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COVER STORY

Beyond politics

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Interview with Mukul Wasnik, Union Minister for Social Justice and Empowerment.

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Mukul Wasnik. He lays emphasis on coordinated action.

UNION Minister for Social Justice and Empowerment Mukul Wasnik says his Ministry has been acting seriously to ensure proper implementation of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act. In an interview to *Frontline*, he talks about how he plans to ensure efficient implementation of the law. Excerpts:

It has been 20 years since the Act came into force. How does the Ministry of Social Justice and Empowerment measure its success?

The government attaches top priority to the matter of dealing with atrocities. This Act was legislated in 1989, and it was notified the next year. One can see that a number of cases have been filed and a lot of awareness has been created since then about the legislation – whether in terms of taking preventive action or precautionary measures.

There has been a consistent effort to enforce the law. In 2006, a special inter-State council met to discuss issues such as untouchability and atrocities, and the Prime Minister addressed it. The Parliamentary Standing Committee came up with the suggestion that a separate committee be constituted with the Minister for Social Justice and Empowerment as the Chairperson and that the Minister for Tribal Affairs and the Minister of Home Affairs should be involved. This was to examine and review the implementation of the Act. My predecessor [Meira Kumar] had held eight zone-wise meetings to discuss the Act in different parts of the country.

After I assumed charge, we held a meeting with Ministers of the States to discuss the various issues that my Ministry deals with, including this one. The Prime Minister, who inaugurated the meeting, took up the issue and wrote to the Chief Ministers urging effective implementation of the law. We discussed the rate of convictions in cases registered under the Act, which is low compared with the rate of conviction under other laws of the Indian Penal Code. It was suggested that the vigilance and monitoring committee set up under the Act should meet more regularly for better monitoring of cases in each State.

Recently, I was in Madhya Pradesh to review the progress of proceedings under the legislation and review the scheme for the rehabilitation of manual scavengers. We are on the job, and my efforts in the coming months will be to visit as many States as possible in order to examine the implementation of the Act.

The reports and recommendations of the advisory boards set up by your Ministry and the Home Ministry have shown a number of violations of the Act, especially by police in “wilfully neglecting” the provisions. Yet, not a single case is registered under Section 4 of the Act, which prescribes punishment for negligent officers.

You are aware that the Act says that the State governments should provide for preventive and precautionary measures. It also says that atrocity-prone areas should be identified and special police stations should be set up; special courts should also be there. We have information that 157 special courts have already been set up. The cases are being taken up in all seriousness. Delays happen, but the problem is being addressed. Some State governments have set up special police stations. About 55 such police stations have been identified. You mentioned wilful negligence on the part of officers. It is up to the State governments to look into it. At the district level, we have a district monitoring committee chaired by the District Magistrate, and at the State level, the Chief Minister chairs such committees. There are protection cells to be chaired by the DIGs [Deputy Inspectors General].

All these arrangements are there. Wherever we detect lapses, we take up the issue with the State governments. There are States where the conviction rate and the rate of pending cases are quite high, there are also States where these rates are very very low.

So, it cannot be said that this problem exists uniformly everywhere. Under the rules provided, there is also a provision that the State governments should submit to the Central government an annual report on the action taken by them. We are in the process of ensuring that these reports are made more informative than they are at present.

Could you be specific about the most important issues that need to be addressed first in the implementation of the Act?

I think one needs to take an overall view. More awareness about the Act should be created. There are different aspects of the Act and all of them should be implemented – regular meetings of the monitoring committees, sensitising the constabulary and police officers at the stage where they are inducted and through refresher courses. Only then will it make an impact.

In fact, we are also encouraging the States to promote inter-caste marriages and give incentives for them.

We have seen cases in which the accused were punished under various sections of the IPC and managed to secure acquittals under the S.C./S.T. Act. This trend is seen in almost all the parts of the country. The Khairlanji killings is one example.

Under the Protection of Civil Rights Act, the number of cases registered is not very high. When you look at the figures of the S.C./S.T. Act, however, there are a large number of cases registered in the past few years. It means that people are trying to get whatever is due to them under the legislation. If there are instances like the ones you mentioned, it will definitely be brought to the notice of the respective State governments.

Activists complain that the budget passed by the Ministry of Social Justice and Empowerment for the implementation of the Act under the special component plan and special Central assistance is too small.

This has not come to my notice, but we do provide assistance for awareness programmes and

inter-caste marriages to every State.

There are specific programmes to provide relief to victims of atrocities. When we carry further our State-level reviews, we will still take up the matter. The exercise to undertake a review is primarily to see what is being done and how we can improve on it.

The benefits of the Act have not quite reached the S.Ts, whose problems are different from those of Dalits. When the government acquires lands for industries in tribal areas, forcing tribal people to move, one does not know whether the S.C./S.T. Act is still holds or whether the Land Acquisition Act reigns supreme. What is your view?

You are aware that the enforcement of the Act in the States is the responsibility of the respective State governments. As far as the S.Cs are concerned, my Ministry has a role. Similarly, with respect to the S.Ts, the Ministry of Tribal Affairs plays a role.

As far as criminal justice is concerned in the Act, the responsibility lies with the Home Ministry. It is coordinated action. You have vigilance and monitoring committees headed by the Chief Ministers. In these committees, you also have Members of Parliament who belong to S.Cs and S.Ts, and if these meetings take place regularly – annually they have two meetings – all the aspects will be discussed.

What, according to you, is the political role of such legislation in a country where social exclusion is practised in such a big way? One has come to observe that if the government follows a pro-Dalit policy aggressively, atrocity levels against Dalits come down.

I think that when it comes to these types of issues, they are beyond politics. We in the government want to have a situation where we don't see atrocity cases at all. The focus of our government has been to empower the weaker sections in terms of providing them with good education, special component plans and special assistance plans.

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