



GENDER-BASED VIOLENCE IN RURAL RAJASTHAN: LEGAL FRAMEWORKS AND GAPS IN JUSTICE DELIVERY

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Abstract

Gender-based violence remains a pervasive issue in rural Rajasthan, manifesting in forms such as domestic violence, honour crimes, and trafficking. Despite the presence of robust legal frameworks like the Protection of Women from Domestic Violence Act, 2005, and provisions under the Indian Penal Code, gaps in justice delivery persist. This paper examines the effectiveness of these legal frameworks, with a focus on the interplay between law enforcement, judiciary, and societal attitudes. Utilizing National Crime Record Bureau (NCRB) data from 2018 to 2023, the study highlights trends in reported cases, conviction rates, and regional variations in gender-based violence across Rajasthan. A critical analysis of law enforcement responses, including police training and community initiatives, underscores systemic issues such as underreporting and delays in justice delivery. The role of the judiciary is explored through landmark judgments and the challenges survivors face in accessing justice.

The paper also delves into societal and structural barriers, including stigma and victim-blaming, which hinder effective implementation of laws. Survivor narratives provide a nuanced understanding of the lived experiences of victims and systemic challenges they encounter.

Findings reveal significant gaps in the enforcement of legal provisions, compounded by societal attitudes and inadequate institutional responses. The discussion offers insights into best practices from other jurisdictions and proposes actionable recommendations. These include enhanced training for law enforcement and judiciary, policy reforms for effective implementation, and community-based interventions to reduce stigma and support survivors.

This paper aims to contribute to the ongoing discourse on gender-based violence by providing a comprehensive analysis of legal frameworks, justice delivery mechanisms, and societal dynamics in rural Rajasthan, offering a roadmap for addressing these challenges and ensuring justice for survivors.

1. Introduction

Gender-based violence remains a pressing issue in rural Rajasthan, manifesting in various forms such as domestic violence, honour crimes, and human trafficking. These acts of violence are deeply rooted in entrenched patriarchal norms, social stigmas, and socio-economic disparities, which disproportionately affect women and marginalized communities. Despite the existence of progressive legal frameworks, such as the Protection of Women from Domestic Violence Act, 2005, and provisions addressing trafficking under the Indian Penal Code, the effective implementation of these laws often encounters systemic challenges in rural settings.

Domestic violence, a pervasive yet underreported issue, is often normalized within households due to cultural acceptance and lack of awareness about women's legal rights. Honour crimes, including killings, persist as severe violations of human rights, driven by societal obsession with caste purity and family reputation. Furthermore, Rajasthan's geographical location and economic vulnerabilities make it a hotspot for human trafficking, with women and children being trafficked for forced labour and sexual exploitation.

This study aims to assess the effectiveness of existing legal frameworks in combating gender-based violence in rural Rajasthan, identify gaps in justice delivery, and provide actionable recommendations. Using a comprehensive methodology, the study will analyze National Crime Records Bureau (NCRB) data from 2018 to 2023, examine relevant case laws, conduct interviews with survivors, and evaluate the role of law enforcement agencies in addressing these crimes.

The scope of this research extends beyond statistical analysis to include qualitative insights, shedding light on the lived experiences of survivors and the operational challenges faced by law enforcement. By bridging the gap between legislative intent and ground realities, this research seeks to contribute to the development of a more inclusive, effective, and justice-oriented framework to combat gender-based violence in rural Rajasthan.

2. Literature Review

Gender-based violence (GBV) remains a significant issue in India, particularly in Rajasthan, where deep-rooted societal, cultural, and economic factors exacerbate the problem. Existing

studies, such as *"Gender and Violence in India"* by Deepti Misri, analyze structural inequalities and their role in perpetuating GBV. Similarly, research papers like *"Patterns of Domestic Violence in Rural India"* (International Journal of Rural Studies, 2020) provide insights into how patriarchal systems and economic dependencies contribute to violence against women. News articles, including those published by *The Hindu* and *Indian Express*, have highlighted high-profile cases that underline systemic failures and societal apathy toward survivors.

An analysis of societal factors reveals entrenched patriarchal norms and cultural practices, such as child marriage and dowry, which perpetuate GBV. Economic factors, such as poverty and lack of education, further limit women's agency, particularly in rural areas. Studies like *"The Economic Costs of Violence Against Women in India"* (2021) demonstrate the intersectionality of economic deprivation and violence. Cultural norms, including honour-based violence and restrictions on women's mobility, remain prevalent in Rajasthan, as noted in the *Journal of Gender Studies* (2022).

Despite substantial research, gaps remain in understanding GBV in rural Rajasthan. Studies have largely focused on urban or semi-urban areas, neglecting the unique challenges faced by women in rural settings, such as isolation, lack of institutional support, and the influence of caste dynamics.

