

AS INTRODUCED IN THE RAJYA SABHA
ON 19TH DECEMBER, 2008.

Bill No. LXXIX of 2007

THE SPECIAL COURTS FOR SCHEDULED CASTES AND
SCHEDULED TRIBES BILL, 2007

A

BILL

*to provide for constitution of special courts for Scheduled Castes and Scheduled Tribes
in the country and for matters connected therewith.*

BE it enacted by Parliament in the Fifty-eighth Year of the Republic of India as
follows:—

1. (1) This Act may be called the Special Courts for SC and ST Act, 2007.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date, as the Central Government may, by notification,
appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires:—

(a) 'appropriate Government' means in the case of a State, the State Government and in all other cases the Central Government.

(b) 'offence' means any offence committed against a member of Scheduled Castes and Scheduled Tribes.

(c) 'prescribed' means prescribed by rules made under the Act.

(d) 'Scheduled Castes' means the castes included in the Constitution (Scheduled Castes) Order 1950.

(e) 'special court' means special court constituted under section 3 of this Act.

(f) 'Scheduled Tribes' means the tribes included in the Constitution (Scheduled Tribes) Order 1950.

Establishment of special courts for Scheduled Castes & Scheduled Tribes.

3. (1) The appropriate Government shall, by notification in the Official Gazettes, set up adequate number of special courts at district level to deal exclusively with matters arising out of crimes or offences committed against Scheduled Castes and Schedule Tribes in the country.

(2) Every special court established under sub-section (1) shall be headed by a Chief Judge who shall be qualified to be appointed as District Judge and shall have such number of other Judges as the appropriate Government may prescribe keeping in view the Scheduled Caste and Scheduled Tribes population in the district.

Qualification for appointment as Chief Judge and other Judges of special court.

4. The qualification and salary, allowances and other terms and conditions of service of the Chief Judge and other Judges shall be such as may be prescribed.

Senior most Judge to act as a Chief Judge or to discharge his functions in certain circumstances.

5. (1) In the event of occurrence of any vacancy in the office of the Chief Judge by reason of his death, resignation or otherwise, the senior most judge of that court shall discharge his functions until a new Chief Judge, appointed in accordance with the provisions of this Act to fill such vacancy, enters upon his office.

(2) When the Chief Judge is unable to discharge his functions owing to his absence from duty due to any reason, the senior most judge of that special court shall discharge functions of the Chief Judge until the Chief Judge resumes his duties.

Financial and other powers of the Chief Judge.

6. Every Chief Judge shall exercise such financial and administrative powers as may be vested in him in such manner as may be prescribed.

Staff of the special court.

7. The appropriate Government shall appoint sufficient number of officers and staff to assist the special court in the discharge of its functions on such terms and conditions of service as may be prescribed.

Jurisdiction power and authority of special courts.

8. Save as otherwise expressly provided in this Act, every special court shall exercise all the jurisdiction, powers and authority exercisable immediately before that day by all courts except the concerned High Court and the Supreme Court in relation to all matters offences or atrocities committee, against Scheduled castes and Scheduled Tribes under the Indian Penal Code, 1860 or anyother law for the time being in force in relation to Scheduled Castes and Scheduled Tribes.

Transfer of pending cases.

9. Every case or other proceedings relating to Scheduled Castes and Scheduled Tribes pending before any other court or any authority shall stand transferred to such special court on the commencement of this Act:

Provided that nothing contained in this section shall apply to a case or other proceedings pending in a High Court or the Supreme Court.

10. The appropriate Government shall make necessary arrangements for free legal aid to Scheduled Castes and Scheduled Tribes for meeting the cost of litigation in special court.

Free legal aid to Scheduled Castes and Scheduled Tribes.

11. Every case in a special court shall be disposed of as early as possible and in any case not later than one year from the date of filing the case in the court.

Disposal of cases by special courts.

12. The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

STATEMENT OF OBJECTS AND REASONS

Scheduled Castes and Scheduled Tribes still continue to be the oppressed classes of our society. They have suffered for centuries. Although with the institution of the democratic form of government in the country, many steps have been taken to improve their status in the society yet this change is limited only in the urban areas. In the rural areas, the position at some places, is still the same as it used to be many years ago. They have never received justice from the persons who were at the helm of affairs of their fate. In a welfare state like ours it is a bounden duty of the state to ensure that the members of the Scheduled Castes and Scheduled Tribes receive speedy justice at their door steps. These classes are unable to fight long litigations in the normal courts. In view of their financial position they also need free legal aid for meeting the cost of litigation. In view of their disadvantageous position in the society, especially at district level in the rural areas, there is an urgent need that a separate and parallel system of justice for Scheduled Castes and Scheduled Tribes should be established. It is, therefore, proposed that special courts at district level may be established for the Scheduled Castes and Scheduled Tribes in the country.

Hence this Bill.

VIJAY J. DARDA

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that Government and Union territory administration shall set up sufficient number of special courts to deal exclusively with matters arising out of atrocities committed against Scheduled Castes and Scheduled Tribes. Clause 4 provides for payment of salaries and allowances to the Chief Judge and other Judges. Clause 7 provides for appointment of officers and staff required for special courts. Clause 10 provides for free legal aid to Scheduled Castes and Scheduled Tribes. The expenditure in respect of special courts for Union territories shall be met out of the Consolidated Fund of India. It is likely that an amount of rupees one thousand crore will be involved for setting up special courts in Union territories per annum. A non-recurring expenditure of about rupees two hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

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(Shri Vijay J. Darda, M.P.)