

REPORT ON PROTECTION OF CIVIL RIGHTS ACT (PCR ACT) 1955

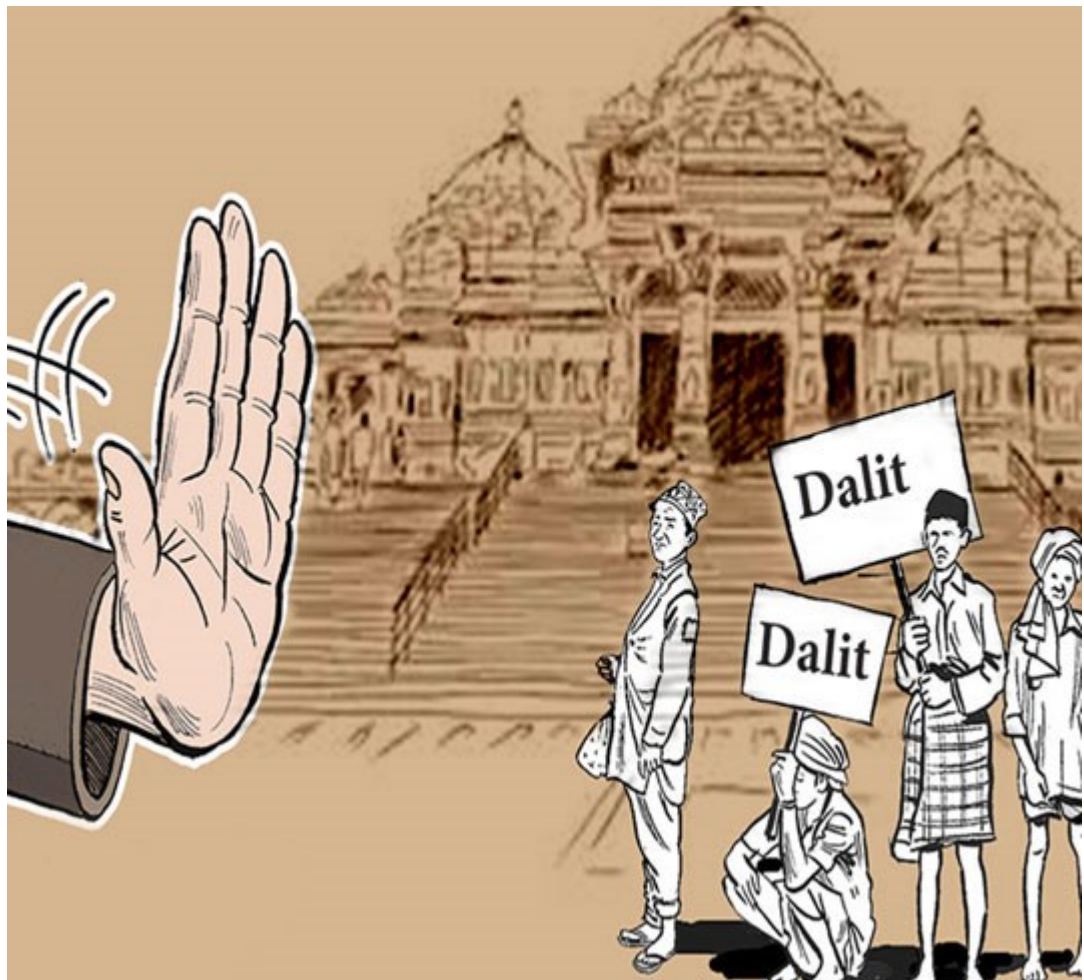
NEWS: The **Union government's 2022 annual report** on the implementation of **Protection of Civil Rights Act (PCR Act) 1955**, has been made public by the **Ministry of Social Justice and Empowerment**.

WHAT'S IN THE NEWS?

