

National Campaign on Dalit Human Rights and others v. Union of India

Supreme Court of India

2016 SC 635

Bench: Hon'ble Justice Mr. T.S.Thakur, D.Y.Chandrachud, L.Nageswara Rao

Pronounced on: 15th December 2016.

Facts

1. The petitioners are voluntary organisations and have filed a Writ Petition for the non-implementation of the provisions of SC and ST (POA) Act, 1989.
2. They want to issue writs to respondents to set up appropriate special and nodal officers, re-investigate cases where FIR have been illegally registered, set up special courts within six months, file status reports on the cases, ensure speedy justice to the victims of the case, file status reports on compensation remaining to be paid under the act and many more such orders.

Issue

Whether the respondents can be directed to pass appropriate writs appoint officers as required under the Act, set up separate courts in each district, to protect the SC and ST tribe?

Legislations Cited

1. SC and ST (Prevention of Atrocities) Act, 1989.
2. Article 15, 17, 338, 338A and 39A of Constitution of India.
3. Article 1, 17 and 19 of Protection of Civil Rights Act, 1955.
4. Probation of Offenders Act, 1958.
5. Legal Services Authorities Act, 1987.
6. Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act, 1993.

Judgment

The court in its view agrees that the provisions under the SC and ST (POA) Act, 1989 were not carried out properly. The act was failed the purpose of its creation due to negligent behavior of the officers. Both the Central and the State government are responsible for strictly implementing the Act in an effective manner. The Act was created to provide a ladder to the idea of Right to equality but this cannot be accomplished unless each and every department puts his attitude of superiority back and does his own duty. National Commissions are directed to protect the interests of SC and ST community also National Legal Services Authority is directed to spread awareness among the people about the government schemes and provide legal aid to the less beneficiaries. The petitioners can approach the courts for their grievance redressal.