Recommendation No. 12 (Para No.2.12)

Swadhar and Short Stay Homes Schemes

The Committee note that the scheme of Short Stay Home (SSH) for women and girls was introduced as a social defense mechanism by the Ministry of Women and Child Development in 1969. The scheme is meant to provide temporary accommodation, maintenance and rehabilitative services to women and girls rendered homeless due to family discord, crime, violence, mental stress, social ostracism or who are being forced into prostitution. The Ministry has stated that with the aim to provide primary need of shelter, food, clothing and care to the marginalised women and girls who are without any social and economic support, Swadhar scheme was launched in the year 2001-02. The Ministry has further informed that Swadhar and Short Stay Home schemes are proposed to be merged into a new sub-scheme 'Swadhar Greh' which is to be implemented as a component of the Centrally Sponsored umbrella scheme on Women Empowerment during the 12th Plan. Though the Committee reserve their observations on the proposed merger of Swadhar and Short Stay Home into a new sub-scheme 'Swadhar Greh', at the same time, they express their concern that various social welfare schemes/ programmes are initially formulated by the Ministry and soon thereafter, without making any realistic assessment of the attainment of objectives, the schemes/ programmes are merged/ renamed on the pretext of improving financial norms. This sort of mechanism becomes all the more serious when the earlier schemes have even not reached to the District level within the country. The Committee are constrained to observe that various Schemes of the Government are merged to camouflage their failure. The Committee, therefore, strongly recommend while integrating the Swadhar and Short Stay Home schemes into a new sub-scheme 'Swadhar Greh', the Ministry should ensure that the scheme reaches each and every District of the country and adequate funds are made available so that the intended benefits are reached to the women and girls in distress.

Reply of the Government

Recognizing the need to prevent exploitation of women and to support their survival and rehabilitation, the scheme of Short Stay Home was introduced as a social defence

mechanism, by the then Department of Social Welfare in 1969 for women and girls rendered homeless. The Scheme is being implemented by the Central Social welfare Board (CSWB).

The Swadhar scheme was launched by the Department of Women and Child Development in 2001-2002 for women in difficult circumstances.

Both the schemes are similar in nature and the objective; and there is considerable overlap between the two. An Evaluation study on Swadhar and Short Stay Home was conducted by an External Agency i.e. Centre for Market Research and Social Development in 2007. The Agency recommended merger of Swadhar and Short Stay Home Schemes. Department related Parliamentary Standing Committee on Ministry of Human Resource Development also recommended merger of the said schemes in their 189th and 219th Reports.

The Ministry accordingly formulated Swadhar Greh Scheme merging Swadhar and Short Stay Home Scheme with enhanced financial norms. The Scheme was proposed to be implemented as a Centrally Sponsored Scheme with a sharing pattern of 75:25 (10% for North Eastern States) between Centre and States. However, the new scheme could not be launched as a Centrally Sponsored Scheme because of pending necessary approval. The proposed scheme also envisages establishment of at least one Swadhar Greh in each District. Subsequently, Planning Commission has advised to make it as a Component of an Umbrella Scheme on Women Protection and Empowerment. The Ministry is in the process of seeking necessary approval to implement the Umbrella Scheme.

As necessary approval for the Umbrella Scheme on Women Protection and Empowerment is yet to be obtained, no new projects were sanctioned for Swadhar Greh during the year 2012-2013. The Swadhar and Short Stay Homes are running under the existing norms as per funding pattern of the erstwhile Swadhar Short Stay Schemes. However, the recommendation of the Hon'ble Committee has been noted for compliance.

