

## SC/ST Act being used for blackmail, says top court

The anti-atrocities law, which protects Scheduled Castes and Scheduled Tribes from casteist slurs and discrimination, has become an instrument to “blackmail” innocent citizens and public servants, the Supreme Court observed in a judgment on Tuesday.

The past three decades have seen complainants — who belong to the marginalised sections of society — use the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act of 1989 to exact “vengeance” and satisfy vested interests, a Supreme Court Bench of Justices A.K. Goel and U.U. Lalit said in their 89-page judgment.

“Innocent citizens are termed accused, which is not intended by the legislature. The legislature never intended to use the Atrocities Act as an instrument to blackmail or to wreak personal vengeance,” the Supreme Court observed.

### False complaints

Instead of blurring caste lines, the Act has been misused to file false complaints to promote caste hatred, the apex court said. The current working of Atrocities Act may even “perpetuate casteism” if it is not brought in line and the court needs to intervene to check the “false implication of innocent citizens on caste lines.”

“The Act cannot be converted into a charter for exploitation or oppression by any unscrupulous person or by the police for extraneous reasons against other citizens. Any harassment of an innocent citizen, irrespective of caste or religion, is against the guarantee of the Constitution. This court must enforce such a guarantee. Law should not result in caste hatred,” the Supreme Court held.

The 1989 Act penalises casteist insults and even denies anticipatory bail to the suspected offenders. The law is therefore used to rob a person of his personal liberty merely on the unilateral word of the complainant, the court said. Justice Goel wrote that anticipatory bail should be allowed if the accused is able to *prima facie* prove that the complaint against him is malafide.

The court referred to how public administration has been threatened by the abuse of this Act. Public servants find it difficult to give adverse remarks against employees for fear that they may be charged under the Act.

### Issues guidelines

Issuing a slew of guidelines to protect public servants and private employees from arbitrary arrests under the Atrocities Act, the Supreme Court directed that public servants can only be arrested with the written permission of their appointing authority. In the case of private employees, the Senior Superintendent of Police concerned should allow it.

Besides this precaution, a preliminary inquiry should be conducted before the FIR is registered to check whether the case falls within the parameters of the Atrocities Act and if it is frivolous or motivated.

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