

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

**UNSTARRED QUESTION NO. 1383
TO BE ANSWERED ON 12.02.2019**

AMENDMENTS IN SC/ST ACT

1383. SHRI GUTHA SUKENDER REDDY:

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

- (a) whether the Government is contemplating on bringing amendments to the present Scheduled Castes & Scheduled Tribes Act;
- (b) if so, the details thereof;
- (c) whether it is a fact that a writ petition has been filed in the Supreme Court challenging the amendments to the Act; and
- (d) if so, the details thereof?

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 been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018, and after section 18 of the PoA Act, section 18A has been 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 Amendment Act has been enforced with effect from 20th August, 2018.

(c) and (d) : Writ Petitions have been filed in the Hon'ble Supreme Court challenging the vires of aforesaid section 18A of the Act. The Union of India in a Writ Petition has filed the Counter Affidavit in the Hon'ble Court and the matter is presently sub-judice.