(Ministry of Women and Child Development, O.M. No. 4-16/2013-CP dated 12.11.2013)

Recommendation No. 14 (Para No.2.14)

Childline Services

The Committee note that Integrated Child Protection Scheme (ICPS) supports Childline services which is a 24-hour toll free telephone number '1098'. Any child in need of immediate help, including trafficked and abused children can dial this number and efforts are made to reach the child within one hour. The Committee has also been informed that as of March, 2011, Childline operates in 200 cities/districts in 30 States and UTs through its network of

approximately 535 partner organisations across India. The Childline network across the country received around 17231 cases for Protection from Abuse in 2010-11. While the Committee appreciate the initiative taken by the Ministry of Women and Child Development for introducing the Childline Services, at the same time, they express concern over its limited reach which could be gauged from the fact that out of 640 Districts in the country, the Childline Service is available in a meagre 264 Cities/ Districts. It is also not comprehensible that on the one hand, statistical details of incidents of child abuse indicate an abnormal accretion and on the other hand, the Childline network across the country had received approximately 17231 cases for Protection from Abuse in 2010-11. The Committee, therefore, recommend that Ministry of Women and Child Development should work in tandem with the State Governments/ UTs to ensure that Childline Services are made available in all the 640 Districts in the country. In addition to this, the Committee also urge upon the Government to make wide publicity of Childline Services '1098' through audio, visual and print media so that more and more children in distress could approach for their protection from abuse.

Reply of the Government

The Ministry of Women and Child Development is working closely with all State Governments/UT Administrations for implementation of the Integrated Child Protection Scheme (ICPS), including Childline service. The Ministry as well as the Childline India Foundation (CIF), the nodal organization of the Ministry for implementation of the Childline service in the country, has written to the all State Governments/UT Administrations to convey their preference of locations for expansion of Childline service in their respective State/UT. Presently, Childline service is available in 276 cities/districts of the country, and it is envisaged that the Childline service would be available in all 640 districts of the country by the end of XII Five Year Plan.

The Ministry of Women and Child Development is giving publicity of the Childline service '1098' through print and electronic media. Publicity of Childline service is also being carried out through Metro Rail service in Delhi. CIF also carries out outreach activities through its Childline partners in schools so that maximum numbers of children are made aware of this facility.

(Ministry of Women and Child Development, O.M. No. 4-16/2013-CP dated 12.11.2013)

Recommendation No. 15 (Para No.2.15)

Gender Budgeting

The Committee observe that in 2004-05, the Ministry of Women and Child Development adopted 'Budgeting for Gender Equality' as a Mission Statement. The mainstreaming of gender concerns has been reiterated as an objective of the Ministry in its Strategic Plan Document in 2011-12. Gender Budgeting has also been much emphasized in the National Mission for Empowerment of Women. Another important step taken in the direction of Gender Budgeting in the country was the incorporation of the Statement 20 as a part of the Expenditure Budget Document Volume I. The Gender Budgetary allocations are reflected in a two-way classified Gender Budgeting Statement. The first part of the Statement, Part A includes Schemes with 100% allocation for women viz., Universal Service Obligation Scheme, Opening of Crèche, Day Care Centre, Gender Sensitization, Health Care Centre, Women's Rest Room, Women's Hostel, Scheme for Incentive to the Girl Child for Secondary Education etc. Part B of the Statement includes Schemes/ Programmes with 30% allocation for women viz., Technology Mission on Cotton, Village Gramin Bank Scheme, Zonal Culture Centres, National Aids Control Programme etc.. The Committee further observe that the total Gender Budget for the fiscal year 2013-14 for 100% Women Specific Programmes (Part A) is Rs. 27248.19 crore which is Rs. 4279.26 crore higher than the previous fiscal year. Similarly, the total Gender Budget for the current fiscal year for 30% Women Specific Programmes (Part B) is Rs. 69885.51 crore which is Rs. 4711.64 crore higher than the fiscal year 2012-13. While endorsing the Gender Budget allocated by the Government for the current fiscal year, the Committee express hope that the available resources would be efficiently utilized to improve the status of women and the transforming the constitutional dream of gender equality into a reality. However, the Committee wish to express that taking into account that women constitute about 48.5% of the country's total population, the Gender Budget amounting to Rs. 27248.10 crore for 100% Women Specific Programmes for the current fiscal year could be enhanced to ward off the inflationary trends prevailing in the country. In view of the foregoing, the Committee would like the Ministry of Women and Child Development to approach the Planning Commission/ Ministry of Finance to allocate more funds so that time bound implementation and completion of programmes for empowerment of women can be ensured.

