

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE & EMPOWERMENT
RAJYA SABHA**

**UNSTARRED QUESTION NO. 1713
TO BE ANSWERED ON 27.12.2018**

RESTORATION OF SC/ST ACT

1713. SHRIMATI WANSUK SYIEM:

Will the Minister of SOCIAL JUSTICE AND EMPOWERMENT be pleased to state:

- (a) whether Government has deposed in the Supreme Court that high rate of acquittals, seen under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 (SC/ST Act), is not because of cases being false or malafide but attributable to the shortcomings of police and prosecution to render justice to the oppressed classes;
- (b) whether restoration of Act barring anticipatory bail to the accused after widespread protests over the Supreme Court has empowered the system to render justice to such section of the society; and
- (c) if so, the details thereof?

ANSWER

MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT

(SHRI RAMDAS ATHAWALE)

(a): Consequent upon the Judgment dated 20.03.2018 of the Hon'ble Supreme Court in Criminal Appeal No. 416 of 2018 (Dr. Subhash Kashinath Mahajan Vs the State of Maharashtra and Another, in the Review Petition (Cr.) No. 228 of 2018 filed by the Union of India on 02.04.2018, it was, inter-alia, submitted that the low rate of conviction and high rate of acquittal of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, related cases is attributed to several factors like delay in lodging the FIR, witnesses and complainants becoming hostile, absence of proper scrutiny of the cases by the Prosecution before filling the charge sheet in the Court, lack of proper presentation of the case by the prosecution and appreciation of evidence by the Court, Prosecution unable to prove the charges, long pendency of the trial making the witnesses to lose their interest and lack of corroborative evidence.

(b) & (c): To reinforce and instil deterrence, the PoAA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18, section 18A inserted which reads as under:-

"18A. (1) For the purposes of this Act,—

(a) preliminary enquiry shall not be required for registration of a First Information Report against any person; or

(b) the investigating officer shall not require approval for the arrest, if necessary, of any person, against whom an accusation of having committed an offence under this Act has been made and no procedure other than that provided under this Act or the Code shall apply.

(2) The provisions of section 438 of the Code shall not apply to a case under this Act, notwithstanding any judgment or order or direction of any Court."

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, was notified in the Gazette of India, Extraordinary on 17.08.2018 and enforced on 20.08.2018.
