Gujarat Obsequial Dinners (Control) Act, 1963

GUJARAT

India

Gujarat Obsequial Dinners (Control) Act, 1963

Act 8 of 1964

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An Act to provide for the control in the interest of the general public of obsequial dinners in the State of Gujarat.It is hereby enacted in the Fourteenth Year of the Republic of India as follows:-* Received the Assent of the Governor on the 16th March, 1964 is hereby published for general information.

1. Short title, extent and commencement.- (1) This Act may be called the Gujarat Obsequial Dinners (Control) Act, 1963.

(2)It extends to the whole of the State of Gujarat.(3)It shall come into force in such area and on such date as the State Government may, by notification in the Official Gazette, appoint.

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

(1)"dinner" includes service or distribution of articles of food of any kind for consumption;(2)"household" means a group of persons normally residing and messing jointly as members of the same domestic unit;(3)"obsequial dinner" means a dinner given in the course of a day at one time or at different times and at one place or at different places in connection with the demise of a person, on one occasion or more than one occasion within a period of thirteen months from the date of the demise of the person to a person or group of persons (not being members of the household of the person giving the dinner), and includes a dinner given on an occasion commonly known as barma, terma, varshi, ziarat, karaj, ujamanagam sayani, sama sadiya, kalasio, brahmabhojan, chorasi or dahado;(4)"panchayat" means a gram panchayat or nagar panchayat constituted or deemed to be constituted under the Gujarat Panchayats Act, 1961 (Guj. VI of 1962).

3. Control of obsequial dinners.- (1) Notwithstanding any custom or usage or anything contained in any law, no person shall, either by himself or through an agent or caterer, give or abet the giving of an obsequial dinner to more

than fifty persons:

Provided that where obsequial dinners are given on more than one occasion,-(i)an obsequial dinner to persons not exceeding fifty may be given only on one occasion, and(ii)on any other occasion the number of persons to whom such dinner may be given shall not exceed ten.(2)Where any obsequial dinner is given through an agent or caterer such agent or caterer, and every person preparing or taking part in preparing the articles of food for being served in an obsequial dinner and also every person who serves articles of food in such dinner, shall be deemed to abet the giving of such dinner.

4. Penalty for contravention of section 3.- Whoever gives or attempts to give or abets the giving of an obsequial dinner in contravention of the provisions of sub-section (1) of section 3 shall, on conviction, be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

5. Issue of injuction.- (1) If a court is satisfied on information laid before it through a complaint or otherwise that an obsequial dinner in contravention of the provisions of this Act has been arranged or is about to be given, it may issue an injunction against any of the persons concerned in arranging or giving it, prohibiting the giving of such obsequial dinner.

(2)Whoever knowing that an injunction has been issued against him under sub-section (1) disobeys such injunction shall, on conviction be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

6. Member of panchayat give information to ??? file complaint ??? offence ???.- Notwithstanding anything contained in the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), any member of a panchayat may-

(a)communicate any information which he may possess respecting the commission of an offence punishable under this Act to the officer-in-charge of the nearest police-station; or(b)himself file a complaint in a court for an offence punishable under this Act, if such offence is committed, or make an application to a court for an injunction under section 5, if he has reason to believe that, an offence under section 4 is about to be committed by any person.

7. Police ??? duty to communicate information about offence to officer incharge of police station.- Every police patel shall forthwith communicate to the officer-in-charge of the nearest police-station any information which he may possess respecting the commission of, in or in the neighbourhood of his village, any offence under this Act.

8. Duty of officer-incharge of police station to ??? complaint apply for injuction.- On receipt of any information under clause (a) of section 6 or section 7 or from any other source, the officer-in-charge of a police-station shall, unless he has reasonable grounds which shall be recorded by him in writing, for not believing the information, forthwith file a complaint in the court for an offence which appears to him to have been committed or, as the case may be, make an application to the court for an injunction under section 5.

9. Jurisdiction.- Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), no court inferior to that of a magistrate of the first class shall take cognisance of, or try, any offence punishable under this Act.

10. Limitation for prosecution.- No court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed.

11. Amendment of section of Gujarat Panchayat Act, 1961.- In sub-clause (i) of clause (a) of section 23 of the Gujarat Panchayats Act, 1961 (Guj. VI of 1962), after the words "in any part of the State" the words, brackets and figures "or under the Gujarat Obsequial Dinners (Control) Act, 1963 (Guj. of 1963)" shall be inserted.