Reply of the Government

Ministry of Women and Child Development has no direct role to play in influencing the allocations made and reflected in the GB statement except that the Ministry has constantly pursuing with the Central Ministries and Departments to report better in the Gender Budget Statement. In view of the above the action taken by MWCD is:

Gender Budgeting is a process that entails maintaining a gender perspective at all stages of the planning and budgetary processes as well as during implementation and monitoring of policies and programmes. Gender being a cross cutting issue, the Government in the Ministry of Women and Child Development has been pursuing with all Ministries/Departments to set up Gender Budgeting Cells (GBCs) who can take the process of engendering the Schemes/Programmes to improve the position of women in the respective sectors and as per information available, 56 Ministries/Departments have set up GBCs.

The Ministries is also pursuing with the Ministries/Departments concerns to have better reporting of the allocations made for women in the Gender Budget Statement. In order to ensure gender sensitivity in the newly formed schemes and programmes, the Ministry of Women and Child Development has already framed gender specific questions for incorporation in the EFC/SFC formats and have written to the Ministry of Finance to take necessary action.

Further, in order to strengthen the process of Gender Budgeting, the Ministry of Women and Child Development has been undertaking various capacity building measures for officials of Central, State Governments and various stakeholders. A Gender Budgeting Plan scheme was launched during 2007-08 to this effect. The Ministry has also developed a Gender Budgeting Handbook for Government of India Ministries and Departments and a Gender Budgeting Manual for Trainers. The Ministry has also undertaken one to one sessions with several departments to promote Gender Budgeting. The Ministry is also in the process of finalizing a Gender Audit Guideline. The draft report has been prepared by the Working Group formed for the purpose by the Ministry. The Guideline once finalized will be submitted to the Planning Commission for further necessary action.

(Ministry of Women and Child Development, O.M. No. 4-16/2013-CP dated 12.11.2013)

Recommendation No. 16 (Para No.2.16)

Criminal Law (Amendment) Act, 2013

The Committee note that after the horrific incident of gang rape of a 23 year old physiotherapy student in Delhi on 16 December, 2012, the Government of India vide Notification No. SO(3003)E dated 23 December, 2012 constituted a Committee of Jurists headed by Hon'ble Justice (Retd.) J.S. Verma, former Chief Justice of India with Hon'ble Justice (Retd.) Leila Seth, former Chief Justice of Himachal Pradesh High Court and Shri Gopal Subramanian, former Solicitor General of India to look into the possible amendments of the Criminal Law to provide for quicker trial and enhanced punishment for criminals, accused of committing sexual assault of extreme nature against women. The Committee submitted its Report to the Government on 23 January, 2013 *inter alia* suggesting amendments to the Indian Penal Code (IPC), 1860, the Code of Criminal Procedure, 1973, the Indian Evidence Act, 1872,

