



Supreme Court on SC/ST Act

Why in News

Recently, in a judgement, the [Supreme Court](#) has observed that the **apex court and high courts have the power to quash criminal cases filed under various 'special statutes' including the SC/ST Act.**

- The **Supreme Court** has inherent powers **under [Article 142 of the Constitution](#)** or that of the **High Court under Section 482 of the [Code of Criminal Procedure](#)** to quash proceedings under the **[Scheduled Castes and the Scheduled Tribes \(Prevention of Atrocities Act\), 1989](#)** (SC/ST Act).

Key Points

- **Situations on Quashing Cases under 'Special Statutes':**
 - When the court is **satisfied that the offence in question**, although covered under the SC/ST Act, is **primarily private or civil in nature** or when this offence has not been committed on account of the victim's caste or where the continuation of legal proceedings would constitute an abuse of process of law.
 - When **considering a prayer for quashing** on the basis of a compromise/settlement between the two parties, the court is satisfied that **the underlying objective of the SC/ST Act would not be contravened** if the crime goes unpunished.
- **Article 142:**
 - **About:** It provides **discretionary power to the Supreme Court** as it states that the Supreme Court in the exercise of its jurisdiction may pass such decree or make such order as is **necessary for doing complete justice** in any cause or matter pending before it.
 - **Constructive Application:** In the early years of the evolution of Article 142, the general public and the lawyers both lauded the Supreme Court for its efforts to bring complete justice to various deprived sections of society or to protect the environment.
 - In the **Union Carbide case**, relating to the victims of the Bhopal gas tragedy, the Supreme Court placed itself above the laws made by the Parliament or the legislatures of the States by saying that, to do complete justice, it could even override the laws made by Parliament.
 - However, in the **Supreme Court Bar Association v. Union of India**, the Supreme Court stated that **Article 142 could not be used to supplant the existing law, but only to supplement the law.**
 - **Cases of Judicial Overreach:** In recent years, there have been several judgments of the Supreme Court wherein it has been **foraying into areas which had long been forbidden to the judiciary by reason of the doctrine of 'separation of powers'**, which is part of the basic structure of the Constitution. One such example is:
 - The **ban on the sale of alcohol along national and state highways:** While the notification by the central government prohibited liquor stores along National Highways only, the Supreme Court put in place **a ban on a distance of 500**

metres by invoking Article 142.

▪ **Section 482 of the Code of Criminal Procedure:**

- The section **allows the High Court to pass any order so as to ensure justice**. It also gives the court power to quash the proceedings of lower court or to quash FIRs.

▪ **SC/ST Act:**

- SC ST Act 1989 is an Act of Parliament enacted **to prohibit discrimination against SC & ST communities members** and prevent atrocities against them.
- The Act is also a **recognition of the depressing reality** that despite undertaking several measures, the [Scheduled Castes/ Scheduled Tribes](#) continue to be subjected to various atrocities at the hands of upper-castes.
- The Act has been enacted keeping in view the express constitutional safeguards enumerated in **Articles 15 (Prohibition of Discrimination), 17 (Abolition of Untouchability) and 21 (Protection of Life and Personal Liberty) of the Constitution**, with a twin-fold objective of **protecting the members of these vulnerable communities** as well as to **provide relief and rehabilitation** to the victims of caste-based atrocities.
- In the **amended SC/ST Act (2018)**, preliminary inquiry is not a must and no prior approval is also required for appointing authorities for senior police officers to file FIRs in cases of atrocities on SC and ST.

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