

Consolidated Funds of the States. It is for the State Governments to send it to the districts and from those to the local bodies. As far as we are concerned, we insist only upon the progress report and the utilisation certificate. As far as the success of the programme is concerned, we judge it on the basis of the amount that has been utilized.

As far as the other programmes about which the hon. Member has asked are concerned, there are new programmes with an integrated action plan, which is being monitored by the Planning Commission directly. For this, there were 50 districts earlier and now it has been increased to 78. This is to bridge the gap of the lack of development; the development has not taken place in these areas. There is a State component apart from the component which the Ministry sends from here. I think, in most of the areas where these schemes have been taken up, the progress is visible though may not be in the same manner in all the States.

Prevention of atrocities act across states in the Country

*582. SHRIMATI VASANTHI STANLEY: Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

(a) whether it is a fact that there has been a growing trend of low rate of conviction and pendency in trial under the Prevention of Atrocities Act across States in the country;

(b) what is the State-wise pendency of cases; and

(c) what steps the Ministry has taken to ensure the proper implementation of the Act?

THE MINISTER FOR SOCIAL JUSTICE AND EMPOWERMENT (SHRI MUKUL WASNIK): (a) There has been no such consistent trend in the last five years (2006-2010), for which data is available.

(b) As per the statistics of the National Crime Records Bureau, State/UT wise number of cases pending in courts at the end of 2010, under the relevant Act, was as follows:

| Sl.No. | Name of States*/ Union : Territories | Number of cases pending in courts at the end of the year 2010 |
|---------------|---|--|
| 1 | 2 | 3 |
| States | | |
| 1. | Andhra Pradesh | 5410 |
| 2. | Arunachal Pradesh | 265 |

| 8 | <i>Oral Answers</i> | [RAJYA SABHA] | <i>to Questions</i> |
|-----|---------------------|---------------|---------------------|
| 1 | 2 | | 3 |
| 3. | Assam | | 255' |
| 4. | Bihar | | 7776 |
| 5. | Chhattisgarh | | 2968 |
| 6. | Goa | | 8 |
| 7. | Gujarat | | 9437 |
| 8. | Haryana | | 555 |
| 9. | Himachal Pradesh | | 167 |
| 10. | Jharkhand | | 1195 |
| 11. | Karnataka | | 6044 |
| 12. | Kerala | | 1398 |
| 13. | Madhya Pradesh | | 13590 |
| 14. | Maharashtra | | 7262 |
| 15. | Manipur | | 0 |
| 16. | Meghalaya | | 0 |
| 17. | Mizoram | | 0 |
| 18. | Nagaland | | 0 |
| 19. | Odisha | | 8826 |
| 20. | Punjab | | 252 |
| 21. | Rajasthan | | 11524 |
| 22. | Sikkim | | 22 |
| 23. | Tamil Nadu | | 2839 |
| 24. | Tripura | | 21 |
| 25. | Uttar Pradesh | | 19939 |
| 26. | Uttarakhand | | 154 |
| 27. | West Bengal | | 79 |

| 1 | 2 | 3 |
|-------|----------------------------|----------|
| 28. | Andman and Nicobar Islands | 19 |
| 29. | Chandigarh | 3 |
| 30. | Dadar and Nagar Haveli | 27 |
| 31. | Daman and Diu | 1 |
| 32. | Delhi | 49 |
| 33. | Lakshadweep | 1 |
| 34. | Puducherry | 12 |
| TOTAL | | 1,00,098 |

* The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, does not extend to Jammu and Kashmir.

(c) The Act is implemented by the respective State Governments and Union Territory Administrations. With a view to ensure its effective implementation, following steps taken by the Ministry:-

