

THE PROTECTION OF CIVIL RIGHTS ACT, 1955

SUMMARY

The Protection of Civil Rights Act, 1955 was enacted to prohibit discrimination against people on the basis of their caste, race, religion, or place of birth. The Act provides for punishment of offenses related to the violation of civil rights, including forced labor, denial of access to public places, and harassment. The Act also establishes special courts to try offenses related to the violation of civil rights and provides for the compensation of victims of such offenses. The Act is an important tool for protecting the civil rights of individuals in India.

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Section 1: Short Title, Extent and Commencement

(1) This Act may be called the Protection of Civil Rights Act, 1955.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Simplified

(1) This law is named the Protection of Civil Rights Act, 1955.

(2) It applies to the entire country of India.

(3) The law will start to be used on a date that the Indian Central Government decides. They will announce this date in an official public document.

Explanation using Example

Imagine a scenario where a restaurant in Mumbai refuses to serve a customer based on their caste. The customer, aware of their rights, decides to take legal action against the restaurant. They invoke the Protection of Civil Rights Act, 1955, which is applicable as the Act extends to the whole of India, including Mumbai. The Act being in force allows for legal proceedings to be initiated against the discriminatory practices of the restaurant, aiming to protect the customer's civil rights.

Section 2: Definitions

In this Act, unless the context otherwise requires, -

"civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by article 17 of the Constitution;

"hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;

"place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel;

"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;

"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 thereof, for the performance of any religious service, or for offering prayers therein, and includes -

all lands and subsidiary shrines appurtenant or attached to any such place;

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

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;

"prescribed" means prescribed by rules made under this Act;

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

"shop" means any premises where goods are sold either wholesale or by retail or both wholesale and by retail and includes -

any place from where goods are sold by a hawker or vendor or from a mobile van or cart;

a laundry and a hair cutting saloon;

any other place where services are rendered to customers.

Simplified

This law refers to the following terms:

"civil rights" are the rights a person has because the practice of "untouchability" has been ended by the Indian Constitution.

"hotel" means any place where you can get food or a place to stay, like a snack bar, guest house, hostel, or coffee shop.

"place" means any kind of building, structure, or area, which also covers things like tents, vehicles, and boats.

"place of public entertainment" is anywhere the public can go to enjoy shows, games, sports, or any fun activity.

"place of public worship" is a place known for religious gatherings or prayer, no matter what it's called. This includes:

the surrounding land and smaller religious sites connected to the main place;

private places of worship that the owner lets the public use; and

the land and smaller religious sites connected to these private places that are open for public worship.

"prescribed" means set out by the rules of this law.

"Scheduled Castes" refers to a group of historically disadvantaged people as defined in the Indian Constitution.

"shop" is any place where goods are sold, whether directly to customers or in bulk, and it includes:

places where street vendors sell things;

places offering services like laundry or haircuts; and

any other place where customers are provided services.

Explanation using Example

Imagine a scenario where a person from a Scheduled Caste goes to a local coffee house to grab a cup of coffee. According to the Protection of Civil Rights Act, 1955, the term "hotel" includes a coffee house. Therefore, this

establishment cannot deny service to the person based on their caste, as it would be a violation of their civil rights, which are protected under the Act and stem from the abolition of "untouchability" by article 17 of the Constitution. If the coffee house refuses service, they can be held legally accountable for discriminating against the individual on the basis of caste.

Section 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 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 Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana, Arya Samaj and the Swaminarayan Sampraday shall be deemed to be Hindus.

Simplified

If someone discriminates against another person by not allowing them to:

(a) enter a place where people go to worship, like a temple or church, if it is open to others who follow the same religion or belong to the same religious group; or

(b) take part in religious activities, pray, or use holy water from places like tanks, wells, springs, rivers, or lakes, or bathe at these places, in the same way that others from the same religion or religious group are allowed to,

because of "untouchability," that person can be sent to jail for at least one month but not more than six months. They can also be fined an amount between one hundred to five hundred rupees.

