

Making caste slur on SC/STs over phone an offence, says SC

The Supreme Court has ruled that using casteist remarks over phone in a public place against the Scheduled Caste and Scheduled Tribe category amounts to criminal offence, warranting a jail of a maximum five years.

The apex court refused to stay criminal proceedings and quash an FIR against a person, who allegedly used derogatory casteist remarks over phone to a woman from the the SC/ST category.

A bench of Justices J. Chelameswar and S. Abdul Nazeer declined to interfere with the August 17 order of the Allahabad High Court, which rejected the plea of a Uttar Pradesh resident, seeking quashing of the FIR against him by the woman.

It dismissed his plea saying he has to prove during the trial that he had not talked to the woman over phone in a public place.

Advocate Vivek Vishnoi, appearing for the accused, said that at the time of the said conversation, both the woman and his client were in different cities and it could not be stated that it was in public view.

He said that section 3(1)(s) of SC/ST Act relates to a person, who abuses any member of a SC or ST by caste name in any place "within public view".

"In this case, both persons were in different cities and the conversation took place over the phone, which can't be said to be in a public view. This was a private conversation. The apex court had already settled what 'public view' means in its earlier verdict of 2008," he said.

Mr. Vishnoi said the issue involved in the petition was that whether a private conversation on mobile phone between two individuals can come within the ambit of expression "within public view".

'Defining public place'

He said that by no stretch of imagination, a private conversation between two individuals on mobile phone can come within the ambit of expression "within public view" and that the charges framed against the petitioner need to be quashed.

The lawyer further said that the complainant has made some vague allegations regarding land sale transactions but no specific averments were made which may prima facie show that offence of cheating and intimidation were made out.

The bench, however, refused to agree with the contention and said it was only in the trial that the accused could prove if he was talking on phone in public view or not.

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