

**പതിമൂന്നാം കേരള നിയമസഭ**

**എട്ടാം സമ്മേളനം**

**നക്ഷത്രചിഹ്നമിടാത്ത ചോദ്യം നമ്പർ. 294**

**18-03-2013-ൽ മറുപടിയ്ക്ക്**

**ഷെഡ്യൂൾഡ് കാസ്റ്റ്സ് ആന്റ് ഷെഡ്യൂൾഡ് ട്രൈബ്സ് (പ്രിവൻഷൻ ഓഫ് അട്രോസിറ്റീസ്) ആക്ട് പ്രകാരം അതിക്രമങ്ങൾക്കുള്ള കുറ്റകൃത്യങ്ങൾ**

**ചോദ്യം**

**മറുപടി**

**ശ്രീ. പുരുഷൻ കടലുണ്ടി**

**ശ്രീ. തിരുവഞ്ചൂർ രാധാകൃഷ്ണൻ  
((ബഹു. ആഭ്യന്തരവും വിജിലൻസും  
വകുപ്പ് മന്ത്രി)**

**(എ)** ഷെഡ്യൂൾഡ് കാസ്റ്റ്സ് ആന്റ് ഷെഡ്യൂൾഡ് ട്രൈബ്സ് (പ്രിവൻഷൻ ഓഫ് അട്രോസിറ്റീസ്) ആക്ട് പ്രകാരം അതിക്രമങ്ങൾക്കുള്ള കുറ്റകൃത്യങ്ങൾ എന്തൊക്കെയാണ് ;

**(എ)** എസ്.സി./എസ്.ടി (PoA) ആക്ട് പ്രകാരമുള്ള കുറ്റകൃത്യങ്ങളുടെ പകർപ്പ് ഇതോടൊപ്പം അനുബന്ധം I ആയി ചേർത്തിരിക്കുന്നു.

**(ബി)** ഈ സർക്കാർ അധികാരമേറ്റശേഷം അവ ഓരോന്നും എത്ര വീതം ഉണ്ടാവുകയും അവയിൽ പോലീസ് കേസ് രജിസ്റ്റർ ചെയ്യുകയും ചെയ്തുവെന്ന് വിശദമാക്കാമോ ;

**(ബി)** ഈ സർക്കാർ അധികാരമേറ്റ ശേഷം പ്രസ്തുത നിയമത്തിലെ പ്രധാനപ്പെട്ട വകുപ്പുകൾ പ്രകാരം ഷെഡ്യൂൾഡ് കാസ്റ്റ്സ് ആന്റ് ഷെഡ്യൂൾഡ് ട്രൈബ്സിൽപ്പെട്ട 491 സ്ത്രീകൾക്ക് നേരെയുള്ള അതിക്രമങ്ങളും 81 കുട്ടികൾക്ക് നേരെയുള്ള അതിക്രമങ്ങളും 471 സ്ത്രീപീഡന കേസുകളും, 332 ബലാൽസംഗ കേസുകളും, ഒരു കൊലപാതക കേസും ഉണ്ടായിട്ടുള്ളതും പോലീസ് കേസ് രജിസ്റ്റർ ചെയ്തിട്ടുള്ളതുമാണ്.

**(സി)** ഈ കാലയളവിൽ നടന്ന അതിക്രമങ്ങൾ സംബന്ധിച്ച കുറ്റകൃത്യങ്ങളുടെ പേരിൽ പോലീസ് രജിസ്റ്റർ ചെയ്ത കേസുകളും, അവയിൽ അന്വേഷണം പൂർത്തിയാക്കി കുറ്റപത്രം കോടതിയിൽ സമർപ്പിക്കുകയും ചെയ്തിട്ടുള്ളവയും ജില്ല തിരിച്ച് വിശദമാക്കാമോ ?

**(സി)** ജില്ല തിരിച്ചുള്ള വിവരം അനുബന്ധം II ആയി ചേർത്തിരിക്കുന്നു.



**സെക്ഷൻ ഓഫീസർ**

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CHAPTER II  
OFFENCES OF ATROCITIES

Punishment  
for offences of  
atrocities.

