



Supreme Court Ruling on the SC and ST Act 1989

For Prelims: [Supreme Court, Scheduled Castes, Scheduled Tribes, Anticipatory bail, Member of the Legislative Assembly, Special courts](#)

For Mains: Issues Arising Out of Design & Implementation of Policies, Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

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Why in News?

Recently, the [Supreme Court \(SC\) of India](#) made a significant ruling regarding the [Scheduled Castes and Scheduled Tribes \(Prevention of Atrocities\) Act, 1989](#). The Court addressed a key issue, **whether insults or intimidations** directed at individuals from [Scheduled Castes \(SC\)](#) or [Scheduled Tribes \(ST\)](#) automatically constitute an offense under the Act.

- This ruling came in the context of granting [anticipatory bail](#) to an editor of a YouTube channel, who faced accusations under the Act.

What is the Supreme Court Ruling on Insults Under the SC/ST Act, 1989?

- **Case Background:** The case was based on allegations that the editor (YouTuber) had made derogatory remarks about a [Member of the Legislative Assembly \(MLA\)](#) who belongs to the **SC community**.
- **SC Ruling:**
 - **Scope of the Act:** The SC ruled that insults or intimidations aimed at members of SCs or STs **do not automatically constitute an offense under the SC/ST (Prevention of Atrocities) Act, 1989**.
 - For the Act to apply, the **insult or intimidation must be specifically linked to the caste identity of the victim**.
 - Under Section 3(1)(r) of the Act, the Court interpreted 'intent to humiliate' as **needing to be closely associated with the caste identity of the victim**.
 - Simply knowing the victim's SC/ST status is not sufficient; the insult must be intended to humiliate based on caste.
 - **Clarification on Section 18:** The Court clarified that Section 18 of the Act, which **traditionally bars anticipatory bail**, does not completely prevent the granting of such bail.
 - Courts must conduct a **preliminary inquiry to determine whether the allegations meet the criteria** for an offense under the Act before applying Section 18.
 - The Court granted anticipatory bail to the editor, finding no prima facie evidence that his remarks were made with the intent to humiliate the MLA due to his caste identity.
 - The Court concluded that the editor's comments did not demonstrate an intent to

insult based on the MLA's Scheduled Caste status.

What is the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989?

- **About:** The SCs and the STs (Prevention of Atrocities) Act, 1989, also known as the **SC/ST Act 1989**, was enacted to safeguard the members of SCs and STs from caste-based discrimination and violence.
 - Rooted in [Articles 15 and 17 of the Indian Constitution](#), the Act aims to ensure the protection of these marginalised communities and to address the inadequacies of previous laws.
- **Historical Context:** The Act builds on the [Untouchability \(Offences\) Act, 1955](#), and the **Protection of Civil Rights Act, 1955**, which were established to abolish untouchability and discrimination based on caste.
- **Rules and Implementation:** The **Central Government is authorised to frame rules** for the Act's implementation, while **State Governments and Union Territories administer** it with central assistance.
- **Key Provisions:** The Act defines specific offenses against SC/ST members, including **physical violence, harassment, and social discrimination**. It recognizes these acts as "atrocities" and prescribes stringent penalties for perpetrators.
 - The Act prescribes stringent punishments for those found guilty of committing atrocities against SCs/STs. These include **higher penalties than those provided under the Indian Penal Code, 1860** (now replaced as [Bharatiya Nyaya Sanhita, 2023](#)).
 - **Anticipatory Bail Provisions**, Section 18 of the SC and ST Act, 1989 excludes the application of **Section 438 of the Code of Criminal Procedure, 1973** (now replaced as [Bharatiya Nagrik Suraksha Sanhita, 2023](#)) which provides for anticipatory bail.
 - The Act mandates the **establishment of special courts** for speedy trial and SC/ST Protection Cells at the state level, led by senior police officers, to oversee the implementation of the Act.
 - Investigations into offenses under the Act must be conducted by officers not **below the rank of Deputy Superintendent of Police (DSP)** and must be completed within a stipulated time frame.
 - The Act provides for **relief and rehabilitation of victims**, including financial compensation, legal aid, and support services.
- **Exclusions:** The Act does **not cover offenses between SCs and STs neither can invoke the Act against another**
- **Recent Amendments:**
 - **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015:** The 2015 Amendment aimed to strengthen the protection offered to SCs and STs by **introducing more stringent provisions and expanding the scope of the Act**.
 - New categories of offenses, such as **garlanding with footwear, forcing manual scavenging, and imposing social or economic boycotts** and any form of social ostracism are now considered offenses.
 - Sexual exploitation and intentional touching of SC/ST women without consent are defined as offenses. Practices like **dedicating SC/ST women as devadasis** are explicitly outlawed.
 - Public servants **who neglect duties related to SCs and STs face imprisonment**.
 - **Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2018:** The requirement for Senior Superintendent of Police approval before arresting an accused is removed. Immediate arrests are permitted without prior approval.

What are the Drawbacks of SC and ST Act, 1989?

- **Inadequate Resources for Special Courts:** Special Courts designated to handle atrocity cases often lack adequate resources and infrastructure.
 - Many of these courts handle cases beyond the scope of the SC/ST Act, resulting in a **backlog and slow resolution of atrocity cases**.

- **Insufficient Rehabilitation Provisions:** The Act provides limited details on the rehabilitation of victims, focusing only on **social and economic support** in a vague manner.
 - Victims face significant challenges, including **physical, psychological, and social difficulties**. There is a need for more comprehensive rehabilitation measures to support victims in becoming economically self-sufficient.
- **Lack of Awareness:** Beneficiaries, including victims and law enforcement officials, often lack awareness about the Act's provisions.
 - The Act's stringent provisions, including warrantless arrests and non-bailable offenses, have led to **allegations of misuse**. Critics argue that the broad scope of the law **can result in false accusations and harassment of individuals from non-SC/ST backgrounds**.
- **Limited Scope of Covered Crimes:** Certain crimes, such as **blackmailing** that leads to atrocities among SC/STs, are not explicitly covered under the Act.
 - The Act's definition of atrocities may not encompass all forms of abuse faced by SCs and STs, necessitating amendments to include such crimes.

Judicial Insights Regarding the SC and ST Act, 1989

- **Kanubhai M. Parmar v. State of Gujarat, 2000:** Gujarat High Court ruled that the Act does not apply to crimes committed between members of SCs or STs.
 - The rationale is that the Act is intended to protect SCs/STs from atrocities committed by individuals outside their communities.
- **Raj Mal v. Ratan Singh, 1988:** The Punjab & Haryana High Court clarified that **Special Courts, established under SC and ST Act**, are exclusively designated to try offences related to the Act.
 - The ruling emphasised that these courts should not be confused with regular magistrate or session courts.
- **Arumugam Servai v. State of Tamil Nadu, 2011:** The Supreme Court emphasised that insulting a member of an SC/ST community is an offence under SC and ST Act.
- **Subhash Kashinath Mahajan v. State of Maharashtra and Others, 2018:** The SC clarified that the exclusion of anticipatory bail provisions under Section 18 of the Act **does not constitute an absolute bar**.
 - This means that even if Section 18 bars anticipatory bail, the court can still grant it in cases where the allegations of atrocities or violations appear to be untrue.

Drishti Mains Question:

Q. Discuss the key provisions of the SC/ST Act, 1989. How do recent amendments and judicial rulings shape the enforcement and interpretation of this legislation?

UPSC Civil Services Examination Previous Year Question (PYQ)

Mains

Q. What are the two major legal initiatives by the State since Independence addressing discrimination against Scheduled Tribes (STs)? **(2017)**