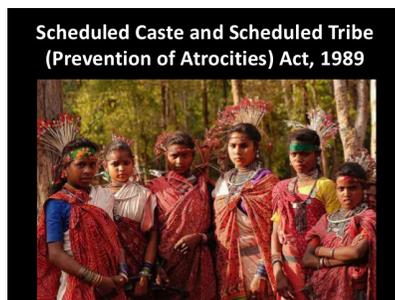


# Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act

14<sup>th</sup> May, 2018



**Context:** The government is planning to bring an ordinance to overturn the Supreme Court verdict putting safeguards on arrests under the SC/ST (Prevention of Atrocities) Act and subsequently introduce a bill to insulate it from further judicial scrutiny.

- The government is likely to introduce the bill in monsoon session of Parliament to incorporate the legislation in the Ninth Schedule of the Constitution, laws under which cannot be challenged in courts.

## **Impact:**

- The ordinance is an interim arrangement to overturn the Supreme Court's ruling on the issue. The proposed ordinance would make it clear that notwithstanding any judgement or any other law in force, the provisions of the act shall remain valid. Once promulgated, this would mean the ordinance would overturn the SC order.
- Also, **once included in the Ninth Schedule, the legislation gets protection under Article 31-B (validation of certain Acts and Regulations) and is not subject to judicial scrutiny.**

## **What's the issue?**

In its March 20 order, the apex court had laid down new guidelines for police officers on how to ensure that innocent people, especially public officials, are protected from false complaints under the act. The "dilution" triggered massive protests by various Dalit and political outfits.

## **About SC/ST Act:**

- The Scheduled Castes and Tribes (Prevention of Atrocities) Act is popularly known as POA, the SC/ST Act, the Prevention of Atrocities Act, or simply the Atrocities Act. The SC/ST Act was enacted on September 9, 1989. The rules for the Act were notified on March 31, 1995.
- The SC/ST Act lists 22 offences relating to various patterns or behaviours inflicting criminal offences and breaking the self-respect and esteem of the scheduled castes and tribes community. This includes denial of economic, democratic and social rights, discrimination, exploitation and abuse of the legal process.
- According to the SC/ST Act, the protection is provided from social disabilities such as denial of access to certain places and to use customary passage, personal atrocities like forceful drinking or eating of inedible food sexual exploitation, injury etc, atrocities affecting properties, malicious prosecution, political disabilities and economic exploitation.
- For speedy trial, Section 14 of the SC/ST Act provides for a Court of Session to be a Special Court to try offences under this Act in each district.
- The prime objective of the SC/ST Act is to deliver justice to marginalised through proactive efforts, giving them a life of dignity, self-esteem and a life without fear, violence or suppression from the dominant castes.

## **What's important?**

- For Prelims: SC/ST Act and 9<sup>th</sup> schedule of the constitution.
- For Mains: Need for review of the act and issues related to judicial overreach.

**To be looked in UPSC Paper 2 Topic** : Welfare schemes for vulnerable sections of the population by the Centre and States and the performance of these schemes; mechanisms, laws, institutions and bodies constituted for the protection and betterment of these vulnerable sections.