Explanation - In this section, people who follow Buddhism, Sikhism, Jainism, or any form of Hinduism, including specific groups like Virashaivas, Lingayats, Adivasis, and followers of religious movements like Brahmo, Prarthana, Arya Samaj, and the Swaminarayan tradition, are all considered to be Hindus.

Explanation using Example

Imagine a scenario where a person named Arjun, who belongs to a historically disadvantaged caste, decides to visit a temple in his village. The temple is open to all villagers who practice Hinduism. However, when Arjun attempts to enter the temple, the temple authorities prevent him from entering, citing his caste and the practice of "untouchability".

In this case, under Section 3 of The Protection of Civil Rights Act, 1955, the act of the temple authorities is illegal. They are discriminating against Arjun on the grounds of "untouchability", which is a punishable offense. If Arjun decides to take legal action, the authorities could face imprisonment ranging from one month to six months and a fine of one hundred to five hundred rupees for violating his civil rights.

Section 4: Punishment For Enforcing Social Disabilities

Whoever on the ground of "untouchability" enforces against any person any disability with regard to -

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

the 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; or

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

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

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

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

the use of, or access to, any public conveyance; or

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

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

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

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

Simplified

If someone discriminates against another person by not allowing them to use certain public services or places because of "untouchability," they are breaking the law. This includes:

Not letting them enter or use shops, restaurants, hotels, or places for entertainment.

Stopping them from using shared dishes and items in places where the public eats or stays, like restaurants, hotels, or guest houses.

Preventing them from practicing a profession, working in a trade or business, or holding a job.

Denying them the use of, or access to, public water sources, bathing areas, burial grounds, toilets, roads, or any public space that others can use.

Blocking their entry to, or use of, places meant for charity or public use that are supported by the government or open to everyone.

Stopping them from getting benefits from a charity trust meant for the public.

Denying them the use of, or access to, public transportation.

Preventing them from buying, building, or living in houses in any area.

Not allowing them to use public rest houses, inns, or guest houses that are open to all.

Stopping them from following social or religious customs, participating in ceremonies, or joining processions.

Denying them the right to wear jewelry or fine clothes.

Anyone who does this can be sent to jail for at least one month but not more than six months. They can also be fined between one hundred and five hundred rupees.

Note: "Enforcement of any disability" means making any kind of discrimination based on "untouchability".

Explanation using Example

Imagine a scenario where a restaurant owner refuses to serve a customer because the customer belongs to a certain caste that the owner considers 'untouchable'. The owner tells the customer that they are not allowed to dine in the restaurant or use the restaurant's utensils and cutlery. This act of discrimination based on 'untouchability' is a direct violation of Section 4 of The Protection of Civil Rights Act, 1955.

In this context, the restaurant owner's actions are punishable by law, and they could face imprisonment of not less than one month and not more than six months, as well as a fine ranging from one hundred to five hundred rupees, for enforcing a disability against the customer on the grounds of 'untouchability'.

Section 5: Punishment For Refusing To Admit Person 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;

(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.

Simplified

If someone does not allow a person into a hospital, clinic, school, or hostel, or treats them unfairly after they are admitted, because of their "untouchability" status, then:

That person can be sent to jail for at least one month but no more than six months.

They can also be fined at least 100 rupees but not more than 500 rupees.

Explanation using Example

Imagine a situation where a small-town clinic run by a charitable trust refuses to treat a person because they belong to a community that is historically associated with 'untouchability'. The person, in need of medical attention, is turned away solely because of their caste. This is a direct violation of Section 5(a) of The Protection of Civil Rights Act, 1955, which prohibits discrimination on the grounds of 'untouchability' in public healthcare facilities. The responsible parties at the clinic could face legal consequences, including imprisonment and fines, for such discriminatory behavior.

Section 6: 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.

