



Fault lines in a ‘landmark’ judgment

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The verdict on the SC/ST Atrocities Act marks the collapse of the constitutional scheme to protect the weaker sections

Highlights

- On July 6, the day of his retirement as a judge of the Supreme Court, Justice A.K. Goel defended the verdict that he delivered on March 20, 2018 for the bench — framing guidelines on how to deal with a person accused under the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989.
- Before the saga fades from public memory, we must place on record how the Goel verdict symbolises the collapse of the constitutional scheme to protect the weaker sections of society as well as a certain intolerance of persons in high places towards requirements of social justice.
- The judgment is concerned with a limited aspect of the Act — protecting innocent officers and employees in government and private sectors from the misuse of the Act (especially “when no prima facie case is made out or the case is patently false or mala fide”). But, sadly, the judgment has ended up conveying a false and dangerous message that the Atrocities Act is “a charter for exploitation or oppression,” and “an instrument of blackmail or to wreak personal vengeance”.
- The task of balancing the rights of innocent persons facing false accusations and the need to accord legitimacy to the Atrocities Act requires compassion, equanimity, reverence for the Constitution and awareness so even impromptu comments from the top court will acquire the force of law. Unfortunately, the March 20 verdict lost that balance.

Source: [The Hindu](#)

