



Cabinet clears Bill to restore the provisions of SC/ST Act

Posted at: 02/08/2018

Highlights

- Facing pressure from Dalit leaders within the ruling alliance as well as from the Opposition, the Centre has decided to introduce a Bill to restore the original provisions of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, which the Supreme Court had struck down in a March ruling.
- The Amendment Bill seeks to insert three new clauses after Section 18 of the original Act. The first stipulates that for the purposes of the Act, “preliminary enquiry shall not be required for registration of a First Information Report against any person.”
- The second stipulates that the arrest of a person accused of having committed an offence under the Act would not require any approval.
- While the third says that the provisions of Section 438 of the Code of Criminal Procedure — which deals with anticipatory bail — shall not apply to a case under this Act, “notwithstanding any judgment or order of any Court.”

The Supreme Court issued a slew of guidelines to protect people against arbitrary arrests under the Act, directing that public servants could be arrested only with the written permission of their appointing authority, while in the case of private employees, the Senior Superintendent of Police concerned should allow it. A preliminary inquiry should be conducted before the FIR was registered to check if the case fell within the ambit of the Act, and whether it was frivolous or motivated, the court ruled.

The ruling was greeted by a storm of protest from Dalit groups, which said the order diluted the law.

Scheduled Castes and Tribes (Prevention of Atrocities) Act

- In 1989, the Government of India enacted the Scheduled Castes and Tribes (Prevention of Atrocities) Act (Earlier Untouchabilities Offences Act 1955) in order to prevent atrocities against SC/STs.
- The purpose of the Act was to prevent atrocities and help in social inclusion of Dalits into the society, but the Act has failed to live up to its expectations.
- The Act came into force with effect from 30.1.1990. This legislation aims at preventing commission of offences by persons other than Scheduled Castes and Scheduled Tribes against Scheduled Castes and Scheduled Tribes.
- The Act provides for punishment for offences of atrocities committed against Scheduled Castes and Scheduled Tribes.
- Comprehensive Rules under the Act were notified in the year 1995, which inter-alia

provides norms for relief and rehabilitation.

- The Act extends to whole of India except Jammu & Kashmir. The Act is implemented by the respective State Governments and Union Territory Administrations, which are provided due central assistance under the Centrally Sponsored Scheme for effective implementation of the provisions of the Act.

Constitutional Provisions:

- Article 17 in The Constitution Of India -Abolition of Untouchability Untouchability is abolished and its practice in any form is forbidden The enforcement of any disability arising out of Untouchability shall be an offence punishable in accordance with law.
- Article 23 deals with the prohibition of traffic in human beings and forced labor.

Source: [The Hindu](#)