- (i) Central assistance is provided to States/Union Territories, *inter-alia* for:-
 - (a) strengthening the enforcement and judicial machinery,
 - (b) relief and rehabilitation of the affected persons, and
 - (c) awareness generation.
- (ii) Central Government has, by notification dated 23.12.2011, amended rules under the PoA Act and effected an increase -generally of 150% in the minimum scale of relief for victims of various types of atrocities.
- (iii) A Committee constituted, in 2006, under the Chairpersonship of the Union Minister for Social Justice and Empowerment, has so far held seventeen meetings wherein implementation of the Act in 24 States and 4 Union Territories has been reviewed. Important points emerging from the review are followed up with State Governments.
- (iv) Offences under the PoA Act are reviewed, *inter-alia*, in the Conference of Ministers/Secretaries in charge of Social Justice/Welfare, organized by the Ministry every year.
- (v) On the request of this Ministry, the Ministry of Home Affairs organized

a one-day meeting of Home Ministers and Social Justice/Welfare, Principal Secretaries of Home, SC/ST Development Departments, and DGPs of States, on 17.04.2012, on the “Effective Implementation of The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989”.

- (vi) The more heinous crimes reported in the media are followed up with the State Governments for effective action.
- (vii) Awareness generation.

SHRIMATI VASANTHI STANLEY: Thank you, Mr. Chairman, Sir. I would like to congratulate Mr. Mukul Wasnik for taking the initiative of coordinating with the MHA and holding this conference towards effective implementation of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, in April. He has also quoted this in his answer. But, Sir, this has exposed the lack of strategy to combat caste violence. At least, 32,712 cases are reported against the Scheduled Castes and 5,885 crimes were committed against the tribals in 2010. Nearly 10 States account for 93 per cent of the crimes against the Scheduled Castes and some of the States account for 93 per cent of the anti-tribal atrocities. But, this shows the lack of interest by the States in initiating protection. Instead of putting in their full effort in booking the persons responsible for violating the laws, actually the welfare measures are being offered. In the Paramakudi case, in Tamil Nadu, when an open firing was done on the Scheduled Castes by the Police, the Police officers were transferred. A woman rightly asked, “I am ready to give back Rs.2 lakh towards welfare given by the Government. Will the Government give back the life of my husband?” So, the welfare versus the rights-based approach should not be there. I would like to know from the hon. Minister, through you, Sir, about the real approach of the Ministry to convince the States to have a real rights-based approach instead of welfare-based approach.

SHRI MUKUL WASNIK: Sir, this is a very important issue and we are all very concerned about this. But, as far as the implementation of these Acts regarding prevention of atrocities or protection of civil rights are concerned, Police and public order being a State-subject, it is primarily the State Governments’ responsibility to implement these Acts. But, we are also concerned and the Government of India attaches high importance to protect the lives of the Scheduled Castes and the Scheduled Tribes. When we say this, we clearly imply that it is the right of every citizen to live with dignity and this right is available to the Scheduled Castes and the Scheduled Tribes. This is not just an issue of welfare, but an issue of right of

every citizen which includes the Scheduled Castes and the Scheduled Tribes. Keeping this in mind, we try to follow up with the 'State Governments to ensure effective implementation of these Acts.

I would like to mention here, specifically, that, from the year 1997 till 2011, the Ministry of Home Affairs issued 12 advisories to the State Governments, advising them as to how they should be implementing these Acts. The Prime Minister himself chaired an Inter-State Council meeting only to discuss the offences about untouchability as well as to protect the lives of the Scheduled Castes and the Scheduled Tribes. We are also having review meetings in almost all the States with high incidence of atrocities. I would like to assure the hon. Member that with this seriousness, we will continue to follow up with the State Governments.

SHRIMATI VASANTHI STANLEY: Sir, my second supplementary is this. It is, again, the follow up of the first question. So far, no special police stations have been set up except in Bihar, Chattisgarh and Madhya Pradesh. No special courts have been formed by most of the States. No periodical reviews, of performance of Special Public Prosecutors and of prosecution of cases is being held. In some of the States like Bihar, Sir, Government has come up to pay DA to witnesses to present themselves in the court. But I appreciate the many steps being taken by the Department like special care given for health, hostel facilities and organising balwadis etc., etc. But I would like to know whether the Ministry will pay special attention to this that, right from booking of the FIR till booking of persons who are violating the Act, free assistance is given to the victims. Will the Ministry concentrate on this, particularly? There are already legal-awareness programmes, and all that, but that is not enough. Full free legal assistance should be given right from booking of the FIR till the conducting of the case and booking of persons who are violating the Act. Will the Ministry come forward to do this through the State Governments?

