

EXTRACTS FROM THE PROTECTION OF CIVIL RIGHTS ACT, 1955 (ACT No.22 OF 1955)

1. 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 or 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 (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 or any section thereof, as such person;

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 Virashiavas, Lingayats, Adivasis, followers of Brahma, Prarthana, Arya Samaj and the Swaminarayan Sampraday shall be deemed to be Hindus.

2. Punishment for enforcing social disabilities.- Whoever on the ground of "untouchability" enforces against any person any disability with regard to-

(i) access to any shop, public restaurant, hotel or place of public entertainment; or

(ii) the use of any utensils, and other articles kept in any public restaurant, hotel, dharmshala, sarai or musafirkhana for the use of the general public or of any section thereof; or

(iii) the practice of any profession or the carrying on of any occupation, trade or business or employment in any job; or

(iv) the use of, or access to, any river, stream, spring, well, tank, cistern, 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 which other members of the public, or any section thereof have a right to use or have access to; or

(v) 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; or

(vi) the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of any section thereof; or

(vii) the use of, or access to, any public conveyance; or

(viii) the construction, acquisition or occupation of any residential premises in any locality whatsoever; or

(ix) the use of any dharamshala, sarai or musafirkhana which is open to the general public or to any section thereof; or

(x) the observance of any social or religious custom, usage or ceremony or taking part in or taking out, any religious, social or cultural procession; or

(xi) the use of jewellery and finery;

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 purpose of this section, "enforcement of any disability" includes any discrimination on the ground of "untouchability".

3. Punishment for refusing to admit persons to hospitals etc.- Whoever on the ground of "untouchability"-

(a) refuses admission to any person to any hospital, dispensary, educational institution or any hostel, if such hospital, dispensary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

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

4. Punishment for refusing to sell goods or render services.- Whoever on the ground of "untouchability" refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at or which such goods are sold or services are rendered to other persons in the ordinary course of business 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.

5. 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 practise "untouchability" in any form whatsoever; or

(d) insults or attempts to insult, on the ground of "untouchability" a member of a Scheduled Caste;

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-1:- A person shall be deemed to boycott another person who-

(a) refuses to let to 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.

Explanation-II:- For the purpose of clause (c) a person shall be deemed to incite or encourage the practice of "untouchability"-

(i) if he, directly or indirectly, preaches "untouchability" or its practice in any form; or

(ii) if he justifies, whether on historical, philosophical or religious grounds or on the ground of any tradition of the caste system or on any other ground, the practice of "untouchability" in any form

(1A) Whoever commits any offence against the person or property of any individual as a reprisal or revenge for his having exercised any right accruing to him by reason of the abolition of "untouchability" under article 17 of the Constitution, shall, where the offence is punishable with imprisonment for a term exceeding two years, be punishable with imprisonment with a term which shall not be less than two years and also with fine.

(2) Whoever-

(i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section, or

(ii) takes any part in the ex-communication of such person, on the ground that such person has refused to practise "untouchability" that such person has done any act in furtherance of the objects of this Act,

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.

6A. Unlawful compulsory labour when to be deemed to be practice of

"untouchability.- (1) whoever compels any person, on the ground of "untouchability" to do any scavenging or sweeping to remove any carcass or to flay any animal, or to remove the ambilical cord or to do any other job of a similar nature shall be deemed to have enforced a disability arising out of "untouchability:.

(B) Whoever is deemed under sub-section (1) to have enforced a disability arising out of "untouchability" shall be punishable with imprisonment for a term which shall not be less than three months and not more than six months and also with fine which shall not be less than one hundred rupees and not more than five hundred rupees.

Explanation:- For the purpose of this section, "compulsion" includes a threat of social or economic boycott.