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All insults against SC, STs can't be offence, says Supreme Court

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The Supreme Court on Thursday declared that an offence under the Scheduled Castes (SC) and Scheduled Tribes (ST) (Prevention of Atrocities) Act is not established merely on the fact that the complainant is a member of Scheduled Caste.

The court said it has to be proved that there is an intention to humiliate such a member for the reason that the victim belongs to such caste. "All insults or intimidations to a person will not be an offence under the Act unless such insult or intimidation is on account of victim belonging to SC or ST," a three-judge bench presided over by Justice L Nageswara Rao said.

The bench, also comprising Justices Hemant Gupta and Ajay Rastogi, pointed out the object of law is to improve the socio-economic conditions of the SC and the ST as they are denied number of civil rights.

"Thus, an offence under the Act would be made out when a member of the vulnerable section of the socie-

ty is subjected to indignities, humiliations and harassment," Justice Gupta said in a judgement authored by him on behalf of the bench.

The court also pointed out another key ingredient of the provision under Section 3(1)(r) is insult or intimidation has to be in "any place within public view".

The top court passed its judgement, quashing the chargesheet to the extent of offence under the special law against petitioner Hemant Verma and others. "In the present case, the parties are litigating over possession of the land. The allegation of hurling of abuses is against a person who claims title over the property. If such a person happens to be SC, the offence under Section 3(1)(r) of the Act is not made out," the court said. It also pointed out the offence was alleged to have taken place within the four walls of the building, which can't be said to be in public view.

The court further said the assertion of title over the land by either of the parties was not due to either the indignities, humiliations or harassment.