SHRI MUKUL WASNIK: Sir, there is a mechanism available at the District and the State levels of Vigilance and Monitoring Committees. These Committees are, basically, to review the cases, the progress made in each and every case. As far as relief is concerned, I would like to tell the hon. Member that relief and rehabilitation provided under the rules of this Act was provided in the year 1995. Recently, we have amended the rules and we have increased the relief and rehabilitation by almost 150 per cent. As far as legal aid is concerned, I would like to assure the hon. Member that sufficient care will be taken so that any victim of atrocity is not denied legal assistance.

MR. CHAIRMAN: Thank you. Mr. Venkatah Naidu.

SHRIMATI VASANTHI STANLEY: Sir, the Minister has stated that, probably, from three to eight per cent ... (*Interruptions*)..

MR. CHAIRMAN: No supplementaries on supplementaries! ..(*Interruptions*).. Please sit down.

SHRI M. VENKAIAH NAIDU: Mr. Chairman, Sir, in view of the large number of pendency of cases, even according to the Minister's reply, by the end of 2010, there were 1,00,098 cases which were pending in various States. So, keeping this in mind, will the Central Government call a meeting of the Chief Ministers of the State, discuss with them about the ways and means of disposing of these cases at the earliest and, then convincing the States which have not set up special courts, to set up special courts at the earliest?

SHRI MUKUL WASNIK: Sir, there is no proposal at the moment to call a meeting of the Chief Ministers on this issue. As I have mentioned earlier, in the year 2006, the Prime Minister chaired an Inter-State Council meeting and just about a month back, the Home Minister had convened a meeting of State Home Ministers, State Social Justice Ministers, the DGPs and all the other officers concerned, primarily, to discuss this issue. Therefore, we will follow up on the discussions which we had in the Conference, which the Home Minister had called. As far as setting up of Special Courts is concerned, today, there are almost about 170 Exclusive Special Courts which have been set up and there are States with Exclusive Special Courts where conviction rate has improved.

But we are asking the State Governments that they should set up Exclusive Special Courts, especially, in those districts where the conviction rate is low, where pendency is high and where registration of cases is on the higher side. We are following up with the State Governments and hope that the State Governments will respond.

As far as the special public prosecutors are concerned, in the rules it is provided that if any special public prosecutor is found wanting in his duties, then he can be denotified. We are requesting the State Governments that they should make use of this provision in the rules so that any public prosecutor who has failed to represent the case properly and effectively should be denotified.

SHRI D. RAJA: Sir, agreeing with my colleague, Mr. Venkaiah Naidu, I would like to put this question. As per the rules to the Act, District Collectors are expected to monitor the registration, prosecution and conviction of cases every month, and the Chief Ministers of the States are expected to review the situation every six months. These are not taking place regularly and systematically. As the Minister has

admitted, there are no dedicated Special Courts to tackle these cases on time. In such a situation, there is a demand to amend the existing Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act in order to strengthen several clauses so that justice is delivered on time. I would like to ask the Minister whether such amendments are pending with the Government or whether it is under its consideration and whether the Government will come forward with suitable amendments to the existing Act.

SHRI MUKUL WASNIK: Yes, Sir. We are in the process of amending the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. We have already sent the concept note to all the State Governments, including the National Commission for Scheduled Castes and the National Commission for Scheduled Tribes. Most of the States have sent their comments, but about half-a-dozen States still remain to send their comments. As soon as we receive the comments, we will be taking further action on this. But I definitely agree that there is a need to amend the Atrocities Act and we are in the process of doing that.

SHRI PRAVEEN RASHTRAPAL: Sir, appreciating that the subject pertains to the State Government, the Central Government has got constitutional responsibility as far as this particular issue is concerned. According to Provision 21(4) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Ministry is supposed to produce Annual Report and inform the Parliament about the status of implementation the SC/ST Act, 1989 and Rule, 1995. According to my information, this is not done during the last three years. I would like to know whether the Report for the year 2009-10, 2010-11 and 2011-12 is prepared by the Ministry and produced before the Government or the Parliament, or not.

And, second thing, Sir, is ...

