

KARNATAKA ACT NO. 35 OF 2003
THE SCHEDULED CASTES AND THE SCHEDULED
TRIBES (PREVENTION OF ATROCITIES) (KARNATAKA
AMENDMENT) ACT, 2002

Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 14

STATEMENT OF OBJECTS AND REASONS

In pursuance of section 14 of SC and ST's (Prevention Atrocities) Act, 1989, the State Government by way of notification can specify Special Courts for speedy trial of the offences. As per section 14 of the said Act, the Government has already issued notification specifying the concerned District Session Courts and Additional District Session Courts as special Courts for the purpose. The FIRs and Charge Sheets in all cases under this Act were so far being filed directly in the Special Courts which were taking cognizance thereof and trying the cases. But section 193 of the Cr.P.C. imposes an interdict/restriction on Session Courts against taking cognizance of any offence as a court of original jurisdiction without the case being committed to it by the Magistrate.

In recent judgement in Criminal Appeal No.94 of 2000, the Hon'ble Supreme Court has held that special Courts under the said Act being the Court of Sessions cannot take cognizance of the cases directly, since section 193 of the

Criminal Procedure code imposes an interdict of Courts of sessions against taking cognizance of any offence as a Court of original jurisdiction, without the case being committed to it by the Magistrate. Accordingly the specified Courts have to function.

Considering the delay in the trial of cases under the said Act, the Government have decided to make suitable amendment to section 14 of the said Act, by authorising the original jurisdiction of the courts to the Courts of Sessions, for the speedy trial/disposal of the cases registered in Special Courts.

Hence the Bill.

[LA Bill No.7 of 2002]

[Entry 2 and 46 of List-III of Seventh Schedule to the Constitution of India]

KARNATAKA ACT NO. 35 OF 2003

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THE SCHEDULED CASTES AND THE SCHEDULED TRIBES (PREVENTION OF ATROCITIES) (KARNATAKA AMENDMENT) ACT, 2002

(Received the assent of the President of India on the Thirteenth day of August, 2003)

An Act to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 in its application to the State of Karnataka.

Whereas it is expedient to amend the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989) in its application to the State of Karnataka for the purposes hereinafter appearing:

Be it enacted by the Karnataka State Legislature in the fifty third year of the Republic of India as follows:-

1. Short title and commencement.- (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Karnataka Amendment) Act, 2002.

(2) It shall come into force on such ¹[date] as the State Government may, by notification in the Official Gazette appoint.

2. Amendment of section 14.- In section 14 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989 (Central Act 33 of 1989), for the words "to

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1. The Act has come into force on 30th day of September 2003, (Notification No. HD 247 PCR 2000(P) dated 30.9.2003)

try offences under this Act", the words "to take cognizance of offences under this Act as a court of original jurisdiction and to try such offences" shall be substituted.

T.N. Chaturvedi
Governor of Karnataka

By Order and in the name of the
Governor of Karnataka

M.R. Hegde
Secretary to Government,
Department of Parliamentary Affairs
and Legislation.