

The Himachal Pradesh Prevention of Ex-Communication Act, 1955

HIMACHAL PRADESH

India

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Act 8 of 1955

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The Himachal Pradesh Prevention of Ex-Communication Act, 1955(Act No. 8 of 1955)Last Updated 7th March, 2020(Received the assent of the President on the 4th October, 1955, and as published in Hindi in the Rajpatra, Himachal Pradesh (Extra-ordinary), dated the 9th December, 1955, pp. 315-317, and in English in the Rajpatra, Himachal Pradesh, dated the 28th January, 1956, pp. 80-81).Passed in Hindi by the Himachal Pradesh Vidhan Sabha. For Statement of Objects and Reasons see the Rajpatra, Himachal Pradesh, dated 30th March, 1955, p. 103.An Act to provide ex-communication in the Himachal Pradesh.It is hereby enacted in the Sixth Year of Republic as follows:

1. Short title, extent and commencement.

(1)This Act may be called the Himachal Pradesh Prevention of Ex-communication Act, 1955.(2)It extends to the whole of the State of Himachal Pradesh.(3)It shall come into at once.

2. Definitions.

- In this Act unless there is anything repugnant in the subject or context:-(a)"Community" means a group the members of which are connected together by reason of the fact that by birth, conversion or the performance of any religious rite they belong to the same religion or religious creed and includes a caste or sub-caste;(b)"ex-communication" means the expulsion of a person from any community of which he is a member depriving him of rights and privileges which are legally enforceable by a suit of civil nature by him or on his behalf as such member.Explanation. - For the purposes of this clause a right legally enforceable by a suit of civil nature shall include the right to office or property or to worship in any religious place or a right of burial or cremation, notwithstanding the fact that the determination of such right depends entirely on the decision of the

question as to any religious rites or ceremonies or rule or usage of a community.

3. Ex-communication not to be valid and of any effect.

- Notwithstanding anything contained in any law, custom or usage for the time being in force, to the contrary, no ex-communication of a member of any community shall be valid and shall be of any effect.

4. Penalty.

- Any person who does any act which amounts to or is in furtherance of the ex-communication of any member of a community shall, on conviction be punished with fine which may extend to one thousand rupees. Explanation. - When any person alleged to have committed an offence under this section is a body or an association of individuals, whether incorporated or not, if the offence is alleged to have been committed at a meeting of such body or association, any individual who has voted in favour of the decision regarding the ex-communication shall be deemed to have committed the offence.

5. Jurisdiction under this Act.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898), no court inferior to that of the Magistrate of the 1st Class shall try any offence punishable under section 4.

6. Mode of taking cognizance of offence.

- No court shall take cognizance of an offence punishable under section 4-(a) after the expiry of one year from the date on which the offence is alleged to have been committed; and (b) without the previous sanction of the [Government] of Himachal Pradesh or any officer authorised by [it] not below the rank of the District Magistrate.