

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

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(*Prevention of Attrocities*)

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

*(First published in the Karnataka Gazette Extra-ordinary on the Twenty
Second day of August, 2003)*

**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 try offences under this Act", the

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

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

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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.

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HOME AND TRANSPORT SECRETARIAT
NOTIFICATION

No. HD 247 PCR 2000 (P), Bangalore,
dated 30th September, 2003

In exercise of the powers conferred by sub-section (2) of section 1 of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (Karnataka Amendment) Act, 2002 (Karnataka Act 35 of 2003), the Government of Karnataka hereby appoints the 30th day of September, 2003 to be the date from which the provisions of the said Act shall come into force.

By Order and in the name of the Governor of Karnataka,
P. Krishna Murthy
Under Secretary to Government,
Home and Transport Department (Crimes).