

Indian Constitutional Rights

- I. **The Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015** seeks to ensure more stringent provisions for prevention of Atrocities against Scheduled Castes and the Scheduled Tribes. The Act is an amendment to the Principal Act, namely, **the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) (PoA) Act, 1989** and is being enforced with effect from January 26, 2016.

The key features of the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Amendment Act, 2015, are:

- **Actions to be treated as offences** - The Act outlines actions (by non SCs and STs) against SCs or STs to be treated as offences. The Amendment Act amends certain existing categories and adds new categories of actions to be treated as offences. New offences added under the Act include: (a) garlanding with footwear, (b) compelling to dispose or carry human or animal carcasses, or do manual scavenging, (c) abusing SCs or STs by caste name in public, (d) attempting to promote feelings of ill-will against SCs or STs or disrespecting any deceased person held in high esteem, and (e) imposing or threatening a social or economic boycott.
- **Assaulting or sexual exploiting an SC or ST woman is an offence under the Act** - The Amendment Act adds that: (a) intentionally touching an SC or ST woman in a sexual manner without her consent, or (b) using words, acts or gestures of a sexual nature, or (c) dedicating an SC or ST woman as a devadasi to a temple, or any similar practice will also be considered an offence. Consent is defined as a voluntary agreement through verbal or non-verbal communication.
- **Preventing SCs or STs from undertaking the following activities will be considered an offence** - (a) using common property resources, (c) entering any place of worship that is open to the public, and (d) entering an education or health institution.
 - **Addition of presumption to the offences** – The court shall presume that the accused was aware of the caste or tribal identity of the victim if the accused had personal knowledge of the victim or his family, unless the contrary is proved.
- **Role of public servants** - The Act specifies that a non SC or ST public servant who neglects his/her duties relating to SCs or STs shall be punishable with imprisonment for a term of six months to one year. The Amendment Act specifies these duties, including: (a) registering a complaint or FIR, (b) reading out information given orally, before taking the signature of the informant and giving a copy of this information to the informant, etc.
- **Addition of certain IPC offences like hurt, grievous hurt, intimidation, kidnapping etc., attracting less than ten years of imprisonment, committed against members of Scheduled Caste/Scheduled Tribe, as offences punishable under the PoA Act.** Presently, only those offences listed in IPC as attracting punishment of 10 years or more and committed on members of Scheduled Caste/Scheduled Tribe are accepted as offences falling under the PoA Act.

II. **The Untouchability (Offences) Act, 1955** makes this practice a punishable offence. It also prescribes penalties for the enforcement of any disability that arises out of untouchability.

- This Act was passed in the Indian Parliament for the eradication of untouchability from the country. The offences covered under the Act are ones like preventing a person from entering a temple/place of worship or any other public place; preventing a person from drawing water from sacred water bodies, wells, etc.; preventing a person from using a 'dharmashala', restaurant, shop, hotel, hospital, public conveyance, educational institution, and any place of public entertainment.
- It also covers the denial of the usage of roads, rivers, river banks, cremation grounds, wells, etc.
- Other offences included are enforcing professional, trade or occupational disabilities, preventing a person from benefiting out of a charity, refusing any person from carrying out an occupation, refusing to sell goods/services to a person, injuring, molesting, excommunicating, boycotting or annoying a person on the basis of untouchability.
- The Act was introduced in the Lok Sabha on 8th May 1955 and passed in both houses. It became effective from 1st June 1955.
- The Untouchability (Offences) Act, 1955 Act was amended on September 2nd 1976 and renamed Protection of the Civil Rights Act. This Act had even stringent measures to curb untouchability. It made the wilful negligence of complaints related to untouchability by investigating officers as tantamount to abetment.

Other Articles:

1. Equality before the law (Article 14)

Article 14 treats all people the same in the eyes of the law.

III. This provision states that all citizens will be treated equally before the law.

IV. The law of the country protects everybody equally.

V. Under the same circumstances, the law will treat people in the same manner.

2. Prohibition of discrimination (Article 15)

This article prohibits discrimination in any manner.

- No citizen shall, on grounds only of race, religion, caste, place of birth, sex or any of them, be subject to any liability, disability, restriction or condition with respect to:
- Access to public places
- Use of tanks, wells, ghats, etc. that are maintained by the State or that are meant for the general public
- The article also mentions that special provision can be made for women, children and the backward classes notwithstanding this article.

Abolition of untouchability (Article 17)

3. Article 17 prohibits the practice of untouchability.

- Untouchability is abolished in all forms.
- Any disability arising out of untouchability is made an offence.

4. The Article 19 (1) of Indian constitution provides 6 fundamental rights in the nature of freedoms which are specifically summarized with sub-clauses of Article 19 (1) as under
Freedom of speech and expression;

Reside and settle in any part of the territory of India; and Practise any profession, or to carry on any occupation, trade or business.