

SC upholds constitutional validity of SC/ST Amendment Act 2018

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A preliminary inquiry is not essential before lodging an FIR under the act nor is the approval of senior police officials, said a Bench headed by Justice Arun Mishra.

Justice Ravindra Bhat, the other member of the Bench, said in a concurring verdict

that every citizen needs to treat fellow citizens equally and foster the concept of fraternity.

Justice Bhat said a court can quash the FIR if a prima facie case is not made out under the SC/ST Act and the liberal use of anticipatory bail will defeat the intention of Parliament.

The top court's verdict came on a batch of PILs chal-

lenging the validity of the SC/ST Amendment Act of 2018, which was brought to nullify the effect of the apex court's 2018 ruling, which had diluted the provisions of the stringent Act.

The apex court had in January last year refused to stay the 2018 amendments to the SC/ST Act, which restored the provision that no anticipatory bail be granted to

the accused in offence lodged under this law.

In its 2018 verdict, the apex court had taken note of the rampant misuse of the stringent SC/ST Act against government servants and private individuals and said that there would be no immediate arrest on any complaint filed under the law. Violent protests had taken place across the country after the apex court's verdict in which several persons lost their lives and many were injured.

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"Don't make explosive submissions. Please do not make such statements. We do not want people to use this platform to further create problems," said a Bench, comprising Chief Justice S A Bobde and Justices BR Gavai and Surya Kant, when two women advocates instantly started making submissions.

The top court also said the anti-CAA protesters at Delhi's Shaheen Bagh cannot block public roads and create inconvenience for others. The apex court issued notices to the Centre, Delhi government and the police on pleas seeking removal of protesters from Shaheen Bagh.

"There is a law and people have grievance against it. The matter is pending in court. Despite that some people are protesting. They are entitled to protest," a Bench comprising justices S K Kaul and K M Joseph said. "You cannot block the public roads. There cannot be indefinite period of protest in such an area. If you want to protest, it has to be in an area identified for protest," the Bench said. The court further said that the protest at Shaheen Bagh has been going on for long but it cannot create inconvenience for others.

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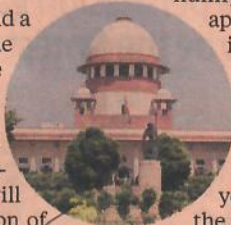
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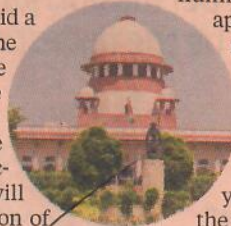
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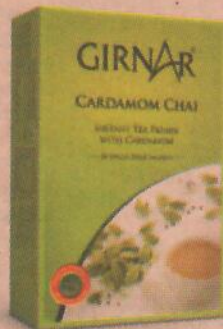
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