

1. Supreme Court SC/ST Judgment, In Review

Prelims: Polity & Governance- Rights Issues

Mains: GS-II- Performance of the schemes; mechanisms, laws, institutions and Bodies constituted for the protection and betterment of these vulnerable sections.

Why in News?

- ▶▶ Correcting an error of judgment, the Supreme Court recalled its March 20, 2018 verdict, which bent the written law to protect persons accused of committing atrocities against the Scheduled Castes and the Scheduled Tribes. This was following a plea by the Centre seeking a review of that judgment.

Background:

- ▶▶ On March 20, a judgment by the Supreme Court diluted the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989:
 - ❖ to grant anticipatory bail to accused persons
 - ❖ and directed that the police should conduct a preliminary enquiry on whether complaint under the 1989 law is “frivolous or motivated” before registering a case.
- ▶▶ Both conditions **were not part of the original legislation.**
- ▶▶ The SC had reasoned that members of the Scheduled Castes and Scheduled Tribes (SC/ST) use the 1989 law to lodge false complaints, leading to the arrest of innocent persons.
- ▶▶ The March 20 judgment had triggered widespread protests and violence and compelled the government to amend the Act to negate the effect of the apex court ruling. The Centre also filed a review against the judgment.

Highlights of Review Judgement:

- ▶▶ The Supreme Court in its judgment on the government’s review petition reasoned that human failing and not caste is the reason behind the lodging of false criminal complaints.
- ▶▶ The Supreme Court condemned its own earlier judgment, saying it was against “basic human dignity” to treat all SC/ST community members as “a liar or crook.”
- ▶▶ The judgement noted that the caste of a person cannot be a cause for lodging a false report and that the members of the Scheduled Castes and Scheduled Tribes, due to backwardness, cannot even muster the courage to lodge an FIR, much less, a false one.
- ▶▶ The judgement further noted, that India is a nation where “we have not been able to provide the modern methods of scavenging to Harijans due to lack of resources and proper planning and apathy”

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- ▶▶ The Supreme Court Observed that “Untouchability though intended to be abolished, has not vanished in the last 70 years. We are still experimenting with ‘tryst with destiny’... condition is worse in the villages, remote areas where the fruits of development have not percolated down,”