Simplified

Explanation of Section 6 - The Protection of Civil Rights Act, 1955

If someone refuses to sell products or provide services to a person just because of "untouchability" (discrimination based on the caste system), and this refusal happens under the same conditions that they would normally sell goods or provide services to others, the person refusing can be sent to jail for a period between one month and six months. Additionally, they can be fined an amount between one hundred rupees and five hundred rupees.

Explanation using Example

Imagine a scenario where a restaurant owner refuses to serve a meal to an individual because they belong to a certain caste, which the owner considers "untouchable". Despite the individual being able to pay for the meal and the restaurant serving other customers without any issues, the owner denies service solely based on the caste of the individual. This act of discrimination on the ground of "untouchability" is a violation of Section 6 of The Protection of Civil Rights Act, 1955. If the incident is reported and the owner is found guilty, they could face imprisonment and a fine as stipulated by the Act.

Section 7: Punishment For Other Offences Arising Out Of "Untouchability"

(1) Whoever -

prevents any person from exercising any right accruing to him by reason of the abolition of "untouchability" under Article 17 of the Constitution; or

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

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; or

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 I - A person shall be deemed to boycott another person who -

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

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" -

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

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 for a term which shall not be less than two years and also with fine.

(2) Whoever -

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

takes any part in the ex-communication of such person, on the ground that such person has refused to practice "untouchability" or 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.

Simplified

Simplified Explanation:

If someone:

Stops another person from enjoying their rights because the practice of "untouchability" is banned;

Harasses, hurts, annoys, blocks, or tries to block someone from using their rights, or harasses someone because they used their rights;

Encourages or promotes the practice of "untouchability" in any way, through words, signs, or actions;

Insults or tries to insult someone based on "untouchability";

That person can be jailed for 1 to 6 months and fined between 100 to 500 rupees.

What it means to boycott someone:

Not allowing them to use or rent property, not doing business with them, not providing or receiving usual services, or not agreeing to common business terms;

Avoiding social, professional, or business interactions that would normally occur.

Encouraging "untouchability" includes:

Directly or indirectly supporting the practice;

Justifying the practice, no matter the reasoning.

If someone commits a crime against another person as payback for using their rights against "untouchability" and the crime is usually punishable by more than two years in jail, they must be jailed for at least two years and also fined.

If someone:

Denies a community member any rights or privileges they should have;

Participates in kicking someone out of the community because they refused to practice "untouchability" or supported this Act;

They can be jailed for 1 to 6 months and fined between 100 to 500 rupees.

Explanation using Example

Imagine a scenario where a landlord refuses to rent out an apartment to an individual because they belong to a Scheduled Caste, which was historically subjected to "untouchability". This act of discrimination is in violation of Section 7(1)(a) of The Protection of Civil Rights Act, 1955, as it prevents the individual from exercising their right to secure housing, a right that should be available irrespective of caste following the abolition of "untouchability" under Article 17 of the Constitution.

Section 7A: Unlawful Compulsory Labour When To Be Deemed To Be A Practice Of "Untouchability"

(1) Whoever compels any person, 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".

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 purposes of this section, "compulsion" includes a threat of social or economic boycott.

Simplified

Simplified Explanation of Section 7A of The Protection of Civil Rights Act, 1955

If someone forces another person to do undesirable work like cleaning, removing dead animals, or other similar tasks because of their caste or because they are considered "untouchables," it is treated as if they are discriminating against them because of "untouchability."

Anyone who is found guilty of this kind of discrimination can be sent to jail for at least three months but not more than six months. They can also be fined an amount between one hundred to five hundred rupees.

Note: Forcing someone in this context can also mean threatening to socially or economically boycott them.

Explanation using Example

Imagine a scenario in a small town where a shopkeeper, belonging to a higher caste, refuses to employ a person from a scheduled caste for a regular cashier job. Instead, he compels the person to perform cleaning duties, such as sweeping the shop floor, solely because of the person's caste. The shopkeeper threatens that if the person does not comply, he will ensure that no one in the town employs him, effectively imposing a social and economic boycott.

