

KARNATAKA ACT NO. 22 OF 2016
THE KARNATAKA POLICE (AMENDMENT) ACT, 2016
Arrangement of Sections

Sections:

1. Short title and commencement
2. Amendment of section 20 D
3. Amendment of section 31
4. Amendment of section 36A

STATEMENT OF OBJECTS AND REASONS

Amending Act 22 of 2016.- In writ petition No: 32054/2014 the Hon'ble High Court of Karnataka has observed that Regional Commissioners as the Chairman of the District Police Complaints Authorities will not serve the purpose of effective functioning as they are holding several authorities in their region. Further retired Civil Services Members not below the rank of Joint Secretary are not available to appoint as Members of the Authority. Therefore, it is proposed to appoint the Deputy Commissioner of the concerned District as the Chairman of the District Complaints Authority and retired Civil Service Members of not below the rank of Assistant Commissioner as its Members.

In the recent past sexual harassment, incidents regarding the children are happening frequently. In this regard, the Central Government enacted POCSO (Protection of Children from Sexual Offences) Act, 2012 (Central Act 32 of 2012). In spite of the cases being registered by the police and investigating the same and filing the final reports to the Courts, the negligence on the part of the staff as well as school management is being revealed in almost all the cases so far reported. To control and regulate the activities of school staff and the management for safety and security of the children at large, some more powers are required by the Police to effectively monitor and regulate this issue in future. For this reason a separate clause is proposed to be added to the present section 31 (1) as 31(1) (z a) of Karnataka Police Act, 1963.

Further, the petitioner in writ petition No. 1397/2015 has approached the Hon'ble high Court of Karnataka, Bangalore with a view that the provisions of section 31A dealing with eunuch are discriminatory against transgender Community and violates provisions of Article 14, 15, 19 and 21 of Constitution. Therefore, it is proposed to replace the word "eunuch" with the word "person".

Therefore, it is considered necessary to amend the Karnataka Police Act, 1963.

Hence, the Bill.

[L.A. Bill No. of 27 of 2016, File No. Samvyashae 26 Shasana 2016]
[entries 1 and 2 of List II of the Seventh Schedule to the Constitution of India.]

KARNATAKA ACT NO. 22 OF 2016

(First Published in the Karnataka Gazette Extra-ordinary on the Twenty Seventh day of July, 2016)

THE KARNATAKA POLICE (AMENDMENT) ACT, 2016

(Received the assent of the Governor on the Twenty Sixth day of July, 2016)

An Act further to amend the Karnataka Police Act, 1963.

Whereas it is expedient further to amend the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) for the purposes hereinafter appearing;

Be it enacted by the Karnataka State Legislature in the sixty-seventh year of the Republic of India, as follows:-

1. Short title and commencement.- (1) This Act may be called the Karnataka Police (Amendment) Act, 2016.

(2) It shall come into force at once.

2. Amendment of section 20 D.- In the Karnataka Police Act, 1963 (Karnataka Act 4 of 1964) (herein after referred to as the principal Act), in section 20D in sub-section (1),-

(i) for the words "Regional Commissioner of the Region" the words "Deputy Commissioner of the concerned District" shall be substituted; and

(ii) in clause (i), for the words "Joint Secretary to Government", the words "Assistant Commissioner" shall be substituted;

3. Amendment of section 31.- In the principal Act, in section 31, in sub-section (1), after clause (z), the following shall be inserted, namely:-

"(za) Regulating, controlling and monitoring of safety and security of children".

4. Amendment of section 36A.- In the principal Act, in section 36A,-

(i) in the heading, for the word "eunuchs" the word "undesirable activities" shall be substituted;

(ii) in clauses (a) and (b) for the word "eunuchs" where ever they occur, the word "persons" shall be substituted; and

(iii) in clause (c) for the word "eunuch" the word "person" shall be substituted.

By Order and in the name of the Governor of Karnataka

K. DWARAKANATH BABU

Secretary to Government

Department of Parliamentary Affairs