3. (1) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-

(i) forces a member of a Scheduled Caste or a Scheduled Tribe to drink or eat any inedible or obnoxious substance;

(ii) acts with intent to cause injury, insult or annoyance to any member of a Scheduled Caste, or a Scheduled Tribe by dumping excreta, waste matter, carcasses or any other obnoxious substance in his premises or neighbourhood;

(iii) forcibly removes clothes from the person of a member of a Scheduled Caste or a Scheduled Tribe or parades him naked or with painted face or body or commits any similar act which is derogatory to human dignity;

(iv) wrongfully occupies or cultivates any land owned by, or allotted to, or notified by any competent authority to be allotted to, a member of a Scheduled Caste or a Scheduled Tribe or gets the land allotted to him transferred;

(v) wrongfully dispossesses a member of a Scheduled Caste or a Scheduled Tribe from his land or premises or interferes with the enjoyment of his rights over any land, premises or water;

(vi) compels or entices a member of a Scheduled Caste or a Scheduled Tribe to do 'begar' or other similar forms of forced or bonded labour other than any compulsory service for public purposes imposed by Government;

(vii) forces or intimidates a member of a Scheduled Caste or a Scheduled Tribe not to vote or to vote to a particular candidate or to vote in a manner other than that provided by law;

(viii) institutes false, malicious or vexatious suit or criminal or other legal proceedings against a member of a Scheduled Caste or a Scheduled Tribe.

(ix) gives any false or frivolous information to any public servant and thereby causes such public servant to use his lawful power to the injury or annoyance of a member of a Scheduled Caste or a Scheduled Tribe;

(x) intentionally insults or intimidates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view;

(xi) assaults or uses force to any woman belonging to a Scheduled Caste or a Scheduled Tribe with intent to dishonour or outrage her modesty;

(xii) being in a position to dominate the will of a woman belonging to a Scheduled Caste or a Scheduled Tribe and uses that position to exploit her sexually to which she would not have otherwise agreed;

(xiii) corrupts or fouls the water of any spring, reservoir or any other source ordinarily used by members of the Scheduled Castes or a Scheduled Tribes so as to render it less fit for the purpose for which it is ordinarily used;

(xiv) denies a member of a Scheduled Caste or a Scheduled Tribe any customary right of passage to a place of public resort or obstructs such member so as to prevent him from using or having access to a place of public resort to which other members of public or any section thereof have a right to use or access to;

(xv) forces or causes a member of a Scheduled Caste or a Scheduled Tribe to leave his house, village or other place of residence,

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

(2) Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe,-

(i) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is capital by the law for the time being in force shall be punished with imprisonment for life and with fine; and if an innocent member of a Scheduled Caste or a Scheduled Tribe be convicted and executed in consequence of such false or fabricated evidence, the person who gives or fabricates such false evidence, shall be punished with death;

(ii) gives or fabricates false evidence intending thereby to cause, or knowing it to be likely that he will thereby cause, any member of a Scheduled Caste or a Scheduled Tribe to be convicted of an offence which is not capital but punishable with imprisonment for a term of seven years or upwards, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years or upwards and with fine;

(iii) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause damage to any property belonging to a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to seven years and with fine;

(iv) commits mischief by fire or any explosive substance intending to cause or knowing it to be likely that he will thereby cause destruction of any building which is ordinarily used as a place of worship or as a place for human dwelling or as a place for custody of the property by a member of a Scheduled Caste or a Scheduled Tribe, shall be punishable with imprisonment for life and with fine;

(v) commits any offence under the Indian Penal Code (45 of 1860) punishable with imprisonment for a term of ten years or more against a person or property on the ground that such person is a member of a Scheduled Caste or a Scheduled Tribe or such property belongs to such member, shall be punishable with imprisonment for life and with fine;

(vi) knowingly or having reason to believe that an offence has been committed under this Chapter, causes any evidence of the commission of that

offence to disappear with the intention of screening the offender from legal punishment, or with that intention gives any information respecting the offence which he knows or believes to be false, shall be punishable with the punishment provided for that offence; or

(vii) being a public servant, commits any offence under this section, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Punishment for neglect of duties.

4. Whoever, being a public servant but not being a member of a Scheduled Caste or a Scheduled Tribe, wilfully neglects his duties required to be performed by him under this Act, shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to one year.

Enhanced punishment for subsequent conviction.

5. Whoever, having already been convicted of an offence under this Chapter is convicted for the second offence or any offence subsequent to the second offence, shall be punishable with imprisonment for a term which shall not be less than one year but which may extend to the punishment provided for that offence.

Application of certain provisions of the Indian Penal Code.

6. Subject to the other provisions of this Act, the provisions of section 34, Chapter III, Chapter IV, Chapter V, Chapter VA, Section 149 and Chapter XXIII of the Indian Penal Code (45 of 1860), shall, so far as may be, apply for the purposes of this Act as they apply for the purposes of the Indian Penal Code.

