GS-II: Making Amends.

Context

The Supreme Court has recalled its 2018 order that diluted provisions of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The previous judgement.A two-judge bench had forbidden the arrest of public servants and private persons without prior permission in cases filed under the SC/ST Act. It insisted on a preliminary inquiry before registering an FIR in such cases.

Current judgement:

- The three-judge bench observed that the March 20, 2018 judgment was “against the spirit of the Constitution”.
- The Court also found that the guidelines for the execution of the Act given in the 2018 order were beyond its remit and an encroachment on the legislature’s domain.
- The 2018 order had read the Act without taking into consideration the social context and imperatives that led to its enactment in the first place.

Incidents involving Dalits in the last few years:

- The 2018 order triggered unrest among Dalits. It gave fresh impetus to the mobilisations that started in the wake of a series of high-profile crimes against the community.
- Dalits came under attack from communities whose political-ideological prejudices found validation from elements of the Hindutva agenda such as cow protection. The public flogging of five Dalits by cow vigilantes in Una is a case in point.
- Attempts were made to crush Dalit assertion. The suicide of Rohith Vemula had bought to the fore the issue of caste discrimination on campus.
- They created a new narrative of Dalit resistance and agency that led to the emergence of a new generation of leaders such as Jignesh Mevani and political outfits including the Bhim Army.

Conclusion

It is creditable that the Supreme Court has revisited its order and recalled it. It is in accordance with the spirit of the Constitution and institutional resilience.