Challenges Highlighted by the 2022 Report

- **Underreporting of Cases:**
The relatively low number of cases registered under the PCR Act does not necessarily indicate a reduction in untouchability practices. Instead, it reflects deep-rooted issues such as **lack of awareness among victims, fear of social retaliation, reluctance to engage with the legal system, and the increasing preference for using the more comprehensive SC/ST (Prevention of Atrocities) Act, 1989.**
- **High Pendency and Poor Conviction Rates:**
As of 2022, **1,242 cases under the PCR Act were pending in courts**, with the **pendency rate exceeding 97%**, highlighting extremely slow judicial processing. **Low conviction rates** point to **ineffective prosecution**, including poor presentation of evidence and lack of legal support for victims.
- **Ineffective Enforcement Mechanism:**
The high rate of **acquittals, delays, and pendency** indicates systemic flaws in **investigation procedures, evidence gathering, witness and victim protection, and court functioning**. It shows the **lack of seriousness and capacity** in addressing caste-based civil rights violations.
- **Overlap with SC/ST PoA Act:**
The **SC/ST (Prevention of Atrocities) Act, 1989**, with its broader definitions and stricter provisions, has become the **preferred legal route** for prosecuting caste-based offences, leading to the **marginalisation of the PCR Act**, which is often used only for **less severe or residual cases**.
- **Lack of State-Level Implementation and Initiative:**
Several states have **not constituted the required vigilance and monitoring committees** or

established effective **reporting and redressal mechanisms**, thereby weakening the **institutional enforcement framework** envisaged under the Act.



Protection of Civil Rights (PCR) Act, 1955 – Background and Evolution

- **Constitutional Foundation:**
Article 17 of the Indian Constitution, which came into force on **26 January 1950**, **abolished untouchability** and made its practice in any form **an offence punishable by law**.
- **Legislative Evolution:**
To enforce Article 17, the **Untouchability (Offences) Act, 1955** was passed. In **1976**, the Act was significantly amended and renamed as the **Protection of Civil Rights Act** to **re-emphasize its role in safeguarding civil rights** and targeting caste-based discrimination.

Key Provisions of the PCR Act

- **Definition of Civil Rights:**
The Act defines ‘civil rights’ as any **right accruing to a person as a result of the abolition of untouchability** under Article 17 of the Constitution. It seeks to **guarantee equal access to public spaces, services, and societal participation**.
- **Punishable Offences under the Act:**
 - Denial of entry to **temples, shops, restaurants, public wells, roads, schools, etc.**, on the basis of untouchability.

- **Refusal to provide goods or services** to individuals due to caste-based discrimination.
- **Verbal or physical insult** based on untouchability.
- **Forcing a person to perform degrading or menial services**, such as manual scavenging or sweeping.
- **Imposing social boycott or denying religious/customary rights** to individuals based on caste.
- **Nature of Offences:**
All offences under the Act are classified as **cognizable** (police can arrest without warrant) and **non-compoundable** (cannot be settled between the parties).
- **Punishments Prescribed:**
Offenders may face **imprisonment up to 2 years and a fine**, with **enhanced punishment for repeat offenders** to ensure deterrence.

Institutional Framework for Implementation

- **Nodal Ministry:**
The **Ministry of Social Justice and Empowerment** is the central authority responsible for the **implementation and oversight** of the PCR Act.
- **Monitoring Mechanisms:**
States are mandated to constitute **State-level and District-level Vigilance and Monitoring Committees** to review implementation, monitor trends, and ensure timely redressal.
- **Annual Reporting:**
The Government is required to submit **Annual Reports to Parliament** detailing the progress, status of cases, and implementation challenges of the Act across states.

Way Forward and Recommendations

- **Revamp and Strengthen Enforcement Mechanisms:**
There is an urgent need to **modernize enforcement structures**, with focus on **timely FIR registration, quality investigation, and expedited court trials**.
- **Capacity Building for Stakeholders:**
Police officers, judicial officers, and public prosecutors should undergo **regular training and sensitisation programmes** to understand the spirit and legal provisions of the Act.
- **Strengthen Monitoring at the Grassroots:**
Effective functioning of **district-level vigilance committees**, along with the **identification of “untouchability-prone” areas**, is essential to ensure early detection and action against caste-based discrimination.
- **Enhance Legal Aid and Community Awareness:**
Free legal aid, helplines, and outreach programmes must be made accessible to **Dalit and marginalised communities**, to encourage reporting and engagement with the justice system.

- **Coordinated Implementation with SC/ST PoA Act:**

There must be **better synergy and coordination** between enforcement of the **PCR Act** and the **SC/ST Prevention of Atrocities Act**, with clear protocols to avoid duplication or neglect of cases.

Source: <https://www.thehindu.com/news/national/pendency-of-untouchability-cases-in-courts-remains-over-97-shows-government-report/article69814690.ece>