Forfeiture of property of certain persons.

7. (1) Where a person has been convicted of any offence punishable under this Chapter, the Special Court may, in addition to awarding any punishment, by order in writing, declare that any property, movable or immovable or both, belonging to the person, which has been used for the commission of that offence, shall stand forfeited to Government.

(2) Where any person is accused of any offence under this Chapter, it shall be open to the Special Court trying him to pass an order that all or any of the properties, movable or immovable or both, belonging to him, shall, during the period of such trial, be attached, and where such trial ends in conviction, the property so attached shall be liable to forfeiture to the extent it is required for the purpose of realisation of any fine imposed under this Chapter.

Presumption as to offences.

8. In a prosecution for an offence under this Chapter, if it is proved that -

(a) the accused rendered any financial assistance to a person accused of, or reasonably suspected of committing, an offence under this Chapter, the Special Court shall presume, unless the contrary is proved, that such person had abetted the offence;

(b) a group of persons committed an offence under this Chapter and if it is proved that the offence committed was a sequel to any existing dispute regarding land or any other matter, it shall be presumed that the offence was committed in furtherance of the common intention or in prosecution of the common object.

Conferment powers.

9. (1) Notwithstanding anything contained in the Code or in any other provision of this Act, the State Government may, if it consider it necessary or expedient so to do, -

(a) for the prevention of and for coping with any offence under this Act, or

(b) for any case or class or group of cases under this Act,

in any district or part thereof, confer, by notification in the Official Gazette, on any officer of the State Government, the powers exercisable by a police officer under the Code in such district or part thereof or, as the case may be, for such case or class or group of cases, and in particular, the powers of arrest, investigation and prosecution of persons before any Special Court.

(2) All officer of police and all other officers of Government shall assist the officer referred to in sub-section (1) in the execution of the provisions of this Act or any rule, scheme or order made thereunder.

(3) The provisions of the Code shall, so far as may be, apply to the exercise of the powers by an officer under sub-section (1).

CHAPTER III  
EXTERNMENT

Removal of person likely to commit offence.

10. (1) Where the Special Court is satisfied, upon a complaint, or a police report that a person is likely to commit an offence under Chapter II of this Act in any area included in 'Scheduled Areas' or 'tribal areas', as referred to in article 244 of the Constitution, it may, by order in writing, direct such person to remove himself beyond the limits of such area, by such route and within such time as may be specified in the order, and not to return to that area from which he was directed to remove himself for such period, not exceeding two years, as may be specified in the order.

(2) The Special Court shall, along with the order under sub-section (1) communicate to the person directed under that sub-section the grounds on which such order has been made.

(3) The Special Court may revoke or modify the order made under sub-section (1), for the reasons to be recorded in writing, on the representation made by the person against whom such order has been made or by any other person on his behalf within thirty days from the date of the order.

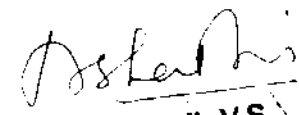
Procedure on failure of person to remove himself from area and enter thereon after removal.

11. (1) If a person to whom a direction has been issued under section 10 to remove himself from any area-

(a) fails to remove himself as directed; or

(b) having so removed himself enters such area within the period specified in the order,

otherwise than with the permission in writing of the Special Court under sub-section (2), the Special Court may cause him to be arrested and removed in police custody to such place outside such area as the Special Court may specify.

  
ASHA DEVI. V.S.  
Section Officer (HG)  
Home (SC) Department  
Government of Karnataka  
Thiruvananthapuram.

Case no 221/2020

SL No	District	No. of case registered	No. of case chargesheeted
1	Thruvananthapuram City	51	14
2	Thiruvananthapuram Rural	185	34
3	Kollam City	65	14
4	Kollam Rural	121	37
5	Pathanamthitta	67	19
6	Alappuzha	104	53
7	Kottayam	103	19
8	Idukki	84	30
9	Emakulam City	63	19
10	Ernakulam Rural	88	52
11	Trissur City	24	5
12	Trissur rural	63	25
13	Palakkad	141	56
14	Malappuram	73	43
15	Kozhikkod City	52	14
16	Kozhikkode Rural	100	59
17	Wayanad	52	29
18	Kannur	110	32
19	Kasaragod	108	68
20	Railways	0	0
	<b>TOTAL</b>	<b>1654</b>	<b>622</b>

*Ashani*  
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