

F. No. 15011/136/2018-SC/ST-W
Government of India
Ministry of Home Affairs
Women Safety Division

2nd Floor, MDC National Stadium,
India Gate, New Delhi.
Dated: 26. September, 2018.

To,

1. **The Chief Secretaries of all State Governments including GNCTD and UTs of Puducherry and A&N Islands.**
2. **Administrators of D&D, D&NH, Lakshadweep and Chandigarh.**

Subject: Amendment to the Scheduled Castes and the Scheduled tribes (Prevention of Atrocities) {PoA} Act, 1989 - Reg.

Sir/Madam,

I am directed to say that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) {PoA} Act, 1989, was enacted for preventing atrocities against the members of Scheduled Castes and the Schedule Tribes, to provide Special Courts for the trial of such offences as well as relief and rehabilitation of the victim of atrocities.

2. This Act was amended in the year 2016 to cover broadly five areas namely (i) Amendments to Chapter II (Offences of Atrocities) to include new definitions, new offences, to re-phrase existing sections and expand the scope of presumptions, (ii) Institutional Strengthening, (iii) Appeals (a new section), (iv) Establishing Rights of Victims and Witnesses (a new Chapter) and (v) strengthening preventive measures.

3. With a view to nullify conduct of a preliminary enquiry before registration of an 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 PoA Act has been further amended by the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 (No. 27 of 2018) (copy enclosed) and enforced on 20.08.2018 (copy enclosed).**

4. By the said Amendment Act, Section 18(A) has been inserted, which read as under:

“18A. (1) For the purpose 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 persons,

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.”

4. It is, therefore, requested that provisions of the Amendment Act may be implemented and disseminated amongst all agencies/ departments concerned for their information and compliance. Action taken in this regard may be intimated to Ministry of Home Affairs.

Encl: as above

Yours faithfully,



(Sudhir Kumar Gupta)
Deputy Secretary to the Govt. of India

Tel: 011-23075293

Email: dირsr@nic.in

Copy to:

1. Home Secretaries of all State Governments and Union Territory Administrations
2. Director General of Police of all States/UTs
3. Joint Secretary, UT Division, Ministry of Home Affairs, North Block, New Delhi
4. SO(IT) for uploading on MHA's website



भारत का राजपत्र The Gazette of India

असाधारण

EXTRAORDINARY

भाग II — खण्ड 1

PART II — Section 1

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं० 39] नई दिल्ली, शुक्रवार, अगस्त 17, 2018/श्रावण 26, 1940 (शक)
No. 39] NEW DELHI, FRIDAY, AUGUST 17, 2018/SHRAVANA 26, 1940 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation.

MINISTRY OF LAW AND JUSTICE (Legislative Department)

New Delhi, the 17th August, 2018/Shravana 26, 1940 (Saka)

The following Act of Parliament received the assent of the President on the 17th August, 2018, and is hereby published for general information:—

THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) AMENDMENT ACT, 2018

No. 27 of 2018

[17th August, 2018.]

An Act further to amend the Scheduled Castes and the Scheduled Tribes
(Prevention of Atrocities) Act, 1989.

BE it enacted by Parliament in the Sixty-ninth Year of the Republic of India as follows:—

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018.

Short title and commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Insertion of
new section
18A.

No enquiry or
approval
required.

2. After section 18 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, the following section shall be inserted, namely:—

33 of 1989.

"18A. (J) 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."

DR. G. NARAYANA RAJU,
Secretary to the Govt. of India.



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असाधारण

EXTRAORDINARY

भाग II—खण्ड 3—उप-खण्ड (ii)

PART II—Section 3—Sub-section (ii)

प्राधिकार से प्रकाशित

PUBLISHED BY AUTHORITY

सं. 3223]

नई दिल्ली, सोमवार, अगस्त 20, 2018/श्रावण 29, 1940

No. 3223]

NEW DELHI, MONDAY, AUGUST 20, 2018/SHRAVANA 29, 1940

सामाजिक न्याय और अधिकारिता मंत्रालय
(सामाजिक न्याय और अधिकारिता विभाग)

अधिसूचना

नई दिल्ली, 20 अगस्त, 2018

का.आ. 4027(अ).— केन्द्रीय सरकार, अनुसूचित जाति और अनुसूचित जनजाति (अत्याचार निवारण) संशोधन अधिनियम, 2018 (2018 का 27) की धारा 1 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए 20 अगस्त, 2018 को ऐसी तारीख के रूप में नियत करती है जिसको उक्त अधिनियम के उपबंध प्रवृत्त होंगे।

[सं.11012/2/2018-पीसीआर (डेस्क)]

रश्मि चौधरी, संयुक्त सचिव

MINISTRY OF SOCIAL JUSTICE AND EMPOWERMENT

(Department of Social Justice and Empowerment)

NOTIFICATION

New Delhi, the 20th August, 2018

S.O. 4027(E).—In exercise of the powers conferred by sub-section (2) section 1 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018 (27 of 2018), the Central Government hereby appoints the 20th day of August, 2018, as the date on which the provision of the said Act shall come into force.

[No. 11012/2/2018-PCR(Desk)]

RASHMI CHOWDHARY, Jt. Secy.

4832 GI/2018

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