

SC/ST Act verdict: The violent aftermath

The loss of nine lives in violent protests [against the Supreme Court ruling](#) introducing safeguards against misuse of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989, is tragic. Clearly, both the Centre and State governments were caught unawares by the scale and intensity of the protests. The government has sought an urgent review, in an attempt to dispel the impression that its own stand was responsible for the Division Bench laying down fresh guidelines on handling complaints under the Act. From the day of the court ruling, what was a matter of concern was the nature of the message the Bench might have conveyed to marginalised and oppressed sections. Norms to safeguard the innocent against false complaints may not have been so unpalatable as the serious implications of the finding that there is large-scale misuse of the SC/ST Act. Proceeding on this premise, the court ruled that the bar under Section 18 of the Act on grant of anticipatory bail was not absolute. It mandated a preliminary inquiry into complaints before an FIR can be registered and barred any immediate arrest of the accused, unless approved by a higher authority in the case of public servants or the Senior Superintendent of Police in respect of private citizens. Whether these directions amount to judicial legislation and go against the grain of prevailing law and policy are complex questions that need careful judicial determination. But it is a moot question whether recent explosion of Dalit anger stems entirely from the fine print of the judgment. It is likely that it is a result of the perception that in a social environment where the legal and administrative system is already loaded against the community, a verdict like this may worsen the lot of the vulnerable.

SC/ST Act judgement: Court questions Centre's flip-flop

As the Bench has now agreed to hear the petition to review its own March 20 order, what is needed is a spell of calm and peace. It is true that the Bench has declined to suspend the order and clarified that its objective was to safeguard the innocent and that it has not diluted the Act or undermined the rights of SCs and STs in any way. In a larger sense, there are two disparate factors at play — protecting the innocent against harassment and misuse of a law, and faithfully preserving the letter and spirit of a piece of legislation aimed at upholding the rights and dignity of the historically oppressed classes. Neither should be sacrificed for the sake of the other. Given the mood of anger and discontent, it is both pragmatic and necessary for the entire question to be re-examined by the court. The first requirement for this is a conducive atmosphere for such a hearing. One hopes that the initial fury has spent itself out and that there will be no cause for its being unleashed again.

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