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ಪತ್ರಿಕೆಯ ಹೆಸರು : NAME OF THE NEWS PAPER: Deccan Herald ದಿನಾಂಕ : DATE: 02/10/2019

# Top court gives back teeth to SC/ST Act

Recalls judgement diluting provisions of Atrocities Act

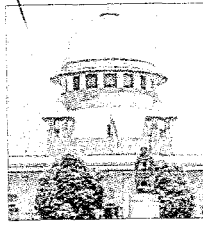
NEW DELHI, DHNS

The Supreme Court on Tuesday recalled its March 20, 2018 judgement that had "diluted" the provisions of the Act related to atrocities on Scheduled Castes and Scheduled Tribes by bringing in measures like anticipatory bail, preliminary inquiry and approval before the arrest of the accused.

A bench of Justices Arun Mishra, M R Shah and B R Gavai held that the directions in the case pertaining to Scheduled Castes and Scheduled Tribes (Prevention of

## WHAT THE COURT SAID

- Directions amount to encroaching on a field reserved for legislature
- We cannot look at every complaint with doubt
- It cannot be presumed that an SC/ST would inflict injury upon himself and lodge a false report
- Untouchability has not vanished in the last 70 years



Atrocities) Act, 1989 amounted to "encroaching on a field which is reserved for the legislature" and "would cause several legal complications", besides delay in timely completion of the investigation.

"It would be against basic human dignity to treat all members of the SC/ST community as liars or crooks and we cannot look at every complaint with doubt," the bench said, in contrast to the previous judgement authored

by Justice A K Goel (since retired) who had noted rampant misuse of the law.

The Union government has sought reconsideration of the judgement, which caused massive political outrage. It said the verdict would have wide ramifications as the SC/STs still remained vulnerable and were denied their civil rights.

Parliament had already on August 9, 2018 passed the Amendment Act to overturn

the apex court order.

In its plea, the government said, "The judgement would shake the very objective of the mechanism to prevent atrocities and cause a miscarriage of justice even in deserving cases."

Agreeing to the contention, the bench said there may be certain cases which may be false that can be a ground for interference by the court, but the law cannot be changed due to such misuse.

"It cannot be presumed that an SC/ST person would inflict injury upon himself and lodge a false report only to secure monetary benefits or to take revenge," the court said.

Giving a detailed analysis of the "sufferings, ignominy and abuse" faced by SC/STs, the court said untouchability, though intended to be abolished, has not vanished in the last 70 years.