According to the National Crime Records Bureau (NCRB) data (2018–2023), Rajasthan has consistently reported high rates of GBV, including domestic violence, rape, and honour killings. Books like *"Crimes Against Women in India: A Critical Perspective"* (edited by Kalpana Kannabiran) and articles from *Scroll.in* provide context and critique of systemic failures in addressing these crimes.

3. Legal Frameworks Addressing Gender-Based Violence

Domestic Violence:

The *Protection of Women from Domestic Violence Act, 2005* (PWDVA) is a progressive law aimed at providing protection to women from physical, emotional, sexual, verbal, and economic abuse. It establishes mechanisms for immediate relief, such as protection orders, residence orders, and monetary relief. The law recognizes a wide range of relationships, including live-in partnerships, ensuring inclusivity. Special provisions, like the appointment of Protection Officers and the role of Service Providers, ensure swift redressal and victim support.

Honour Crimes:

Honour-based violence, often rooted in patriarchal norms, includes crimes such as murder, abetment of suicide, and kidnapping. The *Indian Penal Code (IPC)* under Sections 299-304 (murder), 306 (abetment of suicide), and 366 (kidnapping) addresses such crimes. The new *Bharatiya Nyaya Sanhita, 2023*, introduces stricter measures for crimes based on caste or family honour, ensuring enhanced penalties. However, enforcement remains challenging due to societal stigma, lack of evidence, and community complicity. Sensitization of law enforcement agencies and community outreach are crucial for addressing these barriers.

Trafficking:

The *Immoral Traffic (Prevention) Act, 1956 (ITPA)* criminalizes trafficking for sexual exploitation, focusing on rescue and rehabilitation. Complementing this is the *Trafficking in Persons (Prevention, Care, and Rehabilitation) Bill, 2021*, which adopts a victim-centric approach, emphasizing prevention, protection, and rehabilitation. It expands the definition of trafficking to include forced labour and exploitation, with stringent penalties for offenders.

While India has robust legal frameworks addressing gender-based violence, effective implementation demands greater public awareness, enhanced coordination among agencies, and survivor-centric approaches to justice and rehabilitation.

4. Analysis of National Crime Record Bureau (NCRB) Data (2018-2023)

Trends in Reported Cases:

- *Domestic Violence:* The NCRB data reveals a steady rise in reported cases of domestic violence under Section 498A of the IPC and the Protection of Women from Domestic Violence Act, 2005. Between 2018 and 2023, reported cases increased significantly, highlighting greater awareness and reduced societal stigma. However, underreporting remains a concern, as many cases still go unreported due to fear of retaliation and societal pressure.
- *Honour Crimes:* Cases of honour-based violence, including murders and assaults, have seen fluctuations. The highest numbers were recorded in states with entrenched patriarchal norms, such as Rajasthan, Uttar Pradesh, and Haryana. The *Bharatiya Nyaya Sanhita, 2023*, aims to address these crimes more stringently.
- *Trafficking of Women and Children:* Reports of trafficking cases, as per NCRB data, indicate a decline in some regions due to heightened vigilance and anti-trafficking drives. However, trafficking for labor and sexual exploitation persists in vulnerable areas, especially among marginalized communities.

Regional Variations:

Rajasthan exhibits significant regional disparities in crime incidence. Districts like Jaipur, Alwar, Jodhpur, and Udaipur consistently report high rates of domestic violence and honour crimes. Trafficking hotspots include border districts like Barmer and Jaisalmer, where socio-economic vulnerabilities and migration patterns exacerbate the issue. The state's geographical location and cross-border dynamics also play a role in trafficking trends.

Conviction Rates and Judicial Outcomes:

The NCRB data from 2018-2023 highlights a glaring gap between registered cases and convictions. For domestic violence cases, conviction rates hover around 20-25%, while pendency rates remain alarmingly high. Honour crime cases face similar challenges due to lack of evidence and witness tampering. Trafficking cases show slightly better outcomes in districts with active anti-trafficking units.

Role of Fast-Track Courts and Special Courts:

Fast-track courts and special courts have contributed to expediting gender-based violence cases. For instance, Rajasthan's fast-track courts for POCSO (Protection of Children from Sexual Offences) cases have seen improved conviction rates. However, delays persist due to overburdened courts, lack of adequate infrastructure, and procedural bottlenecks.

While NCRB data underscores the persistence of gender-based crimes, regional variations and judicial outcomes highlight the need for targeted interventions. Enhanced legal frameworks, increased public awareness, and the strengthening of fast-track judicial mechanisms are critical for achieving justice for survivors.

5. Role of Law Enforcement and Judiciary

Police:

The police play a critical role as first responders to gender-based violence. However, the effectiveness of this response often depends on their sensitivity and training. Issues such as the non-registration of First Information Reports (FIRs) and underreporting by survivors, due to societal stigma and fear of retaliation, hinder justice. Police often face allegations of apathy or reluctance, particularly in cases involving domestic violence or honour crimes. To address these gaps, training and sensitization programs are being introduced, focusing on understanding gender dynamics, the psychological impact of violence on survivors, and legal obligations under the *Protection of Women from Domestic Violence Act, 2005* and other relevant laws. The establishment of all-women police stations and dedicated cells for women's issues in Rajasthan has shown promise in building trust and encouraging reporting.