the Armed Forces (Special Powers) Act, 1958 and the Representation of People Act, 1951. Based on the recommendations of the Committee on amendments to Criminal Law, the President of India promulgated the Criminal Law (Amendment) Ordinance, 2013 on 3.2.2013. Meanwhile, the Parliamentary Standing Committee on Home Affairs presented their Report on Criminal Law (Amendment) Bill, 2012 to Rajya Sabha on 1.3.2013 and laid on the Table of Lok Sabha on 4.3.2013. Accordingly, the Criminal Law (Amendment) Bill, 2013 was passed by Lok Sabha on 19.3.2013 and the said Bill was passed by Rajya Sabha on 21.3.2013 without any amendments. On 2.4.2013, the President of India accorded his assent to the Bill and now it is known as Criminal Law (Amendment) Act, 2013. The Committee take note of the comparative analysis on the amendments in the Criminal Law proposed by the Committee headed by Hon'ble Justice (Retd.) J.S. Verma, former Chief Justice of India, provisions contained in the Criminal Law (Amendment) Ordinance, 2013 alongwith the Criminal Law (Amendment) Act, 2013 at Annexure VI of the Report. The Committee express their happiness over the fact that Government has exhibited their concern in dealing with this issue in tune with the majority of thinking people in the country. However, the Committee wish to delve as to whether framing of stricter laws to contain crimes against women is enough or effective implementation of law that would make the women in India feel safe and protected is more important. The Committee have noticed, in the foregoing paragraphs of the Report, that there are various inadequacies in the overall system of administration of justice viz., increased involvement of male juveniles especially in the age group of 16-18 years in committing crimes against women, ill-equipped Forensic Science Laboratories/ DNA Profiling Centres, absence of National database of offenders, in-sufficient number of Judges at the District/ Subordinate Courts, non-filling of vacancies of Judges at the High Courts, inadequate police strength, low rate of disposal of cases by Police and Courts and, perhaps, shoddy investigation by the law enforcement agencies leading to acquittal of perpetrators of crime against women. The Committee feel that merely addressing the end stage of rape in the form of stricter provisions in the law is not enough. The Government have to address the issue from the initial stages to protect women from sexual abuse and various other atrocities being faced by them in the country. There has always been a question which remained unanswered that even though stricter punishment in the Criminal Law (Amendment) Act, 2013 has been prescribed, innumerable cases of rape have recently been reported from various parts of the country. Against this backdrop, the Committee observe that there is no deficiency of Laws relating to crimes against women in the country but in the opinion of the Committee, it is lack of their proper application, execution and implementation. The Committee, therefore, recommend that the Union Government and all the State Governments should act in unison and formulate an innovative strategy to resolve and address the deficiencies in the system of administration of justice in the country so that criminals and anti-social elements think twice before committing any crime against women.

Reply of the Government

The concern of the Hon'ble Committee is duly noted.

In light of the observations of the Committee it would be pertinent to mention that Central Government is in constant touch with the State Governments to devise effective ways of implementation of existing legislations and instill a sense of respect and fear of law in the minds of potential criminals.

The issue of crimes against women has been a focal point of discussion in the Chief Minister's Conference and Director General of Police Conference held on 5th June 2013 and States has been requested to develop a strategy to reduce crimes against women.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

CHAPTER III

OBSERVATIONS/RECOMMENDATIONS WHICH THE COMMITTEE DO NOT DESIRE TO PURSUE IN VIEW OF THE REPLIES OF THE GOVERNMENT

-Nil-

CHAPTER IV

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH REPLIES OF THE GOVERNMENT HAVE NOT BEEN ACCEPTED BY THE COMMITTEE

Recommendation No. 5 (Para No. 2.5)

