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## Protection of Civil Rights (PCR) Act, 1955

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# The Protection of Civil Rights (PCR) Act, 1955

(Act No.22 OF 1955)

[8<sup>th</sup> May, 1955]

An Act to prescribe punishment for the <sup>1</sup>[preaching and practice of - "Untouchability"] for the enforcement of any disability arising therefrom for matters connected therewith.

BE it enacted by Parliament in the Sixth Year of the Republic of India as follows:

## 1. Short title, extent and commencement

1. This Act may be called <sup>2</sup>[the Protection of Civil Rights Act, 1955].
2. It extends <sup>3</sup>to the whole of India.
3. It shall come into force on such date<sup>4</sup> as the Central Government may by notification in the Official Gazette, appoint.

## 2. Definitions

In this Act, unless the context otherwise requires, -

<sup>5</sup>[(a) "civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by article 17 of the Constitution]

<sup>6</sup>[(aa)] "hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe

<sup>2</sup>[(b)] "place" includes a house, building and other structure an premises; and also includes a tent, vehicle and vessel

(c) "place of public entertainment" includes any place to which the public are admitted and in which an entertainment is provided or held.

**Explanation:** "Entertainment" includes any exhibition, performance, game, sport and any other form of amusement.

(d) "place of public worship" means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section

1. Subs. by Act 106 of 1976, s. 2, for "practice of Untouchability" (w.e.f. 19-11-1976).

2. Subs. by s. 3, *ibid.*, for "the Untouchability (Offences) Act" (w.e.f. 19-11-1976).

3. Extended to Goa, Daman and Diu with modification by Regulation 12 of 1962, section 3 and Schedule to Dadra and Nagar Haveli by Regulation 6 of 1963, section 2 and Schedule I (with effect from 1<sup>st</sup> July, 1965) and to Pondicherry by Regulation 7 of 1963, section 3 and Schedule I (with effect from 1<sup>st</sup> October, 1963).

4. 1<sup>st</sup> June, 1955, vide Notification No. S.R.O. 1109, dated the 23<sup>rd</sup> May, 1955. Gazette of India, 1955, Extraordinary, Part II, Section 3, Page 1971.

5. Ins. by Act 106 of 1976, s 4 (w.e.f. 19-11-1976).

6. Clause (a) was relettered as clause (aa) by s. 4, *ibid.*, (w.e.f.19-11-1976)

7. Subs. by s. 4 *ibid.*, for cl. (b) (w.e.f. 19-11-1976).

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thereof, for the performance of any religious service, or for offering prayers therein; <sup>1</sup>[and includes-

- i. all lands subsidiary shrines appurtenant or attached to any such place,
- ii. a privately owned place of worship which is in fact, allowed by the owner thereof to be used as a place of public worship, and
- iii. such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;]

<sup>2</sup>[(da) "prescribed" means prescribed by rules made under this Act;

(db) "Scheduled Castes" has the meaning assigned to it in clause (24) of article 366 of the Constitution;]

(e) "shop" means any premises where goods are sold either wholesale or by retail or both wholesale and by retail <sup>1</sup>[and includes:

1. any place from where goods are sold by a hawker or vendor or from a mobile van or cart
2. a laundry and a hair cutting saloon,
3. any other place where services are rendered to customers].

### 3. Punishment for enforcing religious disabilities

Whoever on the ground of "untouchability" prevents any person -

- a. from entering any place of public worship which is open to other persons professing the same religion <sup>3\*\*\*</sup> of any section thereof, as such person; or
- b. from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well, spring or water-course <sup>4</sup>[river or lake or bathing at any ghat of such tank, water-course, river or lake] in the same manner and to the same extent as is permissible to the other persons professing the same religion <sup>3\*\*\*</sup> or any section thereof, as such person;

<sup>5</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

**Explanation:** For the purposes of this section and section 4 persons professing the Buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Parthana, Arya Samaj and the Sawaminarayan Sampraday shall be deemed to be Hindus

