Affront on the SC/ST (prevention of atrocities) Act

What is the issue?

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- Supreme Court in early 2018 stressed the need for providing inbuilt safeguards within the SC/ST (prevention of atrocities) Act to plug its misuse.
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- While this was for preventing the framing of innocents, the leeway that will be provided, is likely to aid offenders get away.
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What are the implications of the verdict?

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- **What -** SC/ST (prevention of atrocities) Act is a standalone legal protection granted to the depressed classes against casteist slurs, abuses and violence.
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- The act also provides for stringent provisions like non-bailable warrants and a subsequent fast-track trial to settle the case.
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- Nonetheless, despite these strong provisions, casteist crimes continue to dominate the larger narrative in most parts of rural India.
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- Considering the context, framing of innocents under the act is likely to be rare and the court verdict asking for safeguards to prevent misuse looks naive.
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- **Verdict -** The court seems to have had a narrow minded focus on few cases of misuse of the act by elitist SC/STs sitting in high government/private offices.
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- The call for new guidelines to deal with accused persons is hence likely to

dilute the act and provide scope for offenders to escape.
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- On the whole, the judgment is likely to make the depressed class more vulnerable to abuse and further their victimisation.
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- More significantly, it seems to convey that the act is being misused considerably by the depressed classes to blackmail and frame innocents.
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What are the concerns with court's rationale?

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- **Conviction rate -** The Supreme Court has taken note of the large number of acquittals in SC/ST atrocities cases as an indicator of them being largely false.
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- But this is a flawed logic, because in SC/ST abuse cases, the accused tend to processes significant social and economic heft in their localities.
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- Contrastingly, the victims tend to be those on the margins of the society who'll have to face police apathy and institutional suppression.
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- Additionally, the conviction rate under other acts isn't very impressive either.
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- **Data Trend -** There is also no precise data on the scale and extent to which the Act has been misused by the elitist SC/ST government/private employees.
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- With little data, the court seems to have concluded that there is considerable misuse of the act by the SC/STs to settle personal scores.
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- **Misuse prevention -** There are already provisions within the "Indian Penal Code", which prescribe punishments for falsifying evidence.
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- The court's verdict doesn't specify on why these were found insufficient to deal with the falsified SC/ST atrocity cases too.
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What are the other procedural flaws in the verdict?

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- Considering the implications, it would've been prudent for the bench to have sought larger consultations before pronouncing its verdict.
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- Article 338 stipulates that governments should consult the "National Commission for SC" on all major policy matters affecting Scheduled Castes.
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- Similarly, article 338 A mandates all major policy decision affecting STs to be taken in consultation with "National Commission for Scheduled Tribes".
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- Considering this, Supreme Court is also bound to hear these commissions before pronouncements that are likely to impact SC/STs on a whole.
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- But in its urge to weed out the misuse of SC/ST atrocities act, the court seems to have subdued constitutional prudence and overlooked the commissions.
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- Some argue that SC's verdict doesn't constitute a major impactful policy decision and that it merely tweaked the existing act.
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- But spontaneous protests that erupted in the aftermath indicate otherwise, and the verdict was definitely seen as a major affront on social justice.
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Source: The Hindu

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