

The Gujarat Hindu Places of Public Worship (Entry Authorization) Act, 1956

GUJARAT

India

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Act 31 of 1956

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The Bombay Hindu Places of Public Worship (Entry Authorization) Act, 1956(Bombay Act No. 31 of 1956)[Dated 28th May, 1956]This Act was extended to that part of the State of Bombay to which, immediately before the commencement of Bombay 36 of 1958, it did not extend (vide Bombay 36 of 1958, section 2).For Statement of objects and Reasons, see Bombay Government Gazette, Extraordinary, 1956, Part V, p. 191.An Act to make better provision of the throwing open of places of public worship to all classes and sections of Hindus.Whereas it is expedient to make better provisions of the throwing open of places of public worship to all classes and sections of Hindus; It is hereby enacted in the Seventh Year of the Republic of India as follows:-

1. Short title, extent and commencement.

(1)This Act may be called the Bombay Hindu Places of Public Worship (Entry Authorisation) Act, 1956.(2)[It extends to the whole of the [State of Gujarat] [This sub-section was substituted for the original by Bombay 36 of 1958, section 3(a).](3)It shall come into force [in the Bombay area of the State of Gujarat] [These words were substituted for the words 'in the pre-Reorganisation State of Bombay', by Gujarat Adaptation of Laws (State and concurrent Subjects) Order, 1960.] on such date as the State Government may, by notification in the Official Gazette [appoint and in that part of the [State of Bombay] [These words were substituted for the words 'appoint' by Bombay 36 of 1958, section 3(b).] to which it is extended by the Bombay Hindu Places of Public Worship (Entry Authorisation) (Extension) Act, 1957 (Bombay XXXVI of 1958), it shall come into force on such other date as the State Government, may, by notification published in the like manner, appoint].

2. Definitions.

- In this Act, unless the context otherwise requires, -(a)"Place of public worship" means a place whether a temple or by any other name called, to whomsoever belonging which is dedicated to or for the benefit of , or is used generally by, Hindus, Jains, Sikhs or Buddhists or any section of class thereof, for the performance of any religious service or for offering prayers therein; and includes all lands and subsidiary shrines appurtenant or attached to any such place, and also any sacred tanks, wells, springs and water courses the water of which are worshipped, or are used for bathing or for worship;(b)"section" or "class" of Hindus includes any division, sub-division, caste, sub-caste, sect or denomination whatsoever of Hindus.

3. Throwing open of Hindu temples to all classes and sections of Hindus.

- Notwithstanding any custom, usage or law for the time being in force, or the decree or order of a Court, or anything contained in any instrument, to the contrary, every place of public worship which is open to Hindus generally, or to any section or class thereof, shall be open to all sections and classes of Hindus; and no Hindu of whatsoever sections or class, shall in any manner be prevented, obstructed or discouraged from entering such place or public worship, or from worshipping or offering prayers thereat, or performing any religious service therein in the like manner and to like extent as any other Hindu of whatsoever section or class may so enter, worship pray or perform.

4. Penalty.

(1)Whoever in contravention of section 3-(a)prevents any person belonging to any class or section of Hindus from entering, worshipping or offering prayers, or performing any religious service in any Hindu temple which is used as a place of public worship, or(b)molests, injures, annoys, obstructs or causes or attempts to cause obstruction to, or by the threat of molestation, injury, annoyance or obstruction overawes or discharges any such person doing or performing any of the acts aforesaid, shall, on conviction, be punished with imprisonment which may, extend to six months or with fine which may extend to five hundred rupees, or with both.(2)Nothing in this section shall be taken to relate to offences relating to the practice of "untouchability".

5. Abetment of offences.

- Whoever abets any offence under this Act, shall be punished with the punishment provided for the offence

6. Limitation of jurisdiction of civil courts.

- No civil court shall entertain or continue any suit or proceeding or shall pass any decree or order, or execute wholly or partially any decree or order, of the claim involved in any such suit or proceeding, or if the passing of any such decree or order or if such execution would in any may be contrary to the provisions of this Act.

7. Offences to be cognisable and compoundable.

- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), every offence under this Act shall be cognizable, and every such offence may, with the permission of the court, be compounded.

8. Saving of Act XXII of 1955 and other laws.

- The provisions of this Act shall not be taken to be in derogation of any of the provisions of the Untouchability (Offences) Act, 1955, or of any other law for the time being in force relating to any of the matters dealt within this Act.