

Expanding the SC/ST Act

The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, was highlighted in the Supreme Court by the government as a significant step taken to affirm the trust of the SC/STs in the law. The amendments, which came into effect in January 2016, expand the original Act of 1989.

The new offences include more instances of “atrocities” recognised as crimes against SCs and STs. These include forcible tonsuring of head, garlanding with footwear, denying a SC/ST member access to irrigation facilities, using or permitting manual scavenging, dedicating SC/ST women as devadasis, abusing in the name of caste, committing atrocities by dubbing someone a witch, social or economic boycott, preventing SC/ST candidates from filing nomination to contest elections, hurting a SC/ST by removing his or her clothes, forcing a SC/ST member to leave his or her house, village or residence, and so on.

It adds certain IPC offences like hurt, grievous hurt, intimidation and kidnapping, attracting less than 10 years of imprisonment, committed against SCs and STs as offences punishable under the Prevention of Atrocities Act (PoA Act). Earlier, only those offences listed in the IPC as attracting a punishment of 10 years or more and committed on SCs/STs were accepted as offences falling under the Act.

The Amendment Act introduced the establishment of exclusive special courts and special public prosecutors to try offences under the PoA Act, so that cases are disposed of expeditiously.

The law requires these courts to take direct cognisance of an offence, and complete the trial of the case within two months from the date of filing of the chargesheet.

The new law defines the term ‘wilful negligence’ in the context of public servants at all levels, starting from the registration of the complaint to dereliction of duty under this Act. More importantly, it adds a section called the ‘presumption as to offences’ — that is, if an accused is acquainted with the victim or his family, the court may presume that the accused was aware of the caste or tribal identity of the victim unless proved otherwise.

The new law, however, does not touch Section 18 of the original Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act of 1989. This provision does not allow an accused person, who is alleged to have caused injury to and insulted a Dalit, to apply for anticipatory bail.

Receive the best of The Hindu delivered to your inbox everyday!

Please enter a valid email address.

The India-Japan economic relationship remains underwhelming in relation to strategic ties

END

Downloaded from **crackIAS.com**

© **Zuccess App** by crackIAS.com