

**GOVERNMENT OF INDIA
MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT
LOK SABHA**

**UNSTARRED QUESTION NO. 3232
TO BE ANSWERED ON 07.08.2018**

SCs and STs (PREVENTION OF ATROCITIES) ACT

3232. SHRI KONAKALLA NARAYANA RAO:

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

- (a) whether the Government is proposing to revamp the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act;
- (b) if so, the details thereof and the reasons therefor;
- (c) whether the Government is planning to go ahead with its revamping by bringing an ordinance in case the Supreme Court decides otherwise; and
- (d) whether the Union Government has consulted the State Governments in this matter, if so, the response of the State Governments thereon?

ANSWER

**MINISTER OF STATE FOR SOCIAL JUSTICE AND EMPOWERMENT
(SHRI RAMDAS ATHAWALE)**

(a) and (b): The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Act, 1989 has already been amended vide its Amendment Act, 2015 enforced on 26.01.2016, with an objective to deliver greater justice to members of Scheduled Castes and Scheduled Tribes. The amendments broadly relate to addition of several new offences of atrocities besides rephrasing and expansion of some of earlier offences; establishment of Exclusive Special Courts and provision for Exclusive Special Public Prosecutors for conducting cases in such Courts; empowerment of Special Courts and Exclusive Special Courts to take direct cognizance of offences; and addition of a chapter on the 'Rights of Victims and Witnesses'.

(c) and (d): In regard to 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, arising out of Special Leave Petition (Crl.) No.5661 of 2017), which has bearing on the vires of the PoA Act, the Union of India has filed a Review Petition (Crl.) on 02.04.2018 in the Hon'ble Court, praying for reviewing the judgment and recalling the directions. The said Review Petition is under contemplation as the matter is sub-judice in the court.

Nevertheless, the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2018, has been introduced in the Lok Sabha on 03.08.2018, proposing therein to insert section 18A in the PoA Act, which specifies that for the purpose of this Act, (a) preliminary enquiry shall not be required for registration of a First Information Report against any person, (b) the investigating officer shall not require approval for arrest, if necessary of, of any person, against whom an accusation of having committed an offence under the PoA Act has been made and no procedure other than provided under the PoA Act or the Code of Criminal Procedure, 1973, shall apply, (c) The provision of section 438 of the Code shall not apply to a case under the Act, notwithstanding any judgment or order or direction of any Court.
