

**GOVERNMENT OF INDIA
MINISTRY OF LAW AND JUSTICE
LEGISLATIVE DEPARTMENT**

**LOK SABHA
UNSTARRED QUESTION NO. 2145
ANSWERED ON FRIDAY, THE 1ST AUGUST, 2025**

Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989

2145. Dr. Manna Lal Rawat:

Will the Minister of LAW AND JUSTICE be pleased to state:

- (a) the provisions for non-bailable offences in the Scheduled Castes/Scheduled Tribes (Prevention of Atrocities) Act, 1989;
- (b) whether any new provisions have been added in it after the year 2014 and if so, the details thereof;
- (c) the provisions for punishment under the said Act in the cases of crime committed against the Scheduled Castes by a Christian/Muslim converted from the Scheduled Caste category;
- (d) whether there is any discrepancy in the provisions for punishment in the said crime committed against Scheduled Tribes by a Christian/Muslim converted from the Scheduled Tribe category; and
- (e) if so, the details thereof along with the solution to this discrepancy?

A N S W E R

**MINISTER OF STATE (INDEPENDENT CHARGE) OF THE MINISTRY OF
LAW AND JUSTICE; AND MINISTER OF STATE IN THE MINISTRY OF
PARLIAMENTARY AFFAIRS**

(SHRI ARJUN RAM MEGHWAL)

(a) to (e): The provisions for offences and its punishments have been specified in the Chapter II of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The offences which are punishable with imprisonment for less than 3 years or with fine only are bailable and offences punishable with imprisonment for 3 years and upwards or with death, imprisonment for life, or imprisonment for more than 7 years are non-bailable. With an objective to deliver greater justice to members of Scheduled Castes and Scheduled Tribes, the

Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been amended vide the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015 (No. 1 of 2016) which was enforced on 26.01.2016.

The amendments have been made *inter alia* for establishment of Exclusive Special Courts for speedy trial of the atrocity cases, specifying or appointing Exclusive Special Public Prosecutors to try offences in Exclusive Special Courts, rephrasing and expansion of some earlier offences and addition of several new offences of atrocities, insertion of a new chapter relating to Rights of Victims and Witnesses.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 (No. 27 of 2018), and after section 18, a new 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 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.

Presidential orders have been issued under articles 341 and 342 of the Constitution in respect of member of the Scheduled Castes and Schedule Tribes, respectively. The Constitution (Scheduled Tribes) Order, 1950 (C.O.22) makes a provision for the Scheduled Tribes *inter alia* stipulating that the Tribes or tribal communities, or parts of, or groups within, tribes or tribal communities, specified

in Parts I to XXII of the Schedule to this Order shall, in relation to the States to which those Parts respectively relate, be deemed to be Scheduled Tribes so far as regards members thereof residents in the localities specified in relation to them respectively in those Parts of that Schedule.

Unlike as provided under the Constitution (Scheduled Tribes) Order, 1950, the Constitution (Scheduled Castes) Order, 1950 (C.O.19) provides for identification for the Scheduled Castes *inter alia* stipulating that no person who professes a religion different from the Hindu, the Sikh or the Buddhist religion shall be deemed to be a member of Scheduled Caste. Therefore, members of Scheduled Castes who convert to Christianity or Islam cease to be a member of Scheduled Caste. In addition to this, as per section 3 of the Act whoever not being a member of Scheduled Castes or a Scheduled Tribes commits defined atrocities are liable for punishment under this Act. Further, as per clause (c) of section 2 of the said Act, Scheduled Castes and Scheduled Tribes shall have the meaning assigned to them respectively under clause (24) and clause (25) of article 366 of the Constitution.