MR. CHAIRMAN: One question, please.

SHRI PRAVEEN RASHTRAPAL: One second, please. It is a very important subject.

MR. CHAIRMAN: No, no. One question.

SHRI PRAVEEN RASHTRAPAL: It is part (b) of the main question.

MR. CHAIRMAN: There is no part (b).

SHRI PRAVEEN RASHTRAPAL: Sir, in answer, these are (a), (b), (c), (d)

MR. CHAIRMAN: No; you are asking a supplementary question. Please ask one supplementary question. ...(*Interruptions*)...

SHRI PRAVEEN RASHTRAPAL: Sir, you would appreciate that this is part and parcel of a social discrimination. Right now, the National Human Rights Commission is on tour in the State of Gujarat.

MR. CHAIRMAN: No; no; that's not the question. You have asked one question. Let the Minister reply. . . .(Interruptions).. राष्ट्रपाल जी, प्लीज बैठ जाइए। Let one question be replied. ...(Interruptions)...

SHRI PRAVEEN RASHTRAPAL: Sir, you are not allowing me to ask question about my own State. ...(Interruptions)...

MR. CHAIRMAN: You could have changed the order of your sentence. ...(Interruptions)...

SHRI PRAVEEN RASHTRAPAL: Sir, let me complete.

MR. CHAIRMAN: No, no.

SHRI PRAVEEN RASHTRAPAL: Sir, I am withdrawing that State question because you are ...

MR. CHAIRMAN: No; you can't withdraw. You have asked a supplementary question . Let it be answered. That's all. ...(Interruptions)...

SHRI PRAVEEN RASHTRAPAL: Sir, let me complete my question.

MR. CHAIRMAN: No, no; you have asked the question.

SHRI PRAVEEN RASHTRAPAL: Sir, the rate of acquittal ...

श्री सभापति: टाइम मत लिजिए। We have other questions also. ...(Interruptions)...

SHRI PRAVEEN RASHTRAPAL: Please let me put this question.

MR. CHAIRMAN: Hon. Minister, please reply to the first question related to the reports.

SHRI MUKUL WASNIK: Yes, Sir. The rules provide that we should place the Annual Report, on the Table of both Houses of Parliament, on the implementation of the Prevention of Atrocities Act as well as the Protection of Civil Rights Act. We have tabled the Report during this Session itself. I would like to admit one aspect here. It so happens that the State Governments take a terribly long time in providing information on the status of implementation of these Acts and, therefore, sometimes we are not able to table the Reports on time. But, in this Session itself we have tabled some of the Reports.

MR. CHAIRMAN: Question No. 583.

श्री अवतार सिंह करीमपुरी: मान्यवर, हमने सप्लीमेंट्री मांगा था।

श्री सभापति: नहीं-नहीं, ठीक है। मैंने तीन सप्लीमेंट्री दिए हैं। इस पर कोई डिस्कशन नहीं होगा।

श्री अवतार सिंह करीमपुरी: हमें मौका नहीं मिला है, यह प्रश्न बड़ा इम्पोर्टन्ट है।
...(व्यवधान)

MR. CHAIRMAN: No, no. That is not right. (*Interruptions*)

श्री अवतार सिंह करीमपुरी: सर,(व्यवधान)

MR. CHAIRMAN: Please, hon. Members. ..(Interruptions)

श्री अवतार सिंह करीमपुरी: सर,(व्यवधान)

श्री सभापति: आपने सवाल नहीं पूछा था।(व्यवधान) नहीं, आपने सवाल नहीं पूछा था। It is not listed here. (*Interruptions*)

श्री अवतार सिंह करीमपुरी: हमने सप्लीमेंट्री पूछा था।

श्री सभापति: आपका सप्लीमेंट्री कोई राइट नहीं है। Supplementary questions have to be rotated around the House. (*Interruptions*) देखिए, करीमपुरी जी, प्लीज, आप समय ले रहे हैं, दूसरों के सवाल आने वाले हैं।(व्यवधान) आप बैठ जाइए।(व्यवधान) आप बैठ जाइए।

श्री अवतार सिंह करीमपुरी: *

श्री सभापति: आप बैठ जाइए। This is not going on record. (*Interruptions*)

श्री अवतार सिंह करीमपुरी: *

MR. CHAIRMAN: Please sit down. (*Interruptions*) This is not going on record. Please sit down. (*Interruptions*) Please sit down.

