

THE SC/ST (PREVENTION OF ATROCITIES) ACT

ALL ABOUT THE ACT

- Enacted on September 9, 1989.
- The rules for the Act were notified on March 31, 1995.
- Lists 22 offences relating to various patterns or behaviour inflicting criminal offences and breaking the self-respect and esteem of the scheduled castes and tribes community.
- The protection is provided from social disabilities.
- For speedy trial, Section 14 of the SC/ST Act provides for a Court of Session to be a Special Court to try offences under this Act in each district.
- Aim: to protect marginalized communities against discrimination and atrocities.
- Unbailable offence.

IMPORTANT SECTIONS

- Section 3: Punishments for offences of atrocities.
- Section 14: Special Court.
- Section 16: Power of State Government to impose collective fine.
- Section 21: Duty of Government to ensure effective implementation of the Act.

CONTROVERSY

- **On 20th March 2018: to prevent the misuse of the act, SC:**
 1. Ruled against automatic arrest of any accused under the law.
 2. Provision of anticipatory bill was included, asserting public servants cannot be prosecuted without the approval of appointing authority.

PERSPECTIVE 1

- High rate of atrocities still prevalent in India.
- Low rate of conviction.
- Might increase violence against SC/STs.
- Defeated the purpose of Article 17.

PERSPECTIVE 2

- Article 21 is for all (while ensuring the safety of one, rights of another should not be compromised).
- SDG 2030 Goal 16 deals with Peace and Justice. This modification will provide benefit not only to SC/ST but also innocent and law abiding citizens.

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2018

- The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2018 was introduced in Lok Sabha by the Minister for Social Justice and Empowerment, Mr. Thaawarchand Gehlot, on August 3, 2018. It seeks to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The Act prohibits the commission of offences against members of the Scheduled Castes and Scheduled Tribes and establishes special courts for the trial of such offences and the rehabilitation of victims.
- In 2018, the Supreme Court stated that for persons accused of committing an offence under the Act, approval of the Senior Superintendent of Police will be required before an arrest is made. Further, the Deputy Superintendent of Police may conduct a preliminary enquiry to find out whether there is a prima facie case under the Act.

- The Bill states that the investigating officer will not require the approval of any authority for the arrest of an accused. Further, it provides that a preliminary enquiry will not be required for the registration of a First Information Report against a person accused under the Act.
- The Act states that persons accused of committing an offence under the Act cannot apply for anticipatory bail. The Bill seeks to clarify that this provision will apply despite any judgments or orders of a court that provide otherwise.