

## **SC/ST Prevention of Atrocities Act - The Controversy**

### **What is the issue?**

\n\n

\n

- Recently, the Supreme Court had sought to alter some provisions of the SC/ST Prevention of Atrocities Act which has triggered a controversy.

\n

- While court opined that alterations were required to prevent misuse, it was widely perceived as a move to dilute the legislative safeguards for SC/ST.

\n

\n\n

### **What were the political reactions?**

\n\n

\n

- The judgement had immediately triggered a backlash from reformist and pro-dalit groups and incidents turned violent at certain places.

\n

- Additionally, even some BJP MPs and allied parties of the government had voiced against the judgement, all of which generated a political storm.

\n

- Hence, the union government moved the apex court to seek a review of the judgement, stressing parliamentary supremacy in law making.

\n

- Some BJP ruled state governments that had initially implemented the apex court order had withdrawn the circulars now.

\n

- Kerala and some other state governments too have approached the SC for a review of the same, and PM Modi has promised that the law won't be diluted.

\n

- Sources have also indicated that the union government would bring in an ordinance if there is an adverse verdict from the SC on the review petition.

\n

- But incidentally, despite the union government's rhetoric, it is a fact that the BJP-ruled states are where atrocities against Dalits are the most prominent.

\n

\n\n

## **How did the case fare with regard to the judiciary?**

\n\n

- \n
- While the SC has admitted the review petition, the bench had reiterated its concern on the SC/ST Act being misused by some.
- \n
- Further, the bench stated that the previous judgment was merely to ensure due protection to the liberties of the people (rather than diluting it).
- \n
- While public sentiment can't be a ground for the SC to reverse its earlier order, the court needs to recognize that its previous order was a legislative overreach.
- \n
- The judiciary is not supposed to enter into parliament's domain in cases where there is an existing law (irrespective of its quality).
- \n
- While checking the validity of the law, the judiciary should only be looking into its legality and consistency with the basic structure of the constitution.
- \n

\n\n

## **What is the way ahead?**

\n\n

- \n
- The government can bring in the ordinance even now, and the parliament can enact the same subsequently to circumvent the judgement.
- \n
- While the ordinance fascination seems to have ceased now, the SC/ST Act case presents a genuine case that qualifies for ordinance and can be considered.
- \n
- It is important for the bill or ordinance to provide in clear terms the reasons for reversing the SC order by pondering on the logic applied by the court.
- \n
- In this case, the SC order was based on the argument that the SC/ST Act was being misused, which needs to be decried for lack of substantiated evidence.
- \n
- Significantly, the 1<sup>st</sup> Constitutional Amendment Act (1951) that protected reservations was in fact an over-turning of a court judgement.
- \n

\n\n

\n\n

**Source: Indian Express**

\n

