

The Protection of Civil Rights Act 1955 & The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act 1989



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Row over 'untouchable' Indian dog

**Malikpur village in Morena district in
central Madhya Pradesh state.**

Suita Jatav Vs Amrutlal Kirari

**"He got very angry and said 'You've fed my
dog, it has become an untouchable now'**

15,000 rupees (\$330)



- PCR Act 1955 – Deals mainly with the practice of untouchability
- POT – Deals with the prevention of Atrocities against SCs & STs
- The SCs and STs (Prevention of Atrocities) Rules 1995
- Establishment of SCs and STs Commission by the Govt. of A.P in 2003 for protecting the interests of SCs and STs.

PCR ACT

Why do we have to know about the PCR Act?

- As an officer that implements the ACT
- Not to become either an offender or a victim
- As citizen of this country

PCR ACT 1955

- Punishment for enforcing **religious disabilities** – temple, sacred tank, river, well etc.
- Punishment for enforcing social disabilities – sop, public restaurant, hotel, place of public entertainment, use of utensils, carrying on any occupation, trade or business, public conveyance
- Punishment for refusing to admit persons to hospitals, dispensary, educational institutions, hostels etc.

- Punishment for refusing to **sell goods or render services**
- Punishment for **other offences** – molests, injuries and obstructs by words either spoken or written or by signs, insults, refuses to occupy any house or land or work or business, **directly or indirectly** preaches practice of untouchability
- **Unlawful compulsory labour** when to be deemed to be a practice of untouchability
- Cancellation or suspension of licence in certain cases

- **suspension grants made by government**
- **Abetment of offence** – a public servant who willfully neglects the investigation of any offence punishable under this Act
- Enhancement of penalty on subsequent conviction
- Limitation of jurisdiction of civil courts – No civil court shall entertain or continue any suit any way be contrary to the provisions of this Act.

The Scheduled Castes and The Scheduled Tribes (Prevention of Atrocities) Act 1989

Offences of Atrocities

- Forced to eat or drink an offensive or uneatable substance
- Caused annoyance, injury or insult by any excreta or waste matter being dumped in his premises or neighbourhood
- Paraded naked or with painted face or body
- Wrongfully deprived of cultivation of his land
- Wrongfully deprived of his rights over any land, premises or water

- Forced to do beggary or work as a bonded labour
- Prevented from exercising his right to vote or according to his wishes
- Subjected to false legal proceedings
- Caused injury or annoyance by a public servant on the basis of false information given to them
- Deliberately insulted and humiliated in public view
- A woman who is sexually assaulted
- Deprived of his right to clean drinking water

- Deprived of his **right of passage** to a public place
- Forced to **leave his house or village**
- Falsely implicated in a criminal case which might result in his imprisonment or execution
- Intended harm or injury by burning a place of his dwelling or worship
- Wrongfully caused injury or subjected to any other offence by a public servant

Prevention

- Allow to take measurement and photographs
- Identify an area and cancel licenses and seize all illegal fire arms
- Set up vigilance committees
- Set up awareness centers
- Deploy special police force

Spot Inspection

- Dt. Collector or **not below the rank of DSP**
- Draw a list of victims and their dependents for **relief**
- **Detailed report**
- Order for **intensive police patrolling**
- Provide **protection to the witnesses**
- Provide **immediate relief to the victims**

Responsibilities of the Govt.

- Set up SC/ST Protection Cell
- Restore peace and tranquility
- Making enquiries about the willful negligence by a public servant
- Reviewing the position of cases registered under the ACT
- Submitting monthly report to government

- **Special Courts for speedy trial**
- **A public prosecutor to be appointed**
- **Constitution of State-level and district – level vigilance and monitoring committee**
- **Govt. of A.P constituted state commission for Scheduled Castes and Scheduled Tribes in 2003**
- **Have the powers of a civil court**
- **Enquires into the petitions**

Disposal of Cases by Courts during 2007

Item	Number		Percentage	
	SC	ST	SC	ST
No. of cases including brought forward	1,04,003	20,038		
No. of cases disposed	20,722	4,457	19.9	22.2
No. of cases ending in conviction	6,606	1,295	31.4	29.0
No. of cases ending in acquittal	14,217	3,162	68.6	70.9
No. of cases pending with courts	82,469	15,347	79.2	76.6
No. of cases compounded or withdrawn	812	234	0.9	01.2

Protecting Oneself

- Knowing the rules and procedures
- Following the rules and regulations strictly
- PCT ACT is applicable only when an offense is committed by a non-SC and ST member against SC or ST.
- An offense of SC or ST against an SC or ST and an offense of an SC or ST against a non-SC or ST comes under the IPC

- Commissioner for Scheduled Castes and Scheduled Tribes as per the Constitution
- Commissioner had 18 field offices
- Commission for SCs and STs came into existence
- Changed as National Commission for SCs and STs
- Split into two: National Commission for SCs and National Commission for STs separately