1. Subs. by Act 106 of 1976, s. 4 for certain words (w.e.f. 19-11-1976).

2. Ins. by Act 106 of 1976; s. 4 (w.e.f. 19-11-1976).

3. The words "or belonging to the same religious denomination" omitted by s. 5, *ibid.*, (w.e.f. 19-11-1976).

4. Ins. by s. 5, *ibid.*, (w.e.f. 19-11-1976).

5. Subs. by s. 5, *ibid.*, for certain words (w.e.f. 19-11-1976).

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- b. does any act which discriminates against any such person after admission to any of the aforesaid institutions

<sup>1</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

### 6. Punishment for refusing to sell goods or render services

Whoever on the ground of "untouchability" refuses to sell any goods or refusing to sell refuses to render any service to any person at the same time and place and goods or render on the same terms and conditions at or which such goods are sold or service services. are rendered to other persons in the ordinary course of business <sup>2</sup>[shall be punishable with imprisonment for a term of not less than one month and not more than six months and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

### 7. Punishment for other offences arising out of "untouchability"

#### 1. Whoever-

- a. prevents any person from exercising any right accruing to him by reason of the abolition of "untouchability" under article 17 of the Constitution; or
- b. 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; or
- c. by words, either spoken or written, or by signs or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practice "untouchability" in any form whatsoever; <sup>3</sup>[or]

<sup>3</sup>[d. insults or attempts to insult, on the ground of "untouchability" a member of a Scheduled Caste]

<sup>4</sup> [shall be punishable with imprisonment for a term of not less than one month and not more than six months, and also with fine which shall be not less than one hundred rupees and not more than five hundred rupees].

<sup>5</sup>[**Explanation 1**] - A person shall be deemed to boycott another person who -

- a. refuses to let such other person or refuses to permit such other person, to use or occupy any house or land or refuses to deal with, work for hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or
- b. abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

1. Subs. by Act 106 of 1976, s. 7, for certain words (w.e.f. 19-11-1976).

2. Subs. by s. 8, ibid., for certain words (w.e.f. 19-11-1976).

3. Ins. by s. 9, ibid., (w.e.f. 19-11-1976).

4. Subs. by ibid., s. 9 for certain words (w.e.f. 19.11.1976).



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Explanation- In this section, "licence" includes a permit or a permission.

## 9. Resumption or suspension of grants made by Government

Where the manager or trustee of a place of public worship <sup>1</sup>[or any educational institution or hostel] which is in receipt of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any part of such grant.

## 10. Abetment of the offence

Whoever abets any offence under this Act shall be punishable with punishment provided for the offence.

<sup>2</sup>[**Explanation** - A public servant who willfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act.]

## <sup>3</sup>[10A. Power of State Government to impose collective fine

1. If, after an inquiry in the prescribed manner, the State Government is satisfied that the inhabitants of an area are concerned in, or abetting the commission of, any offence punishable under this Act, or harbouring persons concerned in the commission of such offence or 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 State Government may, by notification in the Official Gazette, impose a collective fine on such inhabitants and apportion such fine amongst the inhabitants who are liable collectively to pay it, and such apportionment shall be made according to the State Government's judgment of the respective means of such inhabitants and in making any such apportionment the State Government may assign a portion of such fine to a Hindu undivided family to be payable by it: Provided that the fine apportioned to an inhabitant shall not be realised until the petition, if any, filed by him under sub-section (3) is disposed of.
2. The notification made under sub-section (1) shall be proclaimed in the area by beat of drum or in such other manner as the State Government may think best in the circumstances to bring the imposition of the collective fine to the notice of the inhabitants of the said area.
3.
  - a. Any person aggrieved by the imposition of the collective fine under sub-section (1) or by the order of apportionment, may, within the prescribed period, file a petition before the State Government or such other authority as that Government may specify in this behalf for being exempted from such fine or for modification of the order of apportionment: Provided that no fee shall be charged for filing such petition.
  - b. The State Government or the authority specified by it shall, after giving to the petitioner a reasonable opportunity of being heard, pass such order as it may think fit: Provided that the amount of the fine exempted or reduced under this section shall not be realisable from any person, and the total fine imposed on the inhabitants of an area under sub-section (1) shall be deemed to have been reduced to that extent.
4. Notwithstanding anything contained in sub-section (3), the State Government may exempt the victims of any offence punishable under this Act or any person who does not, in its opinion, fall within the category of persons specified in sub-section (1), from the liability to pay the collective fine imposed under sub-section (1) or any portion thereof.]

