

The Protection of Civil Rights Act, 1955
(Act No. 22 of 1955)
(Amended by Act 106/1976)
&
The Protection of Civil Rights Rules, 1977

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ITEMS TO BE COVERED

➤ OBJECTIVES

➤ IMPORTANT DEFINITIONS

➤ DISABILITIES THAT ARISE OUT OF UNTOUCHABILITY

➤ OFFENCES- PUNISHMENTS

➤ OTHER IMPORTANT FACTORS

➤ POWER OF STATE GOVERNMENT TO IMPOSE COLLECTIVE FINE

OBJECTIVES

- Article 14 of the Constitution of India declare the state shall not deny any person “equality before law” and “equal protection” of the law with in Territory of India.
- Article 17 abolishes un-touchability and forbids its practice in any form.
- Law prescribing stringent punishment for the (preaching and practicing un-touchability) for the enforcement of any disability arising there from is required .
- Though the offences under Un-touchability (Offences) Act -1955 are cognizable - not proved to be effective- amended by Act 1976- came in to force from 19-11-1976

IMPORTANT DEFINITIONS

- **“Civil Rights”** means any right accruing to a person by reason of the abolition of “un-touchability” by article 17 of the Constitution; **Sec 2 (a)**
- **“hotel”** includes a refreshment room, a boarding house, a lodging house, a coffee house and **Sec 2 (a a)**
- **“place”** includes a house, building and other structure and premises, and also includes a tent, vehicle and vessel;) **Sec 2 (b)**
- **“Place of public entertainment”** includes any place to which the public are admitted and in which an entertainment is provided or held. **Sec 2 (c)**

----**“Entertainment”** includes any exhibition, performance, game, sport and any other form of amusement;
- **“place of public worship”** means a place-- used as a place of public religious worship -- professing any religion or belonging to any religious denomination or any section thereof, --performance of any religious service,-- for offering prayers therein, - **Sec 2 (d)**
- **“shop”** means any premises where goods are sold either wholesale or by retail or both wholesale and by retail (and includes any other place where services are rendered to customers. **Sec 2 (e)**

DISABILITIES THAT ARISE OUT OF UNTOUCHABILITY

- **Religious disabilities**
- **Social disabilities**
- **Refusal of admission in to Hospitals**
- **Refusing to sell goods or to render services**
- **Unlawful compulsory labour**
- **other offences arising out of “untouchability**

OFFENCES- PUNISHMENTS

Nature of Disability	OFFENCE (When denial is due to Untouchability)	Section	punishment
Religious	denial of entry in to temple	3	imprisonment not less than one month and not more than six months and also fine – Rs.100 to 500
	not allowing to offer pray		
	not to allow to take bathing		

Contd...

Nature of Disability	OFFENCE (When denial is due to Untouchability)	Section	punishment
Social	denial of access to any shop, public restaurant, hotel or place of public entertainment	4	imprisonment not less than one month and not more than six months and fine – Rs.100 to 500
	not allowed to use of any utensils, and other articles kept in any public restaurant, hotel, dharamshala, sarai or musafirkhana for the use of the general public or of (any section thereof);		
	not allowed to the practice of any profession or the carrying on any of occupation, trade or business (or employment in any job);		
	not allowed to the use of, or access to, any river, stream, spring, well, tank, cister, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort		

Nature of Disability	OFFENCE (When denial is due to Untouchability)	Section	punishment
	<p>denial of the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public or (any section thereof)</p> <p>the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of (any section thereof</p> <p>the use of, or access to, any public conveyance; or</p> <p>Objection for the construction, acquisition, or occupation of any residential premises in any locality</p> <p>the observance of any social or religious custom, usage or ceremony or (taking part in, or taking out, any religious, social or cultural procession</p>		
<p>In case of Religious and Social Disabilities -persons professing the Buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or development including Virashaivas, Ligayats, Adivassis, followers of Brahmo, Prasthanas, thanas, Arya Samaj and the Swaminaryan Sampraday shall be deemed to be Hindus</p>			

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Nature of Disability	OFFENCE (When denial is due to Untouchability)	Section	punishment
Refusal of admission in to Hospitals	denial of admission to any hospital, dispensary, educational institution or any hostel,	5	imprisonment not less than one month and not more than six months and fine - Rs 100 to 500
	does any act which discriminates against any such person after admission		----- DO----
refusing to sell goods or render services	refuses to sell any goods to any person at the same time and place and on the same terms and conditions at or which such goods are sold	6	1 imprisonment not less than one month and not more than six months and fine - Rs 100 to 500 2 licence shall stand cancelled or be suspended for such period as the court may deem fit Sec- 8 3 Resumption or suspension of grants made by Government Sec -9
	refuses to render any service to any person		----- DO----