Under Section 7A of The Protection of Civil Rights Act, 1955, the shopkeeper's actions would be considered as enforcing a disability arising out of "untouchability". This is because he compelled the individual to do a job, deemed to be of a lower status, solely based on caste. The threat of boycott further adds to the compulsion. Consequently, the shopkeeper would be liable for punishment under the law, which could include imprisonment and a fine.

Section 8: Cancellation Or Suspension Of Licences In Certain Cases

When a person who is convicted of an offence under section 6 holds any licence under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may without prejudice to any other penalty to which such person may be liable under that section, direct that the licence shall stand cancelled or be suspended for such period as the court may deem fit, and every order of the court so cancelling or suspending a licence shall have effect as if it had been passed by the authority competent to cancel or suspend the licence under any such law.

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

Simplified

Simplified Explanation of Section 8 of The Protection of Civil Rights Act, 1955

If someone is found guilty of breaking the law under section 6 and they have a professional licence related to the crime, the court can decide to cancel or suspend that licence. This is in addition to any other punishment the person might get. The court's decision to cancel or suspend the licence will be as if the official body that usually handles licences made the decision.

Note: The term "licence" here also covers any kind of official permission or permit.

Explanation using Example

Imagine a scenario where a doctor, who also owns a private clinic, refuses to treat a patient due to the patient's caste, thereby committing an offence under section 6 of The Protection of Civil Rights Act, 1955. Upon conviction, the court decides to exercise its powers under section 8 of the Act. The court orders that the doctor's medical licence, which is required to legally practice medicine and run the clinic, be suspended for a period of two years. This suspension serves as an additional penalty to any other punishment the doctor may face for the offence. The medical licensing authority, which initially issued the licence, must enforce the court's order as if it were their own decision to suspend the licence.

Section 9: Resumption Or Suspension Of Grants Made By Government

Where the manager or trustee of a place of public worship 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.

Simplified

If the person in charge of a public place of worship, school, or hostel that gets land or money from the government is found guilty of breaking this law, and if that guilty verdict is not overturned later, the government can decide to stop or take back all or part of the land or money it gave, if it thinks that's the right thing to do because of what happened.

Explanation using Example

Imagine a situation where Mr. Sharma, the manager of a public temple that receives funding from the government, is found guilty of denying entry to Mr. Kumar based on his caste. After all legal appeals, Mr. Sharma's conviction stands. As a result, the government decides to suspend the temple's funding until they demonstrate compliance with the principles of equality and non-discrimination as required by The Protection of Civil Rights Act, 1955.

Section 10: Abetment Of Offence

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

Explanation - A public servant who wilfully neglects the investigation of any offence punishable under this Act shall be deemed to have abetted an offence punishable under this Act.

Simplified

If you encourage someone to commit a crime that is covered by this law, you will receive the same punishment as the person who committed the crime.

What this means - If a government worker intentionally ignores looking into a crime that should be punished under this law, it's as if they helped commit the crime themselves.

Explanation using Example

Imagine a scenario where a restaurant owner refuses to serve a customer based on their caste, which is an offence under The Protection of Civil Rights Act, 1955. If another person encourages the owner to commit this act or provides them with assistance, that person is abetting the offence. According to Section 10, the person who abetted will face the same legal consequences as if they had committed the offence themselves.

For example, if the restaurant staff advises the owner to refuse service to the customer because of their caste, the staff member could be punished just like the owner.

In the context of the explanation provided in the act, if a police officer deliberately ignores a complaint regarding such discrimination, the officer is considered to have abetted the offence and can be punished under the same section.

Section 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 or 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.

(5) The portion of collective fine payable by any person (including a Hindu undivided family) may be recovered in the manner provided by the Code of Criminal Procedure, 1973 (2 of 1974), for the recovery of fines imposed by a Court as if such portion were a fine imposed by a Magistrate.