श्री अवतार सिंह करीमपुरी: *

MR. CHAIRMAN: This is not going on record. Please sit down. (*Interruptions*) Mr. Karimpuri, please sit down. It cannot be answered like this.(*Interruptions*) आप बैठ जाइए। देखिए, अभी दूसरे सवाल लेने हैं।

MR. CHAIRMAN: Is it the wish of the House that the Question Hour be disrupted? (*Interruptions*) Question 583. (*Interruptions*)

श्री ब्रजेश पाठक: सर, ...(व्यवधान)

श्री सभापति: पाठक जी, आप बैठ जाइए। ...(व्यवधान)... प्लीज, बैठ जाइए।
(Interruptions) Question 583. तिवारी जी, (Interruptions) आप बैठ जाइए, बैठ जाइए।
....(Interruptions)

SHRIMATI RENUKA CHOWDHURY: Sir, I object to this kind of behaviour. It is very offensive. (Interruptions)

MR. CHAIRMAN: Please, Mr. Karimpuri... (Interruptions) Please sit down. (Interruptions) आप अपनी जगह पर वापिस जाइए। ...(व्यवधान)... आप बैठ जाइए।(व्यवधान) आप अपनी जगह पर जाइए, तिवारी जी को पूछने दीजिए।(व्यवधान) नहीं- नहीं, आप यहां नहीं आएं। देखिए, आप अपनी जगह पर वापिस जाइए।(व्यवधान) सवाल आपका नहीं है, आप सवाल पूछिए।(व्यवधान) यह नहीं पूछा है, इस लिस्ट में आपका नाम नहीं है।(व्यवधान) आपका हक नहीं है। आप अपनी जगह पर वापिस जाइए।(व्यवधान) देखिए, आप यहां नहीं रह सकते हैं। यह रिकार्ड पर नहीं जा रहा है। The television has been switched off. So, what are you trying to do? (Interruption) What am I supposed to do? (Interruption).

पंचायती व्यवस्था को सुदृढ़ बनाए जाने का आवश्यकता

*583. श्री शिवानन्द तिवारी: क्या पंचायती राज मंत्री यह बताने की कृपा करेंगे कि:

(अ) क्या यह सच है कि देश में पंचायती व्यवस्था को और अधिक प्रभावी एवं सुदृढ़ बनाए जाने की आवश्यकता है;

(ख) यदि हां, तो इस पर सरकार की क्या प्रतिक्रिया है;

(ग) क्या ग्रामीण विकास मंत्रालय द्वारा इस प्रयोजनार्थ एक बड़ी धनराशि प्रदान किए जाने की संभावना है; और

(घ) यदि हां, तो तत्संबंधी तथ्य क्या हैं और विभिन्न मदों पर, मद-वार, कितनी-कितनी धनराशि व्यय की जाएगी?

पंचायती राज मंत्री (श्री वी. किशोर चंद्र देव): (क) से (घ) एक विवरण सदन में रखा जाता है।

विवरण

(क) एवं (ख) पंचायती राज मंत्रालय (एम.ओ.पी.आर.) ने संविधान में किए गए प्रावधानों के अनुसार पंचायतों को शक्तियां अंतरित करने के लिए राज्यो/संघ राज्य क्षेत्रों से निरंतर आग्रह किया है। पंचायती राज मंत्रालय ने राष्ट्रीय ग्राम स्वराज योजना (आर.जी.एस.वाई.), पिछड़ा क्षेत्र अनुदान निधि (बी.आर.जी.एफ.) और पंचायत महिला एवं युवा शक्ति अभियान (पी.एम.ई.वाई.एस.ए.) के माध्यम से पंचायतों के क्षमता निर्माण करने के लिए राज्यों को सहायता उपलब्ध कराई है और ई-पंचायत स्कीम के माध्यम से पंचायतों की ई-सक्षमता को उन्नत किया है। बीआजीएफ के