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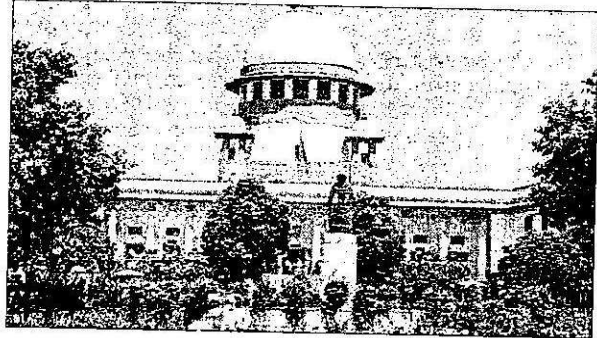
ಇಲಾಖೆ / ವಿಷಯ : DEPARTMENT / SUBJECT: Law matters

ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE: 11/2/2020

SC upholds stringent provisions of SC/ST Act

Pre-arrest bail only if complaint doesn't make out a prima facie case

11/2/20
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NEW DELHI, DHNS



Oppn corners govt as quota row rocks Parliament

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The Supreme Court on Monday upheld the validity of the 2018 amendment to the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act.

The top court, once again, stated that no preliminary enquiry for registration of an FIR and no prior approval from a higher authority for arrest of an accused would be required for an offence under the Act.

The 2018 amendment was brought in to nullify a judgement that had diluted the Act's provisions by allowing anticipatory bail for the accused.

A bench of Justices Arun Mishra, Vineet Saran and S Ravindra Bhat noted that the PIL filed by Prathvi Raj Chauhan and another against the amendment passed following country-wide furor had been "rendered academic".

The March 20, 2018 judge-

ment, putting in "safeguards", has already been recalled on October 1, 2019, on a review petition filed by the Centre.

Justice Bhat, in his separate judgement, asked everyone to foster the feeling of fraternity, after noting "the marginalisation of Scheduled Caste and Scheduled Tribe communities is an enduring exclusion and is based almost solely on caste identities."

SAFEGUARDS STAY

- Preliminary inquiry is not essential before lodging an FIR under the Act nor is the approval of senior police officials
- In a separate judgement, Justice Ravindra Bhat asks everyone to foster the feeling of fraternity
- The apex court had in January last year refused to stay the 2018 amendments to the SC/ST Act
- According to one analysis, 422,799 crimes against SCs and 81,332 crimes against STs were reported from 2006-2016

He also emphasised, "Unless the provisions of the Act are enforced in their true letter and spirit, with utmost earnestness and dispatch, the dream and ideal of a casteless society will remain only a dream, a mirage."

With Monday's ruling, it would mean that there would be no preliminary enquiry before the registration of an FIR.
▶ SC, Page 6

The Supreme Court order on quota in promotions in government jobs rocked both Houses of Parliament on Monday, with a united Opposition targeting the BJP on the issue and questioning its commitment to the cause of oppressed classes.

Amid vociferous protests, Social Justice and Empowerment Minister Thawarchand Gehlot said the Centre was neither a party to the case, in which the apex court had passed its order, nor was it asked to submit an affidavit in the matter.

But Gehlot told both Houses that "the government was holding high-level discussions on the issue".

▶ Quota, Page 6

SC upholds validity of amendment...

SC, FROM PAGE 1

There would not be a provision for anticipatory bail in normal circumstances for the offender.

The High Courts, however, can quash FIRs under Section 432 of the Criminal Procedure Code "in exceptional circumstances to prevent misuse" of the law. The pre-arrest bail can

be granted only "if complaint does not make out a prima facie case". The main judgement was authored by Justice Mishra on behalf of himself and Justice Saran.

Parliament had on August 9, 2018 passed the Amendment Act to overturn the apex court judgement which had noted "rampant misuse" of the law.

Oppn corners govt as quota row rocks Parliament

QUOTA, FROM PAGE 1

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Cutting across party lines, Opposition members, including Ghulam Nabi Azad and P L Punia (both Congress), Tiruchi Siva (DMK) and Ram Gopal Yadav (SP), asked the Modi government to take firm steps on the issue and wanted it to file a review petition in the Supreme Court to reverse the verdict.

The Supreme Court, in a matter related to the Uttarakhand government, on Friday had held that state governments were not bound

to provide reservation in appointments, and that quota in promotions was not a fundamental right.

The Lok Janshakti Party and the JD(U), both NDA constituents, also joined the Opposition, demanding the government take steps to put the topic of reservation in the Ninth Schedule of the Constitution, thereby making it off limits for litigation in the apex court.

Seeking to turn the tables on the Congress, Gehlot also said the apex court verdict had come on an order issued by the

Uttarakhand government in 2012, when the Congress was in power. Gehlot's statement in the House triggered an uproar from the Opposition, which accused the government of politicising the issue and staged a walk out in both the Lok Sabha and the Rajya Sabha.

It was trouble from the word go in the Lok Sabha, with Congress leader Adhir Ranjan Chowdhury and Trinamool member Kalyan Banerjee accusing the Modi government of launching an onslaught on the reservation policy since coming to power in 2014.

Bengaluru