STUDY NOTES · BASIC CONCEPT

Why is the use of abusive language not an offence under SC/ST Act? Read Supreme court key observations.

Society & Social Justice

26 Jan 2020

What did the court say?

The Supreme Court of India has clarified that merely using abusive language against a member of the Scheduled Castes and Scheduled Tribes (SC/ST) does not, by itself, constitute an offense under the SC/ST (Prevention of Atrocities) Act. For the Act to be invoked, specific conditions regarding the nature of the abuse and its location must be met.

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Key aspects of the Supreme Court's pronouncements include:

Caste-Based Intent is Crucial:

The abuse must be "laced with caste name, or the caste name had been hurled as an abuse". The Court emphasized that there must be a clear intention to humiliate or insult the person specifically because of their caste identity, and not just a general insult. Mere knowledge of the victim's caste is not sufficient without proof of caste-motivated humiliation.

"Within Public View":

The derogatory terms or abuses must be uttered "in any place within public view". This requirement implies that the incident should not occur within the four walls of a private building if there are no members of the public present. The Court has distinguished between a "public place" and "in any place within public view," clarifying that even an area outside a house visible from a road could qualify, but not necessarily inside a private residence without public witnesses.

Element of Humiliation:

The allegations must reveal an element of humiliation specifically targeting the victim's caste. The legislative intent is that not every insult will amount to an offense unless it is directed at the victim due to their membership in a particular Scheduled Caste or Tribe.

In a recent ruling from January 2026, a bench of Justices J B Pardiwala and Alok Aradhe reiterated that for an offense under Section 3(1)(s) of the SC/ST Act, simply abusing a member of an SC/ST community or merely uttering a caste name would not be enough; the abuses must be intertwined with the caste name or hurled as an abuse with the intent to denigrate the caste and cause humiliation. Similarly, regarding Section 3(1)(r) of the Act, the offense cannot stand solely on the victim being an SC/ST member unless the insult or intimidation is specifically intended to humiliate them due to their community.

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