

LS PASSES SC/ST AMENDMENT BILL

Relevant for: Government Policies & Welfare Schemes | Topic: Welfare of SCs - Schemes & their performance; Mechanisms, Laws, Institutions & Bodies

Protesters in Gurugram participating in the Bharat Bandh held on April 2 against the SC ruling on the SC/ST Act. PTI

The Lok Sabha on Monday passed the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Bill, 2018, to bypass the recent ruling of the Supreme Court laying down procedures for arrests under the Act. The Bill will now go to the Upper House.

The Bill inserts section 18A (1) (a) in the 1989 Act, that says a “preliminary enquiry shall not be required for registration of an FIR against any person.” The Bill also inserts Section 18A (1) (b), which says “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.”

The Bill's Statement of Objects and Reasons says that under the CrPC, the decision to arrest a person is taken by the investigating officer and there was no requirement for approval. The Bill also goes back to the original SC/ST (PoA) Bill, doing away with the provision of anticipatory bail the Supreme Court ruling had permitted.

“The provision 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,” says section 18A (2) of the Bill. Section 438 of the CrPC deals with direction for grant of bail to a person apprehending arrest.

The Supreme Court had on March 20, 2018, introduced protective provisions in the SC/ST (PoA) Act, 1989, to permit anticipatory bail —despite a section of the Act denying it — and laying down a preliminary enquiry by police before any action is taken. It had also laid down that the permission of the appointing authority would be required to arrest a public servant and that of an SSP for the arrest of a person who is not a public servant.

Sign up to receive our newsletter in your inbox every day!

Please enter a valid email address.

Our existing notification subscribers need to choose this option to keep getting the alerts.

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com