The Rajya Sabha on Thursday unanimously cleared the amendments to the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, overturning a March 2018 Supreme Court judgment pertaining to safeguard against the arrests under the Act. The Bill was passed by the Lok Sabha earlier this week.

The amendments provide that no preliminary enquiry will be required for registration of an FIR against any person under the Act; and the investigating officer will not require approval for arrests, if necessary. The provision of anticipatory bail as allowed by the Supreme Court has also been done away with.

Special courts in States

Replying to the debate on the Bill, Minister for Social Justice and Empowerment Thawar Chand Gehlot said: “Prime Minister Narendra Modi has assured his government’s commitment towards backward classes. I today say that we are committed towards safeguarding their interest.” He said 14 States had already constituted 195 special courts for deciding cases under the Act. Some States have declared district and session courts as special courts.

The amendments include a timeline of two months for completing the investigations and filing a chargesheet after registering the FIR. The cases are to be disposed of within two months of filing the chargesheet.

Although the Congress supported the Bill, former Union Minister Kumari Selja questioned the government’s intention, saying it had brought in the amendments due to public agitation and pressure from the Congress-led Opposition. Ms. Selja said the law should have been brought under the 9th schedule of the Constitution (for protection against judicial review), or else the amendments would be challenged in the court again.

Samajwadi Party’s Ram Gopal Yadav sought proper representation of the reserved categories in the judiciary, stating that it had virtually become the “third chamber” of Parliament and was encroaching upon its duty to legislate.

AIADMK’s Vijila Sathyananth demanded a comprehensive anti-discrimination law, pointing out a very low conviction rate under the Act and that also, raised the issue of 9th schedule. Sanjay Raut of the Shiv Sena also supported the Bill, but said there was an apprehension that the law would be misused and innocents will be punished.

Concurring with Mr. Yadav’s views, CPI’s D. Raja also raised the issue of judiciary, the 9th schedule and sought a provision for fast-track courts for speedy justice.

JD(U)’s Ram Chandra Prasad Singh said the cases should be probed by an officer of the DSP rank and above. K. Keshava Rao of the TRS expressed apprehension that the amendments would be challenged in the court again.