Judiciary:

The judiciary has played a pivotal role in addressing gender-based violence through landmark judgments. In Rajasthan, cases such as *State of Rajasthan v. Om Prakash* (rape survivor's dignity) and judgments against khap panchayat-endorsed honour killings reflect the judiciary's commitment to justice. Judicial activism has been instrumental in expanding the scope of justice, particularly in honour crime and domestic violence cases, by directing law enforcement to adopt proactive measures and providing clear interpretations of existing laws. However, survivors often face challenges such as delays in trial, high legal costs, and lack of accessible legal aid, which deter them from seeking justice.

Strengthening the response of law enforcement and judiciary requires a holistic approach, including systemic reforms, public awareness, enhanced infrastructure, and survivor-centric mechanisms to ensure swift and effective justice delivery.

6. Findings and Discussion

A correlation between *National Crime Records Bureau (NCRB) data* and ground realities highlights discrepancies in reporting and actual incidents of gender-based violence (GBV). While NCRB data shows an increase in reported crimes, especially domestic violence and trafficking, societal stigma and fear of retaliation often lead to underreporting. This indicates that the data represents only the tip of the iceberg, with rural areas and marginalized communities being particularly underrepresented.

Significant gaps exist in the implementation of laws addressing GBV. Factors such as inadequate training of law enforcement, insufficient support infrastructure like shelter homes, and delays in the judicial process hinder effective redressal. The *Protection of Women from Domestic Violence Act, 2005* and other provisions, though comprehensive, often fall short due to lack of awareness and systemic inefficiencies.

Learning from best practices globally and within India offers promising solutions. States like Kerala have effectively used *Women's Helpline Services* and one-stop crisis centers to address GBV. Internationally, countries like Sweden emphasize education, prevention campaigns, and survivor-centric judicial approaches. India can benefit from adopting integrated models that combine robust legal frameworks, community sensitization, and streamlined support mechanisms for survivors to address the multifaceted issue of GBV effectively.

7. Recommendations

Policy Reforms:

Effective implementation of existing laws requires comprehensive policy reforms. This includes creating dedicated monitoring bodies to oversee the enforcement of gender-based violence laws and establishing fast-track courts to ensure timely justice. Clear guidelines and accountability measures should be introduced to avoid misuse or neglect of legal provisions.

Enhanced Training:

Law enforcement agencies and the judiciary must undergo regular training to understand the dynamics of gender-based violence. Sensitization programs should focus on recognizing implicit biases, handling cases with empathy, and improving investigative and prosecutorial skills.

Strengthening Survivor Support Mechanisms:

Robust survivor support systems are crucial for effective redressal. The government should expand the availability of well-equipped shelter homes, free legal aid, and counseling services. Additionally, financial assistance programs and vocational training should be strengthened to empower survivors and facilitate their reintegration into society.

Community-Based Interventions:

Community engagement is vital to reducing stigma and encouraging reporting. Public awareness campaigns, grassroots initiatives, and partnerships with local organizations can help foster supportive environments. Community leaders, educators, and influencers should be involved to challenge harmful cultural norms and promote gender equality.

A coordinated approach encompassing these strategies can significantly reduce gender-based violence and ensure justice and support for survivors.

8. Conclusion

The legal frameworks addressing gender-based violence in India demonstrate significant progress in safeguarding women's rights and ensuring justice. Key findings highlight the comprehensive nature of laws like the *Protection of Women from Domestic Violence Act, 2005*, addressing domestic abuse, and the *Immoral Traffic (Prevention) Act, 1956*, which combats trafficking. Recent developments, such as the *Bharatiya Nyaya Sanhita, 2023* and the *Trafficking in Persons (Prevention, Care, and Rehabilitation) Bill, 2021*, reflect a growing recognition of the complexities of gender-based violence and the need for victim-centered, inclusive legal mechanisms.

A multi-stakeholder approach is essential to bridge the gap between legislation and effective implementation. Law enforcement agencies, judiciary, social workers, and non-governmental organizations must collaborate to ensure comprehensive protection, awareness, and rehabilitation for survivors. Community sensitization and proactive governmental support are crucial in addressing societal barriers and systemic challenges.

Future research should focus on evaluating the efficacy of existing laws, identifying gaps in their enforcement, and understanding the socio-cultural dynamics perpetuating gender-based violence. Policy-making must prioritize survivor-centered interventions, technological integration for monitoring and reporting, and capacity-building initiatives for all stakeholders. A robust, inclusive, and adaptive legal framework, underpinned by a multi-disciplinary approach, remains critical to addressing gender-based violence effectively.

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