

Government of Gujarat,  
Home Department,  
Circular No. ASN-3276-9380-N,  
Sachivalaya, Gandhinagar,  
Dated the 4th December, '76.

Circular :- In continuation of Home Department Circular No. ASN-3276-9380-N, dated 23rd November, 1976 a copy of the Untouchability (Offences) Amendment and Miscellaneous Provision Act, 1976 is enclosed herewith. The salient features of the amended Untouchability (Offence) Act, 1955 hereafter known as "Protection of Civil Rights Act, 1955" are as under:

- (i) "The Untouchability (Offences) Act, 1955" will hereafter be known as "The Protection of Civil Rights Act, 1955", "Civil Rights being defined as any right according to a person by reason of the abolition of Untouchability under Article 17 of the Constitution.
- (ii) All untouchability offences will continue to be cognizable. Hitherto, untouchability offences could be compounded, but they have been made non-compoundable under the amended Act.
- (iii) The punishment for untouchability offences has been considerably enhanced, and both imprisonment and fine will now be simulataneously awarded for such offences.
- (iv) Every offence, except where it is punishable with imprisonment for a minimum term exceeding three months, may be tried summarily.
- (v) Direct or indirect preaching of untouchability or its justification on historical, philosophical, religions or traditional grounds has been made an offence under the Act.
- (vi) Privately owned places of worship, alongwith such lands and subsidiary shriness appurtenant to such privately owned places or worship, as are allowed by the owner to be used as place of public worship have been brought within the purview of the Act.
- (vii) The compelling of any person out of untouchability to do scavanging, sweeping, removing of carcasses, flaying of animals or removing of umbilical cord has been made punishable.
- (viii) The State Government has been empowered to impose collective fines on the inhabitants of any area where such inhabitants are concerned in or abetting the commission of untouchability offences.
- (ix) Persons convicted of untouchability offences have been debarred from contesting elections to the Central and State legislatures.
- (x) The provisions of the Probation of Offenders Act, 1958 would not apply to any person above the age of fourteen years who is guilty of an offence under this Act.
- (xi) 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 the Act. However, no court shall take cognizance of such offence of abetment except with the previous sanction of the Government in connection with whose affairs the public servant is employed.

(xii) The Act enjoins on the State Government to take necessary measures to ensure that the rights accruing from the abolition of "Untouchability" may be available to persons subjected to disability arising out of "Untouchability".

As already pointed out in the previous Circular the Act comes into force with effect from 19th November, 1976. Necessary arrangements as already instructed and keeping in view the various features of the Act, must have been made for proper execution of the provisions of the Act, on a priority basis. The Police Officers and officials are once again impressed upon to adhere to the various instructions in this regard and take personal interest and care. It is once again brought to the notice of all concerned that the public servant who wilfully neglects the investigation of any offence punishable under the Protection of Civil Rights Act shall be deemed to have abetted an offence punishable under the Act. Instructions regarding removal of disparities of Harijans for drawing drinking water from public wells/water works as given in the previous Circular should also be strictly followed.

The Government of Bombay had issued a Circular No. SEW-2057-E, dated 1st April, 1959 explaining the provision of Untouchability (Offences) Act, 1955 and regarding measures for removal of Untouchability. A copy of this Circular is also enclosed herewith for ready reference.

By order and in the name of the Governor of Gujarat,

*N.N. Mehta*  
(N.N. MEHTA)

Deputy Secretary to Government,  
Home Department.

Copy to Inspector General of Police, Gujarat State, Ahmedabad.

Copy with compliments to :-

The Additional Inspector General of Police, Gujarat State,  
Ahmedabad.

All District Magistrates.

All District Superintendents of Police.

The Superintendent of Police, Western Railway, Baroda.