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'All insults not offence under SC/ST Act'

Caste angle crucial, says top court

LEGAL CORRESPONDENT
NEW DELHI

All insults or intimidations to persons belonging to Dalit or tribal communities will not be an offence under the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, the Supreme Court said in a judgment on Thursday.

An offence is made out under the statute only if "such insult or intimidation is on account of the victim belonging to a Scheduled Caste or Scheduled Tribe," a three-judge Bench led by Justice L. Nageswara Rao observed.

The court said the insult should be specifically intended to humiliate the victim for his caste.

"Offence under the Act is not established merely on the fact that the informant [complainant] is a member of Scheduled Caste unless there is an intention to humiliate a member of Scheduled Caste or Scheduled Tribe for the reason that the victim belongs to such caste," the court said.

For vulnerable sections

The court said the object of the Act is to punish violators who inflict indignities, humiliations and harassment. "It is intended to punish the



The court was hearing an appeal against a man booked for allegedly abusing a Dalit woman.

acts of the upper caste against the vulnerable section of society for the reason that they belong to a particular community," the judgment noted.

The court was hearing an appeal filed by a man, Hitesh Verma, booked under the Act for allegedly abusing a Dalit woman in her house.

The court found that allegations against Mr. Verma do not fulfil the basic ingredient under the Act that such humiliation should have happened in public view. Since the incident occurred within four walls in the absence of members of the public, allegations against Mr. Verma under the Act do not stand. He can be tried under ordinary criminal law.