Forensic Science Laboratories

The Committee find that the Directorate of Forensic Science Services (DFSS) under the Ministry of Home Affairs is the apex body for forensic science in the country. It administers the work of three Forensic Science Laboratories (CFSLs) at Kolkata, Hyderabad and Chandigarh and three new Central Forensic Institutes at Pune, Bhopal and Guwahati. The Committee also find that the present number of DNA Profiling Centres are not sufficient in view of the increasing number of rape cases in the country. The Committee are distressed to notice the recurring malady and insensitive approach of the Government to the effect that a negligible 25 DNA Centres have a meagre 50-60 trained manpower in India. The Committee have been informed that DNA analysis in a case can be completed in 2 days or a week. In case, there is delay in submission of exhibits to the laboratory, it will lead to the degradation of exhibits. Since DNA profiling is considered to be a major piece of evidence for filing a charge sheet in rape cases, the Committee strongly recommend that the Ministry of Home Affairs should critically review their own performance in setting up of more high-tech Forensic Science Laboratories with adequate trained manpower and work out a concrete action plan to motivate and/or persuade the potential States which have shown lack of interest in setting up of their own Forensic Science Laboratories. The Committee further emphasise that Ministry of Home Affairs should atleast now tighten their belt and work out modalities to quantify the number of Forensic Science Laboratories/ DNA Profiling Centres, additional technical manpower and equipment required by following a yardstick of obtaining DNA results within a period of three weeks in all cases. Once a scientific analysis on this account is undertaken by the Ministry of Home Affairs, if need be, financial assistance may also be provided to various States for expeditious setting up of Forensic Science Laboratories/ DNA Profiling Centres.

Reply of the Government

There are seven Central Forensic Science Laboratories functioning in the country.

Government has proposed for upgradation and creation of new Divisions in the existing CFSLs at Kolkata, Hyderabad and Chandigarh under XII Five Year Plan. Upgradation of

equipments has also been proposed in the XII Plan Scheme of Directorate of Forensic Science Services.

An amount of Rs. 216.16 crore has been sanctioned for establishment of new high-tech Central Forensic Science Laboratories at Pune, Bhopal and Guwahati and an amount of Rs. 22.68 crore has been sanctioned for creation of new Forensic Divisions and upgradation of existing Divisions at CFSL Chandigarh, Kolkata and Hyderabad under 12th Five Year Plan Scheme.

Directorate of Forensic Science Services is undertaking a continuous process for filling up of regular posts by promotion and direct recruitment. Efforts are also being made to fill up some posts with contractual staff. As regards the infrastructure, the new complex of CFSL Kolkata is being established at Rajarhaat and an expansion of CFSL complex at Chandigarh is under process during XII Five Year Plan. Land has been acquired at CFSL Pune, Bhopal and Guwahati.

Requisitions have been sent to the Union Public Service Commission (UPSC) for recruitment of Gazetted posts of Scientific Officers and to Delhi Subordinate Services Selection Board (DSSSB) for recruitment of Non-Gazetted posts of Scientific Assistants.

An approximate analysis of Forensic Infrastructure required to handle the cases on Sexual assault and Disputed Paternity related cases is appended below :

1. No of crime cases related to Sexual assault and Disputed Paternity requiring DNA test in India per annum : **25000 (Approximately)**
 - i. On an average no of exhibits (Samples) per case received : 5
 - ii. Total no of exhibits (samples) per annum requiring DNA test : **25000 X 5 =125000 (Approximately)**

2. As per normal work norms one expert can examine on an average 50 exhibits (Samples) per month i.e. **10 cases per month.**
 - I. Annually one expert can examine: $50 \times 12 = 600$ exhibits i.e. 120 cases.
 - II. Total No of experts required for examining 25000 cases per annum is: **250 (Approximately).**

3. Requirement of Laboratories : 50 (one laboratory shall be consisting of 5 DNA experts)

4. Financial Implications:

Machinery and equipment per laboratory	Rs 5 Crore (Includes recurring consumable chemicals etc.)	Total = $50 \times 5 =$ Rs 250 Crore	Recurring expenditure of Rs 50 Crore per annum for 50 labs
Man power (One expert + two supporting staff) per annum	Rs 20 Lakh $\times 5 =$ 1 Crore	Total = Rs 50 Crore per annum	Recurring each year
Building per laboratory	Rs 5 Crore	Total = $50 \times 5 =$ Rs 250 Crore	One time
Total		Rs. 550 Crore Approx.	For establishment of 50 new DNA laboratories involving 5 experts in each laboratory

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Comments of the Committee

(Please see Paragraph No. 14 of Chapter I of the Report)

CHAPTER V

OBSERVATIONS/RECOMMENDATIONS IN RESPECT OF WHICH FINAL REPLIES OF THE GOVERNMENT ARE STILL AWAITED.