Simplified

10A Power of State Government to Impose Collective Fine

(1) If the State Government believes that a community is involved in, encouraging, or hiding someone who committed a crime under this Act, or if the community isn't helping to find the criminal(s) or is hiding important evidence, then the government can announce a group penalty. This fine will be

divided among those responsible, based on what the government thinks they can pay. A family may have to pay a part of the fine together. However, no one has to pay their share of the fine until any appeals they've made are decided.

(2) The announcement of the fine will be made public in the community using methods like drum beating or whatever way the State Government finds most effective.

(3) (a) Anyone who doesn't agree with the fine or how it's split up can ask the State Government or a designated authority to be excused from the fine or to change how it's divided. This request must be made within a certain time, and there's no fee to make this appeal.

(b) The Government or the designated authority will listen to the person's arguments and then make a decision. If they decide to reduce or cancel the fine for someone, that amount won't be collected from anyone else, and the total fine on the community will be reduced accordingly.

(4) The State Government can choose not to make victims of the crime or certain people pay the fine or part of it, even if they haven't asked to be exempted.

(5) The part of the fine that a person or family has to pay can be collected the same way courts collect fines, as if it was a fine given by a judge.

Explanation using Example

Imagine a small town where a series of crimes under The Protection of Civil Rights Act, 1955 have taken place. The local authorities conduct an inquiry and find that the community as a whole has been indirectly supporting these crimes by not reporting them or by helping the offenders evade capture.

Based on Section 10A of the Act, the State Government decides to impose a collective fine on all inhabitants of the town, believing that the community's inaction has contributed to the perpetuation of the offenses. They issue a notification in the official gazette and publicly announce it in the town to ensure everyone is aware of the collective fine.

One of the residents, who believes he has not contributed to the crimes in any manner and has always opposed such acts, feels aggrieved by the collective fine. He files a petition under sub-section (3) asking to be exempted from the fine or for a reduction in his share of the penalty. The government, after a

hearing, decides to reduce the fine for this individual, recognizing his lack of involvement.

Additionally, the government identifies victims of the crimes who had suffered due to these offenses and exempts them from the fine as per sub-section (4), ensuring that victims are not penalized for crimes they endured.

The remaining fines are then collected from the town's inhabitants as per the apportionment, with the collection process following the procedures outlined in the Code of Criminal Procedure, similar to how court-imposed fines are recovered.

Section 11: Enhanced Penalty On Subsequent Conviction

Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on conviction, be punishable -

for the second offence, with imprisonment for a term of not less than six months and not more than one year, and also with fine which shall be not less than two hundred rupees and not more than five hundred rupees;

for the third offence or any offence subsequent to the third offence with imprisonment for a term of not less than one year and not more than two years, and also with fine which shall be not less than five hundred rupees and not more than one thousand rupees.

Simplified

If a person who has already been found guilty of breaking this law or helping someone else break this law is found guilty again, they will receive the following punishments:

For the second time they are found guilty, they will be jailed for at least six months but no more than one year. They must also pay a fine of at least 200 rupees but no more than 500 rupees.

For the third time, or any time after that, they are found guilty, they will be jailed for at least one year but no more than two years. They must also pay a fine of at least 500 rupees but no more than 1000 rupees.

Explanation using Example

Imagine a shop owner in a small town who was previously convicted for refusing to sell goods to a person belonging to a Scheduled Caste, which is a violation of The Protection of Civil Rights Act, 1955. After serving his sentence, the shop owner commits a similar act of discrimination again. Under Section 11 of the Act, since this is his second offence, he would now face a mandatory minimum imprisonment of six months and could be sentenced to up to one year. Additionally, he would have to pay a fine of at least two hundred rupees but not more than five hundred rupees.

Section 12: Presumption By Courts In Certain Cases

Where any act constituting an offence under this 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".

Simplified

If a person commits a crime under this law against someone from a Scheduled Caste, the court will assume that the crime was done because of "untouchability". This will be the assumption unless it can be shown that this was not the reason.

