

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

**UNSTARRED QUESTION NO. 290
TO BE ANSWERED ON 19.11.2019**

SCs AND STs (PREVENTION OF ATROCITIES) ACT, 1989

290. SHRI KODIKUNNIL SURESH:

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

- (a) whether the Government has any proposal to amend the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 as per the Supreme Court verdict;
- (b) if so, the details and status thereof;
- (c) whether the Government has taken any decision to withdraw the dilution of SC/ST Act as per SC verdict;
- (d) if so, the details thereof and the action taken by the Government in this regard;
- (e) whether the Government has the data on the number of death cases reported under SC/ST Atrocities Act from various States; and
- (f) if so, the details thereof alongwith the reported cases during the last five years, State-wise?

ANSWER

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

(a) to (d): 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, had bearing on the vires of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) {PoA} Act, 1989.

To reinforce and instil deterrence, the PoA Act has been further amended by the Scheduled Castes and 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.

(e) & (f): The data in regard to number of cases registered under the PoA Act, 1989 in conjunction with the IPC is generated and provided by the National Crime Records Bureau (NCRB), Ministry of Home Affairs. However, the data on the number of death cases u/s 302 IPC as reported in 'Crime in India' is enclosed in **Annexure**.

Statement in answer to part (e) and (f) of the Lok Sabha Unstarred question No. 290 for 19.11.2019 by Shri Kodikunnil Suresh regarding "SC and ST (Prevention of Atrocities) Act, 1989.

Number of cases of murder (U/s 302 IPC) registered relating to Scheduled Castes and Scheduled Tribes under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in conjunction with the IPC, during the year 2013, 2014, 2015, 2016 and 2017.

S. No.	States/UT	Cases of murder (U/s 302 IPC) registered under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, in conjunction with the IPC during the years:				
		2013	2014	2015	2016	2017
1.	Andhra Pradesh	62	39	27	33	37
2.	Arunachal Pradesh	0	0	0	0	0
3.	Assam	0	0	0	0	0
4.	Bihar	52	56	78	54	46
5.	Chhattisgarh	14	17	12	10	11
6.	Goa	0	0	0	0	0
7.	Gujarat	37	34	30	47	38
8.	Haryana	22	21	22	34	31
9.	Himachal Pradesh	0	1	0	0	0
10.	Jharkhand	7	7	18	3	0
11.	Karnataka	36	49	53	58	46
12.	Kerala	2	6	1	8	11
13.	Madhya Pradesh	119	126	130	122	132
14.	Maharashtra	47	63	53	63	57
15.	Manipur	0	0	0	1	0
16.	Meghalaya	0	1	0	0	0
17.	Mizoram	0	0	0	0	0
18.	Nagaland	10	0	0	0	0
19.	Odisha	23	15	35	23	26
20.	Punjab	7	4	8	7	7
21.	Rajasthan	97	109	93	82	82
22.	Sikkim	0	0	0	0	2
23.	Tamil Nadu	29	44	49	57	49
24.	Telangana	0	21	28	42	32
25.	Tripura	3	0	0	0	0
26.	Uttar Pradesh	225	242	204	271	228
27.	Uttarakhand	5	3	4	8	5
28.	West Bengal	1	1	3	2	0
29.	A & N Islands	0	0	1	0	0
30.	Chandigarh	0	0	1	0	0
31.	D. & N. Haveli	0	0	0	0	0
32.	Daman & Diu	0	0	0	0	0
33.	Delhi	0	1	0	0	0
34.	Lakshadweep	0	0	0	0	0
35.	Puducherry	0	1	1	0	2
	Total	798	861	851	925	842

Note:- (i) SCs and STs (PoA) Act, 1989 did not extend to State of Jammu & Kashmir.

Source: - National Crime Records Bureau, Ministry of Home Affairs