Recommendation No. 4 (Para No. 2.4)

Involvement of juveniles in crime against women

The Committee observe that as per the definition of juveniles in the Juvenile Justice Act, 1986, male below the age of 16 years and female below the age of 18 years were considered as juveniles. The Act was amended in the year 2000 according to which, the age of juvenile males and females was brought at par as below the age of 18 years. The Juvenile Justice (Care and Protection of Children) Act, 2000 provides for adjudication and rehabilitation of Juvenile delinquents. The Committee have further been apprised that a total of 22740 IPC crimes were committed by juveniles during the year 2010 which increased to 25125 crimes during the year 2011 i.e. an increase of around 10.5%. The crimes against women committed by juveniles have also shown an upward trend. For instance, in the year 2010, juveniles were involved in 858 cases of rape, 391 cases of kidnapping & abduction of women and 536 cases of molestation which rose to 1149 cases of rape, 600 cases of kidnapping & abduction of women and 573 cases of molestation in the year 2011. The Committee also analysed the profile of juveniles apprehended and found that most of the crimes have been committed by male juveniles in the age group of 16-18 years. The reasons for juveniles getting into various forms of crime vary from impulsive disorder, peer pressure, disturbed environment to broken family, aggression, lavish lifestyles and uncontrolled freedom from parents. The Committee would like to caution on the dangerous trend of increased involvement of juveniles in various crimes against women. The involvement of a juvenile in the horrific incident of gang rape in Delhi on 16 December, 2012 is a case in point which requires a serious debate on the remedial measures need to be initiated by various stakeholders including the law enforcement agencies. The Committee are aware that there was a vociferous demand from various social organizations, women's groups, academicians and a large body of expert people for decreasing the age of male juveniles to 16 years. The Committee also deliberated on this issue taking into account various aspects including the juvenile laws in other countries. The Committee are of considered opinion that inspite of the fact that the Juvenile Justice Act, 1986 was amended in the year 2000 and the age of juvenile males and females was brought at par as below the age of 18 years, it has not produced the desired results. On this issue, the Committee would like to clear their apprehension that had the rape of a 5 year old minor girl in Delhi was committed by a juvenile in the age group of 16-18 years, his crime would have been tried under the Juvenile Justice (Care and Protection of Children) Act, 2000 which provides only for adjudication and rehabilitation of Juvenile delinquents. Notably, the Committee headed by Hon'ble Justice

(Retd.) J.S. Verma to look into the possible amendments of the Criminal Law were not inclined to reduce the age of a juvenile to 16 years. Notwithstanding this as well as keeping in view the fact that juvenile crimes that too in the age group of 16-18 years are on the rise, the Committee urge the Government to reconsider the aspect of reduction of age of male juvenile from 18 to 16 years for the purpose of being tried for crimes committed against women and offences under various laws of the country.

Reply of the Government

The Ministry of Women and Child is not presently considering any amendment to lower the age of children in conflict with law under the Juvenile Justice (Care and Protection) Act, 2000.

Other suggestions received from various organizations regarding amendments to the JJ Act include, inter-alia, penal provision for non-registration of Homes for children; strengthening of provisions related to adoption of children; clarity in roles of Child Welfare Committees and Juvenile Justice Boards; special provisions for children in conflict with law who have committed heinous crimes; and trial of such children in conflict with law in adult courts, are under consideration of the Ministry.