Explanation using Example

Imagine a scenario where a restaurant owner refuses to serve a customer after discovering that the customer belongs to a Scheduled Caste. If the customer files a complaint and the case goes to court under The Protection of Civil Rights Act, 1955, the court will initially presume that the restaurant owner's refusal was based on the practice of "untouchability." It would then be up to the restaurant owner to present evidence to prove that the refusal to serve the customer was not due to the customer's caste but for some other valid reason, in order to avoid conviction under this Act.

Section 13: Limitation Of Jurisdiction Of Civil Courts

(1) 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.

(2) No Court shall, in adjudicating any matter or executing any decree or order, recognise any custom or usage imposing any disability on any person on the ground of "untouchability".

Simplified

(1) Regular courts are not allowed to start, continue, or make decisions in cases that would conflict with this law. This means if a case, decision, or enforcement goes against the rules of this law, the court must not proceed with it.

(2) Courts must not acknowledge any tradition or habitual practice that discriminates against someone because of "untouchability" when they are making a judgment or putting a decision into action.

Explanation using Example

Imagine a situation where a landlord refuses to execute a sale deed of land in favor of a person belonging to a Scheduled Caste, citing an age-old local custom that people from certain castes cannot own land in that area. The person from the Scheduled Caste decides to sue the landlord for enforcement of the sale agreement. Under Section 13 of The Protection of Civil Rights Act, 1955, the court would not entertain the landlord's defense based on the custom of "untouchability". The court would proceed with the case disregarding the custom and would not allow it to influence the decision, ensuring that the sale deed is executed in favor of the plaintiff, upholding their civil rights.

Section 14: Offences By Companies

(1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent of any director or manager, secretary or other officer of the company, such director, manager,

secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation - For the purposes 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.

Simplified

Section 14 Simplified Explanation:

(1) If a business (referred to as a "company") breaks the law under this Act, the people in charge at the time of the crime will be treated as if they committed the offence themselves. They can be taken to court and punished if found guilty.

However, those people won't be punished if they can show they didn't know about the offence or if they tried their best to stop it from happening.

(2) Even if the above is true, if the crime happened because a high-level person within the company (like a director or manager) allowed it, that person will also be considered guilty and can face legal action and punishment.

Definitions:

(a) The term "company" is used for any organized group, including partnerships and associations of people.

(b) The term "director" for a partnership refers to a partner in that partnership.

Explanation using Example

Imagine a scenario where a company XYZ Pvt. Ltd. organizes a corporate event at a local hotel. During the event, the management of XYZ Pvt. Ltd. specifies that the seating arrangement should segregate employees based on their caste, a practice prohibited under The Protection of Civil Rights Act, 1955. This act of discrimination is reported, and the company is charged with an offence under the Act.

In this case, the managing director and other key individuals in charge of the company during the time of the offence would be held responsible and could face legal proceedings for violating the Act. However, if the managing director

can demonstrate that the discriminatory practice occurred without his knowledge and that he had taken all necessary precautions to prevent such an offence, he might not be held liable.

Conversely, if it is discovered that the segregation was explicitly approved by a specific manager, that individual would also be held accountable for the offence, regardless of the general provisions concerning the liability of persons in charge of the company.

Section 14A: Protection Of Action Taken In Good Faith

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 this Act.

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.

Simplified

Explanation of Legal Protection for Good Faith Actions

If the Central or State Government does something or plans to do something with honest intentions under this law, no one can take them to court or charge them with a crime for it.

If the Central or State Government's honest actions or planned actions under this law cause or might cause harm, no one can sue them for it.

Explanation using Example

Imagine a scenario where a government official, under the directives of the Central or State Government, organizes a campaign to educate people about the rights of individuals under The Protection of Civil Rights Act, 1955. During the campaign, the official takes down a banner from a private property that was promoting caste-based discrimination, believing it to be in violation of the Act.

The owner of the property decides to sue the official for trespassing and damage to property. However, under Section 14A of the Act, the official is protected from such legal proceedings, as their actions were done in good faith with the intention of enforcing the Act. The court would likely dismiss the case based on the immunity provided by this section.

