Supreme Court’s Verdict on SC/ST PoA Act – II

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What are the concerns with SC’s move?

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- SC claims that the act has not led to an increase in convictions so far and many file cases under this act against higher level bureaucrats to defame them.
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- SC also found that 15-16 per cent of atrocity cases meet a premature end at the magistrate’s desk without any proper evidence.
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- But from Supreme Court’s earlier judgements it is evident that SC has failed to establish the prevalence to any degree of abuse of the law.
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- It has now taken a single case to make a blanket amendment to the law, which has implications for all atrocity accused and not just public servants.
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What are the practical concerns faced by the scheduled castes?

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- Many surveys proves that in various scenarios a victim need to face uphill tasks for registering a complaint and the FIRs were also filed in adverse circumstances.
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- In many instances the victims are threatened by the authorities from registering a complaint.
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- Even after the FIR is registered, the perpetrators, often in connivance with the police tamper with evidencetowards weakening the case or coaxing the complainant to withdraw.
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- These attempts at intimidation and active obstruction by perpetrators mar the fate of cases in courts too.
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- Most upper-dominant castes believe that the Atrocities Act grants it immunity from further retribution.
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What measures needs to be considered?

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- The judiciary needs to be sensitised to the nature and operation of caste in Indian society if it is to uphold this faith.
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- Unravelling the truth in acts of willing and dehumanising violence, for which there is a seeming tolerance in society, requires an unsparing law.
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Source: Indian Express

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