(Ministry of Women and Child Development, O.M. No. 4-16/2013-CP dated 12.11.2013)

Recommendation No. 13 (Para No. 2.13)

Compensation to victims of violence

The Committee observe that Section 357 of the Code of Criminal Procedure (Cr.PC) enables the courts to award compensation to victims of various crimes, including that of rape, molestation and eve teasing. Through the amendments in 2009 and 2013, new Sections were introduced in the Cr.PC which *inter alia* casts a responsibility on the State Governments to formulate a Scheme in coordination with the Central Government for providing compensation to those who are victims of crime and require rehabilitation. The Committee have also been informed that so far, 16 States/ UTs have formulated the Victim Compensation Scheme. The crimes that are contemplated for compensation by the States are rape, severe mental agony, loss of life, grievous hurt, loss of limb, rape of minor etc. The Committee are flabbergasted to observe that even when new Sections 375B and 357C have been added while effecting amendments to the Cr. PC in March, 2013, no sincere and visible efforts have been made by the Government to ensure that the Victim Compensation Scheme is implemented by all the States/ UTs. The Committee are exasperated by the fact that if the States/ UTs do not have the requisite apparatus in the form of Victim Compensation Scheme, how the women and girls who

are victims of sexual abuse and other forms of crimes would be able to get the structured and effective relief from the Government. The Committee, therefore, urge upon the Government to impress upon all the State Governments/ UTs concerned to formulate the Victim Compensation Scheme at the earliest.

Reply of the Government

The recommendation of the Parliamentary Committee is duly noted.

It may be pertinent to mention that Ministry of Home Affairs is constantly pursuing the States/UTs through Video Conferences and all other available forums to setup Victim Compensation Scheme as early as possible.

Hon'ble Supreme Court is also constantly urging the States/UTs to implement VCS through various judgments from time to time especially in the case of acid attack victims.

As of now, almost all States and all Union Territories except nine states (Andhra Pradesh, Jammu & Kashmir, Kerala, Madhya Pradesh, Maharashtra, Meghalaya, Nagaland, Tamil Nadu and Uttar Pradesh) have notified the scheme.

(Ministry of Home Affairs, O.M. No.15011/90/2012-SC/ST-W dated 6th January, 2014)

Comments of the Committee

(Please see Para No. 20 of Chapter I of the Report)

NEW DELHI;
12 February, 2014
23 Magha, 1935 (Saka)

RAJKUMARI RATNA SINGH,
CHAIRPERSON,
COMMITTEE ON EMPOWERMENT OF WOMEN

STATEMENT ON ADDITIONAL REQUIREMENT OF JUDICIAL OFFICERS IN
SUBORDINATE COURTS

Sr. No.	Name of State / Union Territory.	Sanctioned strength of Judicial Officers in District and Subordinate Courts	Posts for Judicial Officers in District and Subordinate Courts created from 01.01.2007 to 31.12.2011.	Assessed requirement of additional posts of Judicial Officers in district / subordinate courts
1	Andhra Pradesh	948@	117	714@
2	Arunachal Pradesh*	15@	2	0
3	Assam	389@	76	54
4	Bihar	1447	89	1121@
5	Chhattisgarh	332@	57	68
6	Goa #	49@	0	10@
7	Gujarat	1734@	945	2413@
8	Haryana	528@	169	654
9	Himachal Pradesh	132	7	132@
10	J & K #	243@	-	243@
11	Jharkhand #	500@	-	447@
12	Karnataka	1190@	112	851
13	Kerala	417@	5	379
14	Madhya Pradesh	1348@	404	1072@
15	Maharashtra	2027@	416	1000@
16	Manipur #	35@	31@	14@
17	Meghalaya	39@	28	16@

18	Mizoram**	65	65	0
19	Nagaland	29@	-	10@
20	Odisha	676@	78	448@
21	Punjab	531@	161	642
22	Rajasthan	1082@	209	955
23	Sikkim	13	0	21@
24	Tamil Nadu	910@	101	905@
25	Tripura	92	12	10
26	Uttar Pradesh #	2177@	243	5030@
27	Uttarakhand	256	69	60
28	West Bengal	939@	25	1033@
29	A & N Island	9	2	12
30	Chandigarh	20	0	61
31	D and N Haveli	3	3	3
32	Daman and Diu #			
33	Delhi	603	211	546
34	Lakshadweep	3	0	1
35	Pondicherry	20	6	8

*The State Government has by a decision converted the 3 Fast Track Courts of the State into 3 regular courts of the Addl. Dist. and Sessions. Creation of posts thereof is under process.

