

The East Punjab Removal of Religious and Social Disabilities Act, 1948

HARYANA

India

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Act 16 of 1948

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The East Punjab Removal of Religious and Social Disabilities Act, 1948East Punjab Act 16 of 1948Statement of Objects and Reasons. - "In East Punjab certain classes of Hindus and Sikhs are not accorded equality in the use of places of public worship and public amenities including wells, tanks, Dharamshalas, etc., open to caste Hindus and the other sections of the population of the Province. These disabilities resulting from unequal treatment have been imposed upon these classes by custom and usage. Due to these civic disabilities, the members of these classes are facing considerable difficulties and hardships in the course of their daily life. The object of this Bill is to remove the restrictions at present standing in the way of the members of these classes in offering worship in temples and Gurdwaras and in the use of public amenities and to penalise any one preventing them from exercising these rights merely on the ground of his belonging to such a class. The Bill also provides that customs and usages imposing social disabilities under which these classes are at present suffering shall, in no circumstances, be recognised by courts or any local authorities"East Punjab Government Gazette Extraordinary, dated the 27th March, 1948, Page 310. Received the assent of His Excellency the Governor on the 8th April, 1948, and was first published in the East Punjab Government Gazette Extraordinary, dated the 10th April, 1948. An Act to remove the religious and social disabilities of certain classes and castes in [principal territories] [Substituted for the words 'Punjab' by the Adaptation of Laws Order, 1968.] It is hereby enacted as follows :-

1. Short title and extent.

(1) This Act may be called the East Punjab Removal of Religious and Social Disabilities Act, 1948. (2) It extends to the whole of the [principal territories] [Substituted for the words 'Punjab' by the Adaptation of Laws Order, 1968.]

2. Interpretation.

- In this Act, unless there is anything repugnant in the subject or context, -(a)"Hindu" includes a Buddhist, Jain, a follower of Arya Samaj or Brahmo Samaj and a convert to Hinduism;(b)"excluded class" means any caste or class of the Hindu or Sikh community which, by reason of any custom or usage, is excluded from entering any temple or gurdwara or offering worship therein and includes a class, caste or tribe mentioned in the Schedule to this Act or which the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government may by notification add to the Schedule;(c)"place of public amusement" means any place, enclosure, building tent, booth or other erection, whether permanent or temporary, where music, singing, dancing or any diversion or game or the means of carrying on the same, is provided and to which the public are admitted either on payment of money, or with the intention that money to be collected from those admitted and includes a race course, circus, theatre, cinema-hall, music-hall, billiard-room or gymnasium;(d)"place of public entertainment" means any place, whether enclosed or open, to which the public are admitted, and where any kind of food or drink is supplied for consumption on the premises for the profit or gain of any person owning or having an interest in or managing such place; and includes a refreshment-room, eating-room, Coffee-house, boarding-house, lodging-house or hotel;(e)"Sikh" has the meaning given to it in section 2 of the Sikh Gurdawaras Act, 1925;(f)"shop" means any premises where goods are sold either by retail or wholesale or both and includes a laundry, a hair cutting saloon or such other place where services are rendered to customers;(g)"temple" means a place, by whatever name known, which is dedicated to, or for the benefit of, or used as of right by, the Hindu community in general, as a place of public religious worship, and includes subsidiary shrines attached to such place;(h)"gurdwara" means a place, by whatever, name known, which is dedicated to, or for the benefit of, or used as of right by the Sikh community in general, as a place of public religious worship, and includes subsidiary shrines attached to such place;(i)"worship" means such religious service as the bulk of the worshippers may offer, or participate in accordance with such rules and regulations as may be made under this Act.

3. Right of excluded classes to enter and offer worship in temple.

(1)Notwithstanding any law, custom or usage to the contrary, persons belonging to the excluded classes shall be entitled to enter any temple or gurdwara and offer worship therein in the same manner and the same extent as Hindus or, as the case may be, Sikhs in general: and no member of any excluded class shall, by reason only of such entry or worship, whether before or after the commencement of this Act, be deemed to have committed any actionable wrong or offence or be sued or prosecuted therefor.(2)Without prejudice to the generality of the foregoing provisions; it is hereby declared that the right conferred by sub-section (1) shall include the following rights if, and to the extent to which, they are enjoyed by Hindus or, as the case may be, Sikhs in general, not belonging to the excluded classes :-(a)the right to bathe in, or use the waters of, any sacred tank, well, spring or water course appurtenant to the temple or gurdwara whether situated within or outside the precincts thereof;(b)the right of passage over any sacred place, including a hill or hillock or a road, street or pathway, which is requisite for obtaining access to the temple or gurdwara;

4. Power of trustees to make regulations for the maintenance of order and decorum and the due performance of rites and ceremonies in temples.

- The trustee or other authority in charge of a temple or gurdwara shall have the power, subject to the control of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government and to any rules which may be made by them, to make regulations for the maintenance of order and decorum and the due observance of the religious rites and ceremonies performed therein, but such regulations shall not discriminate in any way against the members of the excluded classes.

