Amendment to SC's Earlier Verdict on SC/STs PoA Act

Why in news?

The Supreme Court recalled its March 20, 2018 verdict, which diluted the original provisions of the SC/ST (Prevention of Atrocities) Act of 1989.

What was the 2018 verdict?

- The 2018 verdict provided for granting anticipatory bail to accused persons under the SC/ST (Prevention of Atrocities) Act of 1989.
- It also made mandatory a preliminary enquiry by the police on whether the complaint under the Act is "frivolous or motivated" before registering a case.
- Both these conditions were not part of the original legislation.
- The verdict was based on the view that members of the SC/ST used the 1989 law to lodge false complaints, leading to the arrest of innocent persons.

What led to the court's changed stance now?

- The 2018 judgment had triggered widespread protests and violence.
- This compelled the government to amend the Act to negate the effect of the Supreme Court ruling.
- The Centre also filed a review against the judgment.
- In its judgment on the government's review petition, a three-judge Bench of the Supreme Court condemned its own earlier judgment.

What is the Court's justification now?

- Caste of a person cannot be a cause for lodging a false report.
- The court has reasoned that human failing and not caste was the reason behind the lodging of false criminal complaints.
- It said it was against basic human dignity to treat all SC/ST community members as liars.
- The court observed that India had not been able to provide the modern methods of scavenging (where caste plays a role) due to lack of resources and proper planning and apathy.
- Untouchability though intended to be abolished has not vanished in the last 70 years.
- The condition is still worse in the villages and remote areas where the fruits of development have not percolated down.

What is the significance?

- The apex court's decision recalling the earlier verdict may not appear very significant.
- However, the order by the three-judge Bench on the Centre's review petition is more than a mere academic exercise.
- The court's sound reasoning and reconsideration have strengthened the legislative measure to restore the law on atrocities committed on Dalits.
- The court's re-examination underscores that special laws for the protection of SC and ST communities flow from social realities and the discrimination they still face.
- The special laws empower them from circumstances that prevent them from gathering the courage to lodge a complaint in the first place.
- The guideline on the mandatory preliminary enquiry for this class of cases alone is extra-statutory and clearly amount to the judiciary engaging in legislation.
- In other words, the court has held that the additional "safeguards" against the alleged abuse of the law by Dalits is another form of discrimination in itself.
- By this, the court rules out the assumption that SC/ST members are more likely to give false complaints than the general population.
- The review is also a timely reminder or a caution for judiciary against entering the legislative domain.

Source: The Hindu

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