**Increase in number of judges by making additional post is considered not necessary for the time being, as the pendency of cases in the District and subordinate courts are low.

Information is not furnished by concerned State Government / High Court.

@updated as on 31.05.2013 based on position conveyed by the representatives from High Courts / State Governments during the meeting of the State Home/Law/Finance Secretaries and Registrar Generals of the High Courts.

APPENDIX I

COMMITTEE ON EMPOWERMENT OF WOMEN (2013-2014)

MINUTES OF THE FOURTH SITTING OF THE COMMITTEE HELD ON WEDNESDAY, THE 12th FEBRUARY, 2014

The Committee sat from 1500 hrs. to 1615 hrs. in Committee Room 'B', Parliament House Annexe, New Delhi.

PRESENT

Rajkumari Ratna Singh - Chairperson

MEMBERS

LOK SABHA

2. Dr. (Smt). Botcha Jhansi Lakshmi
3. Smt. Ingrid Mcleod
4. Shri Sidhant Mohapatra
5. Smt. Jayshreeben Patel
6. Shri Raju Shetti
7. Dr. (Smt.) Prabha Kishor Taviad

RAJYA SABHA

8. Smt. Naznin Faruque
9. Shri Ambeth Rajan
10. Dr. T.N. Seema
11. Smt. Vasanthi Stanley
12. Dr. C.P. Thakur
13. Dr. Prabha Thakur

SECRETARIAT

1. Shri S.C. Chaudhary - Director
2. Shri Raju Srivastava - Additional Director

2. At the outset, the Chairperson welcomed the Members of the Committee to the sitting convened for consideration and adoption of draft Action Taken Report of the Committee on the action taken by the

Government on the recommendations contained in their Nineteenth Report on the subject 'Victims of Sexual Abuse and Trafficking and their Rehabilitation'***.

3. Thereafter, the Committee took up the for consideration the draft Action Taken Report of the Committee on the action taken by the Government on the recommendations contained in their Nineteenth Report (Fifteenth Lok Sabha) on the subject, 'Victims of Sexual Abuse and Trafficking and their Rehabilitation'. After discussing the Draft Report in detail, the Committee adopted the same without any modification. The Committee also authorized the Chairperson to finalize the Draft Report and present the same to both Houses of Parliament.

4. *** *** *** ***

5. *** *** *** ***

The Committee then adjourned

***Matters not related to this Report

APPENDIX II

(Vide Para 4 of the Introduction)

ANALYSIS OF ACTION TAKEN BY GOVERNMENT ON THE RECOMMENDATIONS CONTAINED IN THE TWENTY SECOND REPORT (FIFTEENTH LOK SABHA) OF THE COMMITTEE ON EMPOWERMENT OF WOMEN (2013-2014) ON 'VICTIMS OF SEXUAL ABUSE AND TRAFFICKING AND THEIR REHABILITATION'.

(i)	Total No. of Recommendations	16
(ii)	Observations/Recommendations which have been accepted by the Government: Serial Nos. 1, 2, 3, 6, 7, 8, 9, 10, 11, 12, 14, 15 and 16	13
	Percentage	81.25%
(iii)	Observations/Recommendations which the Committee do not desire to pursue in view of the replies of the Government: Nil	00
(iv)	Observations/Recommendations in respect of which replies of the Government have not been accepted by the Committee Serial Nos. 5.	01
	Percentage	6.25%
(v)	Observations/Recommendations in respect of which final replies of the Government are still awaited: Serial Nos. 4 and 13	02
	Percentage	12.5%