

## CHAPTER 33

### PREVENTION OF SOCIAL DISABILITIES

Acts Nos. 21 of 1957, 18 of 1971 AN ACT TO PREVENT THE IMPOSITION OF SOCIAL DISABILITIES ON ANY PERSONS BY REASON OF THEIR CASTE. [ 13th April, 1957.]

Short title. 1. This Act may be cited as the Prevention of Social Disabilities Act.

Imposition of social disabilities on persons by reason of their caste to be an offence. (§2, 18 of 1971.)

2. (1) Any person who imposes any social disability on any other person by reason of such other person's caste shall be guilty of an offence and shall, on conviction after summary trial before a Magistrate, be liable to imprisonment of either description for a term not exceeding three years with or without a fine not exceeding three thousand rupees.

[§2,18 of 1971.] (2) Where an offence under this Act is committed on, or in relation to, any premises where any business is carried on under the authority of a licence and the person who is the proprietor or the manager of such business is convicted of such offence, the court by which such person is convicted may, in addition to any other punishment it may lawfully impose for that offence, cancel such licence:

Provided, however, that upon the conviction of the manager of such business an order cancelling such licence shall not be made unless the proprietor of such business by notice in writing has been given an opportunity of showing cause, within such period as may be specified in the notice, why such order should not be made and unless such proprietor has failed to show cause within such period or has failed to show sufficient cause-

[§2,18 of 1971.] (3) Where the licence of a person carrying on any business is cancelled under subsection (2), such person shall not carry on such business for a period of three years from the date of cancellation and any person who in contravention of the preceding provisions of this subsection carries on such business shall be guilty of an offence under this Act and shall be liable to imprisonment of either description for a term not less than one month and not

exceeding two years or to a fine not exceeding one thousand rupees or to both such imprisonment and fine.

(4) In any prosecution under this Act it shall be presumed that a social disability was imposed on any person by reason of such person's caste and the burden of proving that the social disability was imposed on that person for any other reason shall lie on the person charged.. [§2, 18 of 1971.]

(5) Notwithstanding anything in the First Schedule to the Code of Criminal Procedure Act an offence under this Act shall be a cognizable offence within the meaning of that Act. [§2,18 of 1971.]

3. For the purpose of section 2, a person shall be deemed to impose a social disability on any other person— Interpretation.

- (a) if he prevents or obstructs such other person from or in—
- (i) being admitted as a student to, or being employed as a teacher in, any educational institution,
  - (ii) entering, or purchasing any article at, any shop, market or fair,
  - (iii) entering, or being served at, any public hotel, resthouse, eating house, restaurant or any other place where articles of food or drink are sold to the public,
  - (iv) obtaining any room for residence in a public hotel, resthouse, or lodging-house,
  - (v) obtaining or using water from any public well, spring, water-pipe or any other source of supply of water to the public,

[§3,18 of 1971.]

(vi) entering, or obtaining the service provided at, a hairdressing saloon or laundry,

(vii) entering any public cemetery and attending or taking part in any burial or cremation therein,

(viii) wearing any kind of clothes, head-covering or foot-covering at any place to which the public have access whether on payment or otherwise, or at the place of such other person's employment, or in the course of such other person's trade, business or employment,

(ix) being carried as a passenger in any public vehicle or vessel,

(x) entering, or being present in, any place to which the public have access whether on payment or otherwise, other than a temple, *devale*, *kovila*, church, mosque or other place of any religious worship, or

(xi) being engaged in any lawful employment or activity, or

(b) if he prevents or obstructs such other person, being the follower of any religion, from or in entering, being present in, or worshipping at any place of worship, or any portion thereof, to which followers of that religion have or have had access, or

[§3,18 of 1971.]

(c) if he, being a public officer, does not perform or exercise any duty or power which he is legally bound to perform or exercise for the benefit of such other person, or

(d) if he, being the proprietor of, or a person having control over, or a person employed as a worker in, a place to which the public have access whether on payment or otherwise, subjects such other person to any discrimination, or

(e) if he corrupts or fouls the water of [§3,18 of 1971.] any public well, spring, tank or reservoir so as to make it less fit or unfit for the purpose for which it is ordinarily used by such other person, or

(f) if he prevents or obstructs such other [§3,18 of 1971.] person, being a teacher or a student or an employee in any educational institution, from or in obtaining or using water from any well, spring, tank, reservoir or water-pipe in that institution or in the precincts of that institution, or

(g) if he prevents or obstructs such other [§3,18 of 1971.] person, being a teacher or a student or an employee in any educational institution, from or in participating in any activity in that institution.

4. (1) A police officer may—

remove, or cause to be removed, any barricade or obstruction erected or placed-in any place if such police officer has reasonable ground to believe that the barricade or obstruction was so erected or placed in order to be used for the purpose of committing an offence under this Act; or

Powers conferred on police officers to prevent the imposition of social disabilities on persons by reason of their caste. [§ 4,18 of 1971.]

open or cause to be opened any gate or door if such police officer has reasonable ground to believe that such gate or door was closed for the purpose of committing an offence under this Act.

(2) Whenever a police officer has reasonable ground to believe that any person is likely to commit an offence under this Act, he may arrest such person without a warrant and deliver him into the custody of the officer in charge of a police station who may either release the person arrested on his executing a bond with or without a surety for his appearance before a Magistrate's Court or within twenty-four hours after the arrest, take or cause to be taken the person arrested before a Magistrate.

(3) When any person appears before a Magistrate in compliance with a bond executed by him under subsection (2) or is brought before a Magistrate under that subsection, the Magistrate may require such person to show cause why he should not be ordered to execute a bond with or without sureties for his good behaviour for such period not exceeding three years as the Magistrate thinks fit. If after due inquiry the Magistrate is satisfied that such person should execute a bond with or without sureties, the Magistrate shall make an order accordingly and the provisions of sections 89 to 94 (both inclusive) of the Code of Criminal Procedure Act shall apply to or in relation to all orders to furnish security made under this subsection.