Nature of Disability	OFFENCE (When denial is due to Untouchability)	Section	punishment
Others	prevent from exercising any right accruing to him by reason of the abolition of “untouchability” under article 17	7	imprisonment not less \than one month and not more than six months and fine - Rs 100 to 500
	molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right		
	by words- by signs -incites or encourages to practise “untouchability” in any form whatsoever;		
	insults or attempts to insult , on the ground of “untouchability”		
Unlawful compulsory labour	compels on the ground of “untouchability” , to do any scavenging or sweeping or to remove any carcass or to flay any animal, or to remove the umbilical cord or to do any other job of a similar nature shall be deemed to have enforced a disability arising out of “untouchability	7A	imprisonment not less \than one month and not more than six months and fine - Rs 100 to 500

Power of State Government to impose collective fine---

State Government can impose collective fine on such inhabitants of a village/ locality Sec 10A

- when the inhabitants of an area are concerned in committing offence
- when the inhabitants of an area are concerned in abetting the commission of any offence
- when the inhabitants of an area are concerned in harbouring persons concerned in the commission of such offence.
- when the inhabitants of an area are concerned in failing to render all the assistance in their power to discover or apprehend the offender or offenders or suppressing material evidence of the commission of such offence
- ---the fine imposed is apportioned among such inhabitants.

----contd

Power of State Government to impose collective fine---contd

➤ Detailed process to be followed

Sec 10A-Rule 3

----An officer not below the rank of **Sub-Divisional Magistrate** is appointed as Inquiry Officer-

-----Enquiry officer shall issue a **public notice** -date, time, place and purpose of inquiry to be specified.

----notice be in local language(s).

----published in the offices of D M/S P/ Village Panchayat,/ Municipality.

Sec 10-(2)-Rule 3

----- inquiry is held .

-----shall submit report- not exceeding **6 weeks**.

----- Any person, aggrieved by the imposition of the collective fine, may file a petition before the **State Government** within 30 days

OTHER PUNISHMENTS

- Whoever **abets** any offence under P .C.R Act - be punishable with the punishment provided for the specific offence.
Sec-10
- convicted of any offence or abetment for **second time** ,, be punishable---with imprisonment for **six months - one year**, and also with fine **Rs200-500**.
Sec 11(a)
- the **third** offence- **one year - two years**, and also with fine **Rs 500-1000**
Sec 11(b)
- If the person committing an offence under the Act is a **company**, -in charge -was responsible to for the conduct of the business of the company, shall be deemed to be guilty
-Sec14(1)

Contd....

IMPORTANT FACTORS

- Where any act constituting an offence under the Act is committed in relation to a member of a Scheduled Caste, the Court **shall presume**, unless the contrary is proved, that such act was committed on the ground of “untouchability”.
Sec 12
- **No Civil Court** shall entertain or continue any suit or proceeding or shall pass any decree or order if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.
Sec13(1)
- **No Court shall**, in adjudicating any matter or executing any decree or order, **recognize any custom or usage imposing any disability** on any person on the ground of “untouchability”.
Sec 13(2)
--contd

IMPORTANT FACTORS

- **No suit, prosecution or other legal proceeding shall lie against the Central Government or a State Government for anything which is in good faith done or intended to be done under the Act.** **Sec 14(A)**
- **Offences to be cognizable and are triable summarily.** **Sec 15**
- **The provisions of the Probation of Offenders Act, 1958 (20 of 1958), shall not apply to any person above the age of fourteen years who is found guilty of having committed any offence punishable under this Act.** **Sec 16(A)**

RESPONSIBILITY OF STATE GOVERNMENT

- shall set up of **special courts** for the trial of offences under the Act;
- shall set up of **Committees** at such appropriate levels to assist the State Government in formulating or implementing such measures;
- shall provide for a **periodic survey** of the working of the provisions of this Act with a view to suggesting measures for the better implementation of the provisions of this Act;
- shall take steps for the **identification of the areas** where persons are under any disability arising out of “untouchability” and adoption of such measures as would ensure the removal of such disability from such areas.

Thank You