

Retrospectivity of an amendment.—Where there is nothing in the amendments to indicate that the Legislature expressly or by necessary implication intended the amendments to be retrospective in operation, it must be held that amendments have no retrospective effect so as to be applicable to the suits or proceedings pending on the date when the Ordinance came into force.¹

Prospectivity and retrospectivity.—All laws which affect substantive rights generally operate prospectively and there is a presumption against their retrospectivity if they affect vested rights and obligations unless the legislative intent is clear and compulsive. Such retrospective effect may be given where there are express words giving retrospective effect or where the language used necessarily implies that such retrospective operation is intended.²

1. Short title, extent and commencement.—(1) This Act may be called ³[the Protection of Civil Rights Act], 1955.

(2) It extends ⁴[to the whole of India.]

(3) It shall come into force on such date, ⁵as the Central Government may, by notification in the Official Gazette, appoint.

COMMENTS

"Shall".—When the Legislature employs the expression "shall" it must normally be construed to mean, "shall" and not "may".⁶

'May'.—While construing the word "may", it has to be read as "shall".⁷

2. Definitions.—In this Act, unless the context otherwise requires,—

1. *Jamandass v. Gokuldass*, A.I.R. 1984 Raj. 8 at p. 14; *Madhu Jayanti (P) Ltd., v. Commissioner of Income Tax* (1992) 193 I.T.R. 159 at p. 163 [M.P.]; *National Federation of S.B.I. v. Union of India*, (1995) 3 S.C.C. 532 at p. 542; *Krishna Prasad Gupta v. Controller, Printing and Stationery*, 1996 (1) U.J. (S.C.) 43 at p. 48.
2. *Punjab Tin Supply Co. v. Central Government*, A.I.R. 1984 S.C. 87 at pp. 93-94; *R. Rajagopal Reddy v. Padmini Chandrasekharan*, (1985) 2 S.C.C. 630 at p. 645; *Larsen and Toubro Ltd. v. Chief Inspector of Factories, Government of Pondicherry*, (1996) 1 M.L.J. 192 at p. 194; *Saffia Bee v. B. Sathar*, A.I.R. 2000 Mad. 167 at p. 173.
3. Subs. by Act 106 of 1976, Sec. 3, for "the Untouchability (Offences) Act" (w.e.f. 19th November, 1976).
4. Extended to Goa, Daman and Diu with modification by Reg. 12 of 1962, Sec. 3 and schedule to Dadra and Nagar Haveli by Reg. 6 of 1963, Sec. 2 and Sch. 1 (w.e.f. 1st July, 1965) and to Pondicherry by Reg. 7 of 1963, Sec. 3 and Sch. I (w.e.f. 1st October, 1963).
5. 1st June, 1955, vide Notifn. No. S.R.O. 1109, dated 23rd May, 1955, vide *Gazette of India*, Extraordinary, Pt. II, Sec. 3, p. 1971.
6. *Karnataka State Road Transport Corporation, Bangalore v. Karnataka State Transport Authority*, A.I.R. 1984 Knt. 4 at p. 14; *Lakshmana Sami Gounder v. C.I.T. Selvamani*, (1992) 1 S.C.C. 91 at p. 95.
7. *Dinkar Anna Patil v. State of Maharashtra*, (1999) 1 S.C.C. 354 at p. 366; *Kota Co-op. Agricultural Bank Ltd. v. State of Karnataka*, A.I.R. 2001 Knt. 36 at p. 48.

¹[(a) "civil rights" means any right accruing to a person by reason of the abolition of "untouchability" by Art. 17 of the Constitution;]

²[(aa) "hotel" includes a refreshment room, a boarding house, a lodging house, a coffee house and a cafe;]

³[(b) "place" includes a house, building and other structure and premises; and also includes a tent, vehicle and vessel;]

(c) "place of public entertainment" includes any place to which the public are admitted and in which an entertainment is provided or held.

Explanation.—"Entertainment" includes any exhibition, performance, game, sport and any other form of amusement;

(d) "place of public worship" means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section thereof, for the performance of any religious service, or for offering prayers therein; ⁴[and includes—

(i) all lands subsidiary shrines appurtenant or attached to any such place;

(ii) a privately owned place of worship which is, in fact, allowed by the owner thereof to be used as a place of public worship, and;

(iii) such land or subsidiary shrine appurtenant to such privately owned place of worship as is allowed by the owner thereof to be used as a place of public religious worship;]

⁴[(da) "prescribed" means prescribed by rules made under this Act;

(db) "scheduled castes" has the meaning assigned to it in Cl. 24 of Art. 366 of the Constitution;]

(e) "shop" means any premises where goods are sold either wholesale or by retail or both wholesale and by retail ⁴[and includes—

(i) any place from where goods are sold by a hawker or vendor or from a mobile van or cart,

1. Ins. by Act 106 of 1976, Sec. 4 (w.e.f. 19th November, 1976).

2. Re-lettered as Cl. (a) by Sec. 4, ibid. (w.e.f. 19th November, 1976).

3. Subs. by Sec. 4, ibid., for Cl. (b) (w.e.f. 19th November, 1976).

4. Subs. by ibid., for certain words (w.e.f. 19th November, 1976).