

## 'Court had no business to dilute Act'

In its review petition filed before the Supreme Court on Monday, the Centre said the court had no business to dilute the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act and make it easier for accused persons to escape arrest.

"In the given situation of continuing offences of atrocities against members of SCs/STs, it would be more significant and meaningful to affirm the reliance and trust of SCs/STs on the statute and not make it easier for the accused to get away from arrest by imposing a preliminary enquiry," the government said.

"The Narendra Modi government is firmly committed to the protection, safety, security and dignity of the Scheduled Castes and Scheduled Tribes," Union Law Minister Ravi Shankar Prasad said echoing the view.

The 89-page verdict by a Bench of Justices A.K. Goel and U.U. Lalit read down Section 18 of the Act to allow accused persons under the Act to apply for anticipatory bail.

Section 18 barred persons accused of causing casteist injury and insult to Dalits from seeking anticipatory bail.

Secondly, the judgment directed that an FIR should be registered only after a "preliminary inquiry" was held by a Deputy Superintendent of Police to check if the complaint was "frivolous".

Any deviation from the directions would automatically lead to the contempt of the Supreme Court, the Bench had warned.

In its plea, the Centre said that of the 47,338 cases registered under the Act across the country in 2016, only 24.9% ended in conviction and 89.3% were pending by the year-end. Instead of being misused, the Act is weakly implemented.

### **Low conviction rate**

The low rate of conviction owed to delay in lodging the FIR, hostile witnesses and complainants, absence of proper scrutiny of cases by the prosecution before filing charge sheet and lack of proper presentation and appreciation of evidence by the court. Now, a preliminary enquiry would only reduce the rate of registration of cases, conviction, increase pendency and per se serve as a deterrent in filing FIRs, the government said.

Objecting to the court's reasoning that non-availability of anticipatory bail was violative of Article 21 (fundamental right to personal liberty), the government reminded that offences under the Act are "heinous crimes committed to humiliate and subjugate members of the SCs/STs with a view to keep them in a state of servitude."

Section 18 of the Act is its "backbone" as it enforces an inherent deterrence and instils a sense of protection among members of the SCs/STs.

**END**