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Supreme Court's Verdict on SC/ST PoA Act

Why in news?

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Supreme Court of India issued directions to prevent the misuse of provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act 1989 (SC/ST Act).

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What were the guidelines?

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- The 1989 Act penalises casteist insults and even denies anticipatory bail to the suspected offenders.

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- New guidelines were for police officers on how to ensure that innocent persons, especially public officials, are protected from false complaints.

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- It said a Deputy Superintendent of Police should hold a preliminary inquiry into complaints to rule out their being false or motivated ones.

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- The ruling also said public servants should not be arrested under the Act without the permission of their appointing authority.

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- Other private citizens should not be arrested without the approval of the District Senior Superintendent of Police.

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What was the court's rationale?

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- The Bench said there was “acknowledged abuse” of the power to arrest under the Act.
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- The court said that the law is therefore used to rob a person of his personal liberty merely on the unilateral word of the complainant.
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- The court referred to how public administration has been threatened by the abuse of this Act.
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- It said that the public servants find it difficult to give adverse remarks against employees for fear that they may be charged under the Act.
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- It also observed that no Parliament could allow arrest without a fair procedure and Article 21 has to be read into every provision of law.
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What are the implications?

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- Article 338 clause 9 stipulates: The Union and every State Government shall consult National Commission for Scheduled Castes on all major policy matters affecting Scheduled Castes.
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- This has not been followed by any of the three organs of the government.
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- In providing “an inbuilt provision” to protect those falsely accused under the Act, the judgment has ended up conveying a dangerous message that the Atrocities Act is “a charter for exploitation or oppression”.
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- The court appears to have mistaken a large number of acquittals in atrocities cases to be false cases.
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- But the general consensus is that police apathy, the social and the economic might of the accused and the dependence of SC/STs on those accused is the reason for those acquittals.
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- There is no precise data on the scale and extent to which the Act has been misused by SC/ST employees.
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- The task of balancing the rights of innocent persons facing false accusations and the need to accord legitimacy to the Atrocities Act requires compassion, reverence for the Constitution and awareness.

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