5. Sanction of institution or continuance of suits, prosecutions, etc.

(1) No suit for damages, injunction or declaration or for any other relief, no prosecution for any offence, and no application or other proceeding under any other law, shall be instituted in respect of any entry into or worship in any temple or gurdwara whether before or after the commencement of this Act, on the sole ground that such entry or worship is against the custom or usage which excludes certain classes of Hindus or Sikhs from such entry or worship. (2) No suit, prosecution, application or proceeding of the nature aforesaid, instituted before the commencement of this Act, shall be continued thereafter, without the sanction of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government.

6. Power to decide disputes.

- If any question arises as to whether a place is or is not a temple or gurdwara as defined in this Act, the question shall be referred to the State Government and their decision shall be final, subject, however, to any decree passed by a competent civil court or tribunal in a suit filed before it within six months of the date of the decision of the [State] Government.

7. Other rights of excluded classes.

- Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no member of an excluded class shall merely on the ground that he is a member of such a class -(a) be intelligible for office under any authority constituted under any law; or (b) be prevented from -(i) having access to or using any river, stream spring, well, tank, cistern, water-tap or other watering place or any bathing place, burial or cremation ground, any sanitary convenience, any road or pathway which the members of all other castes and classes of Hindus or Sikhs have a right to use or have access to; (ii) having access to or using any public conveyance licensed by the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government or local authority to ply for hire; (iii) having access to or using any building or place used for charitable or public purposes maintained wholly or partially out of the revenues of the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] or the funds of a local authority; (iv) having access to a place of public amusement or a place of public entertainment; (v) having access to a shop to which the members of all other castes and classes of Hindus or Sikhs are ordinarily

admitted;(vi)having access to or using any place set apart or maintained for the use of Hindus or Sikhs generally but not for the use of any particular section or class thereof.

8. Discrimination against excluded classes prohibited.

- No person in charge of any of places referred to in sub-clauses (i), (iii), (iv), (v) and (vi) or any conveyance referred to in sub-clause (ii) of clause (b) of section 7, shall impose any restriction on a member of an excluded class or act in a manner as to result in discrimination against him merely on the ground that he is such a member.

9. Courts not to recognise any custom or usage imposing disability on excluded classes.

- No court shall in adjudicating any matter or executing any order or recognise any custom or usage imposing any civil disability on any member of an excluded class merely on the ground that he is such a member.

10. Local authorities not to recognise any custom or usage imposing disability on excluded classes.

- No local authority shall in carrying out the functions and duties entrusted to it under any law recognise any custom or usage referred to in section 9.

11. Offences and penalties.

- Whoever -(a)prevents any person belonging to any excluded class from exercising any right conferred by section 3, or(b)prevents any person, by reason of his being a member of an excluded class, from having access to or using any of the places referred to in sub-clauses (i), (iii), (iv), (v) and (vi), or any conveyance referred to in sub-clause (ii) of clause (b) of section 7 or abets the prevention thereof; or(c)contravenes the provisions of section 8 or abets the contravention thereof,shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to Rs. 200 or with both.

12. Enhanced penalty in certain cases after previous conviction.

- If any person who has been convicted of an offence punishable under this Act is again guilty of the same offence he shall be punished on the second conviction with imprisonment for a term which may extend to six months or with fine which may extend to Rs. 500 or with both and if he is again so guilty shall be punished on a third or any subsequent conviction with imprisonment for a term which may extend to one year and also shall be liable to fine which may extend to Rs. 1000.

13. Offences under Act cognizable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898, an offence punishable under this Act shall be cognizable by the police.

14. Power to remove difficulty.

- If any difficulty arises in giving effect to the provisions of this Act the [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, as occasion requires, may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

15. Rules.

- The [State] [Substituted for the word 'Provincial' by the Adaptation of Laws Order, 1950.] Government, may make rules for the purpose of carrying out the provisions of this Act.

Schedule

1. Aheria	33. Kori
2. Balai	34. Kurmi
3. Banetwala	35. Lal Begi
4. Bangali	36. Madari
5. Banjara	37. Mehashas
6. Barar	38. Mallah
7. Batwal	39. Marija or Maredha
8. Bawaria	40. Mazhabi (Sikh)
9. Bazigar	41. Megh or Meghowal
10. Bhabulia	42. Mochi
11. Balmiki	43. Nai (Barber)
12. Chuhra	44. Naribut
13. Bhanjra	45. Nat (Rana)
14. Chamar	46. Nayak
15. Cheengh	47. Od
16. Chirimar	48. Pasi
17. Daiya (Chhaj Bananewala)	49. Perna
18. Dhanak	50. Ramdasia
19. Dhinwar or Jhinwar	51. Ramdasia (Sikh)
20. Dhobi	52. Ravidasi or Rai Dasi
21. Dom	53. Ragar

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| 22. Godaria | 54. Sais |
| 23. Gawala | 55. Sansi |
| 24. Ghasiara | 56. Santhia |
| 25. Herhi | 57. Sapera |
| 26. Jatya or Jatav Chamar | 58. Sarera |
| 27. Julaha (Weaver) | 59. Singiwala or Kalbalia |
| 28. Kabirpanthi | 60. Siqligar |
| 29. Kabirpanthi (Sikh) | 61. Sikligar (Sikh) |
| 30. Kuchbandh | 62. Sirkiband |
| 31. Kanjar | 63. Teli |
| 32. Khatik | |