Section 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 its 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;

(b) of the State Government, in the case of a person employed in connection with the affairs of a State.

Simplified

Simplified Explanation of Section 15 - Offences to be cognizable and triable summarily

(1) Even though the Code of Criminal Procedure, 1973 says something different, every crime under this Act can be immediately reported to the police and they can make an arrest without a warrant. These crimes can be quickly and informally resolved by a Judicial Magistrate of the first class or by a Metropolitan Magistrate in a big city, as long as the crime doesn't have a minimum jail time of more than three months.

(2) Again, despite what the Code of Criminal Procedure, 1973 states, if a public servant is accused of helping someone commit a crime under this Act while they were supposed to be doing their job, no court can deal with this accusation unless they get permission first:

(a) from the Central Government, if the person works for the Union government;

(b) from the State Government, if the person works for the state government.

Explanation using Example

Example Application of Section 15 of The Protection of Civil Rights Act, 1955:

Imagine a scenario where a restaurant owner refuses to serve a customer based on their caste, which is a violation of The Protection of Civil Rights Act, 1955. The customer files a complaint with the police. Under Section 15(1) of the Act, the police can immediately register the case without requiring a warrant because the offence is cognizable. Furthermore, since the offence does not involve a minimum imprisonment term exceeding three months, it can be tried summarily, meaning the case can be processed quickly and without a formal trial by a Judicial Magistrate of the first class or a Metropolitan Magistrate.

In another instance, if a government official is accused of encouraging someone to deny service based on caste, the court cannot take cognizance of this abetment offence under Section 15(2) without prior sanction from the appropriate government – the Central Government if the official is employed by the Union or the State Government if the official is employed by the State.

The Protection of Civil Rights Act, 1955

Section 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 "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;

(v) provision 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;

(vi) 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.

(3) The Central Government shall take such steps as may be necessary to coordinate the measures taken by the State Governments under sub-section (1).

(4) The Central Government shall, every year, place on the Table of each House of Parliament, a report on the measures taken by itself and by the State Governments in pursuance of the provisions of this section.

Simplified

Simplified Explanation of Section 15A of The Protection of Civil Rights Act, 1955

(1) The central government will create rules to guide the state governments on how to make sure that people who were affected by "untouchability" can now use their new rights.

(2) Specifically, the state governments may do things like:

(i) Provide enough support, including legal help, to those who were discriminated against because of "untouchability" so they can use their rights;

(ii) Hire officials to oversee or start legal cases when someone breaks this law;

(iii) Create special courts to handle cases related to this law;

(iv) Form groups to help the state government come up with and carry out these plans;

(v) Regularly check how well this law is working and suggest improvements;

(vi) Find out where people are still being discriminated against because of "untouchability" and take steps to end that discrimination.

(3) The central government will make sure that all the state governments are working together on these efforts.

(4) Every year, the central government will report to both houses of Parliament about what it and the state governments have done to follow this section of the law.

Explanation using Example

Imagine a small village where certain community members are not allowed to draw water from the public well due to their caste, a practice which is a form of "untouchability". Under Section 15A of The Protection of Civil Rights Act, 1955, the State Government is required to ensure that these community members can exercise their right to access the well.

As part of the measures, the State Government might:

Provide legal aid to the affected persons to help them file a case against the individuals enforcing untouchability.

Appoint a special officer to oversee the situation and ensure that legal actions are taken against those practicing untouchability.

Establish a special court that deals promptly with cases of untouchability to deter such practices through speedy trials.

Create a local committee comprising members from various communities to monitor the situation and advise the government on effective strategies.

Conduct surveys to assess the prevalence of untouchability practices and the effectiveness of the measures taken to combat them.

Identify specific areas within the village where untouchability is practiced and implement targeted actions to eliminate such practices.

The Central Government would then coordinate these efforts and report annually to Parliament on the progress made in eradicating untouchability.

Section 16: Act To Override Other Laws

Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of any Court or other authority.