1. Ins. by Act 106 of 1976. s. 11 (w.e.f. 19-11-1976).

2. Ins. by s. 12, *ibid.*, (w.e.f. 19-11-1976).

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**Explanation** - For the purpose of this section -

- a. "company" means any body corporate and includes a firm or other association of individuals; and
- b. "director" in relation to a firm means a partner in the firm.

### <sup>1</sup>14A. Protection of action taken in good faith

1. No suit, prosecution or other legal proceeding shall lie against Central Government or a State Government for anything which is in good faith done or intended to be done under this Act.
2. No suit or other legal proceeding shall lie against the Central Government or a State Government for any damage caused or likely to be caused by anything which is in good faith done or intended to be done under this Act.]

### <sup>2</sup>15. Offences to be cognizable and triable summarily

1. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), every offence punishable under this Act shall be cognizable and every such offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily by a Judicial Magistrate of the first class or in a metropolitan area by a Metropolitan Magistrate in accordance with the procedure specified in the said Code.
2. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), when any public servant is alleged to have committed the offence of abetment of an offence punishable under this Act, while acting or purporting to act in the discharge of his official duty, no court shall take cognizance of such offence of abetment except with the previous sanction-
  - a. of the Central Government, in the case of a person employed in connection with the affairs of the Union; and
  - b. of the State Government, in the case of a person employed in connection with the affairs of a State

### 15A. Duty of State Government to ensure that the rights accruing from the abolition of "untouchability" may be availed of by the concerned persons

1. Subject to such rules as the Central Government may make in this behalf, the State Government shall take such measures as may be necessary for ensuring that the rights arising from the abolition of "untouchability" are made available to, and are availed of by, the persons subjected to any disability arising out of the "untouchability".
2. In particular, and without prejudice to the generality of the provisions of sub-section (1), such measures may include -
  - i. the provision of adequate facilities, including legal aid, to the persons subjected to any disability arising out of "untouchability" to enable them to avail themselves of such rights;
  - ii. the appointment of officers for initiating or exercising supervision over prosecutions for the contravention of the provisions of this Act;
  - iii. the setting up of special courts for the trial of offences under this Act;
  - iv. the setting up of Committees at such appropriate levels as the State Government may think fit to assist the State Government in formulating or implementing such measures;

1. Ins. by Act 106 of 1976, s. 16 (w.e.f. 19-11-1976).

2. Subs. by s. 17, *ibid.*, for s. 15 (w.e.f. 19-11-1976).

4. The Central Provinces and Berar Scheduled Castes (Removal of Civil Disabilities) Act, 1947 (Central Provinces and Berar Act XXIV of 1947).
5. The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central Provinces and Berar Act XLI of 1947).
6. The East Punjab (Removal of Religious and Social Disabilities) Act, 1948 (East Punjab Act XVI of 1948).
7. The Madras Removal of Civil Disabilities Act, 1938 (Madras Act XXI of 1938).
8. The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act XI of 1946).
9. The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act XI of 1948).
10. The United Provinces Removal of Social Disabilities Act, 1947 (U.P. Act XIV of 1947).
11. The West Bengal Hindu Social Disabilities Removal Act, 1948 (West Bengal Act XXXVII of 1948).
12. The Hyderabad Harijan Temple Entry Regulations, 1358F (No. LV of 1358 Fasli).
13. The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No. LVI of 1358 Fasli).
14. The Madhya Bharat Harijan Ayogta Nivaran Vidhan, Samvat 2005 (Madhya Bharat Act No. 15 of 1949).
15. The Removal of Civil Disabilities Act, 1943 (Mysore Act XLII of 1943).
16. The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act XIV of 1948).
17. The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No XL of 1948).
18. The Travancore-Cochin Removal of Social Disabilities Act, 1125 (Travancore-Cochin Act VIII of 1125).
19. The Travancore-Cochin Temple Entry, Removal of Disabilities Act, 1950 (Travancore-Cochin Act XXVII of 1950).
20. The Coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act I of 1949).
21. The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act II of 1949).