

## Curbing misuse: on SC ruling on the anti-atrocities law

Will laying down procedural safeguards to curb false accusations work against the interest of protecting the oppressed from discrimination and caste-based atrocities? This is the salient question that arises from the Supreme Court verdict that has taken note of the perception that the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989, is being [rampantly misused to settle personal scores](#) and harass adversaries. On the face of it, it is difficult to fault the court's approach. It is settled law that the mere scope for misuse of an Act is not a ground to invalidate it. Constitution courts seek to preserve the spirit of such legislation on the one hand and to evolve guidelines to prevent its misuse on the other. This is precisely what the two-judge bench has aimed to do. It has ruled that Section 18, which bars grant of anticipatory bail to anyone accused of violating its provisions, is not an absolute bar on giving advance bail to those against whom, *prima facie*, there is no case. In addition, the Bench has prohibited the arrest of anyone merely because of a complaint that they had committed an atrocity against a Dalit or a tribal person. In respect of public servants, no arrest should be made without the written permission of the official's appointing authority; and for private citizens, the Senior Superintendent of Police in the district should approve the arrest.

In doing this, the Supreme Court has sought to strike a balance between protecting individual liberty and preserving the spirit of a law in favour of oppressed sections. Without any doubt, atrocities against Dalits are a grim social reality, necessitating a stringent law to combat it. The Act was amended in 2015 to cover newer forms of discrimination and crimes against Dalits and tribals to add teeth to it. It is true that conviction rates under the Act remain low. The lackadaisical approach of investigators and prosecutors to bring home charges against perpetrators of such crimes among the dominant castes is reflected in statistics. Even if courts are right in taking note of the tendency to misuse this law, society and lawmakers must be justifiably worried about the sort of messaging contained in their rulings and observations. In an ideal system, as long as every charge is judicially scrutinised and every investigation or prosecution is fair and honest, one need not worry about misuse and its adverse effects. However, social realities are far from being ideal. It ought to concern us all, including the courts, that some laws designed to protect the weakest and most disempowered people do not lose their teeth. Words of caution and rules against misuse may be needed to grant relief to the innocent. But nothing should be done to de-fang the law itself.

The revival of the Trans-Pacific Partnership, sans U.S., must buttress the free trade debate

END

Downloaded from [crackIAS.com](#)

© **Zuccess App** by crackIAS.com