Simplified

Unless this Act specifically says otherwise, the rules in this Act will apply even if they conflict with other existing laws, traditional practices, agreements that are legally binding because of those laws, or any decisions made by courts or other authorities.

Explanation using Example

Imagine a situation where a community in a village has a long-standing custom that prohibits individuals from a certain caste from drawing water from the village well. This custom has been followed for generations and is considered a part of the village's traditional practices. However, The Protection of Civil Rights Act, 1955, specifically aims to prevent discrimination on the grounds of caste.

Despite the village's custom, Section 16 of the Act ensures that the provisions of the Act will prevail over this traditional practice. This means that if someone from the discriminated caste is denied access to the well, they can seek legal recourse under the Act. The Act would override the custom, and the discriminatory practice would be deemed illegal, allowing the aggrieved individual to use the well just like any other villager.

Section 16A: Probation Of Offenders Act, 1958, Not To Apply To Persons Above The Age Of Fourteen Years

16A Probation of Offenders Act, 1958, not to apply to persons above the age of fourteen years - 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.

Simplified

People over 14 cannot be released on probation for offenses under this Act - If someone who is older than 14 years is convicted of a crime that is covered by this law, they cannot be released on probation. Probation is a system that allows offenders to avoid jail time under certain conditions, but this option is not available for these particular crimes if the person is over 14 years old.

Explanation using Example

Imagine a scenario where a 17-year-old individual is convicted of practicing untouchability, which is an offence under The Protection of Civil Rights Act, 1955. Despite the individual's age, according to Section 16A of the Act, the

sentencing judge cannot consider the option of probation that is normally available under the Probation of Offenders Act, 1958 for young offenders. Instead, the judge must proceed with sentencing as per the penalties prescribed under The Protection of Civil Rights Act, without the leniency that might be offered through probation to a young person for certain other crimes.

Section 16B: Power To Make Rules

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

(2) Every rule made by the Central Government under this Act shall be laid, as soon as may be after it is made, before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

Simplified

(1) The Central Government has the authority to create rules to support and apply the laws in this Act. These rules will be announced in a publication called the Official Gazette.

(2) After the Central Government creates a rule, it must present the rule to both houses of Parliament when they are in session. The rule must be shown to Parliament for at least thirty days, which can be during one session or spread out over multiple sessions. If, during the session that follows, both houses of Parliament decide to change the rule or agree that it should not be used, then the rule will only be effective in the changed format or not at all. However, any actions that were already taken based on the rule before it was changed or cancelled will still be considered valid.

Explanation using Example

Imagine the Central Government decides to introduce a new rule under The Protection of Civil Rights Act, 1955, to enhance the penalties for discrimination based on caste. First, the government drafts the rule and publishes it in the Official Gazette. Once the rule is published, it must be presented to both the

Lok Sabha and the Rajya Sabha. Suppose the rule is introduced in the winter session of Parliament and continues to be under consideration for a total of thirty days, spanning into the budget session of the next year.

If, during these sessions, a consensus is reached in both houses to amend the rule, the government must modify the rule according to the agreement. If both houses decide that the rule should not be implemented, the rule will not take effect. However, if no objection is raised within the stipulated time, the rule will become law as originally drafted. This process ensures legislative oversight over rules made by the Central Government under the Act.

Section 17: Repeal

The enactments specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein.

Simplified

Any laws listed in the Schedule of this Act are cancelled in parts where they have the same purpose as this Act or if they conflict with this Act.

Explanation using Example

Imagine a state law that allows a certain community to restrict people from another community from accessing public wells. Now, the Protection of Civil Rights Act, 1955 comes into force, which prohibits discrimination on the grounds of caste in accessing public places. Section 17 of this Act would repeal the provisions of the state law that are discriminatory to the extent they are in conflict with the new Act. This means, with the implementation of Section 17, everyone would have equal rights to access the public wells regardless of their caste, and the old state law cannot be used to justify any discrimination.