

SC-ST Prevention of Atrocities Amendment Act

May 16, 2020

What is the Prevention of Atrocities Act?

- 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. It is empowered by **Art 17** of the constitution.

What are the amendments to the Act?

- 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 amendment 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. [**Section 18A has been inserted** to nullify conduct of a preliminary enquiry before registration of a FIR, or to seek approval of any authority prior to arrest of an accused, and to restore the provisions of Section 18 of the Act.]
- The Act states that persons accused of committing an offence under the Act **cannot apply for anticipatory bail**. The amendment seeks to clarify that this provision will apply despite any judgements or orders of a court that provide otherwise.

