

EAST PUNJAB (REMOVAL OF RELIGIOUS AND SOCIAL DISABILITIES) ACT, 1948

1948 : East Pb. Act X VI.] REMOVAL OF RELIGIOUS 193 AND SOCIAL DISABILITIES THE EAST PUNJAB (REMOVAL OF RELIGIOUS AND SOCIAL DISABILITIES) ACT, 1948. Sections. 1. 2. 3. 4. 5. 6. 7. 8. 9. 10. 11. 12. 13. 14

15. TABLE OF CONTENTS. Short title and extent. Interpretation. Right of excluded classes to enter and offer worship in temple. Power of trustees to make regulations for the maintenance of order and decorum and the due performance of rites and ceremonies in temples. Sanction of institution or continuance of suits, prosecutions, etc. Power to decide disputes. Other rights of excluded classes. Discrimination against excluded classes prohibited. Courts not to recognise any custom or usage imposing disability on excluded classes. Local authorities not to recognise and custom or usage imposing disability on excluded classes. Offences and penalties. Enhanced penalty in certain cases after previous conviction. Offences under Act cognisable. Power to remove difficulty. Rules. Schedule 1 948 : East Pb. Act XVI.I REMOVAL OF RELIGIOUS 195 AND SOCIAL DISABILITIES I THE EAST PUNJAB (REMOVAL OF RELIGIOUS AND SOCIAL DISABILITIES) ACT, 1948. EAST PUNJAB ACT No. XVI OF 1948. (Received the assent of His Excellency the Governor on the 8th April, 1948 ; and was first published in the East Punjab Government Gazette (Extraordinary) of April 10, 1948. 1 Year 1948 2 No. 3 Short title 4 Whether repealed or otherwise affected by legislation XVI The East Punjab in part by the Adaptation (Removal of Religious of Laws Order, 1950 and Social Disabilities) Act, 1948 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951 Amended by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968 An Act to remove the religious and social disabilities of certain classes and castes in 21 The State of Punjab]. It is hereby enacted as follows :— title and 1. (1) This Act may be called the East Punjab Short extent. (Removal of Religious and Social Disabilities) Act, 1948. (2) It extends to the whole of the 31 Union Territory of Chandigarh], iFor Statement of Objects and Reasons, see East Punjab Government Gazette 1948, page 310 for proceeding in the Assembly, see East Punjab Legislative Assembly Debates, Volume 11, 1948, pages 1950—57. *Substituted • for the words "the of East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951. 8 Substituted for the words 'State of Punjab' by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Subjects) Ord", 1968. 196 REMOVAL OF RELIGIOUS [1948 : East Pb. • Act AND SOCIAL DISABILITIES 2. In this Act, unless there is anything repugnant in Interpretation. the subject or context,— (a) "Hindu" includes a Buddhist, Jain, a follower of Arya Samaj or Brahmo Samaj and 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 1 [Central 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 may 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 ; of (e) 'Sikh' has the meaning given to it in section 2 of the Sikh Gurdwaras Act, 1925 iSubstituted for the words "State Government by the Punjab" • Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968' 1948 East Pb. Act X VI.] REMOVAL OF. RELIGIOUS .197 AND SOCIAL DISABILITIES (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 com-

munity 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, in accordance with such rules and regulations as may be made under this Act. 3. (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 to 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 tank, well, spring or water-course appertaining 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 path: way, which is requisite for obtaining access to the temple or gurdwara

4. The trustee or other authority in charge of Power of trustees for the maintenance temple or gurdwara shall have power, subject to the control of the [Central Government] and to any rules which of due performance of may be made by them, to make regulations for the maintenance of order and decorum and the due observance of in temples. the religious rites and ceremonies performed therein, but such regulations shall not discriminate in any way against the members of the excluded classes. 5. (1) No suit for damages, injunction or declaration Sanction for institution or continuance or for any other relief, no prosecution for any offence, of suits, prosecutions, etc. 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 [Central Government]. Power to decide 6. If any question arises as to whether a place is in dispute, is not a temple or gurdwara as defined in this Act, the question shall be referred to the [Central 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 [Central Government]

7. 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 member of such a class (a) be ineligible 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 [Central Government] or any 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] 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 Discrimination 8. No person in charge of any of the places referred against, excluded to in sub-clauses (i), (iii) (iv), (v) and (vi) or any classes prohibited. Any restriction 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. *Substituted for the words "State Government" by the Punjab Reorganisation

(Chandigarh) (Adaptation of Lawson State and Concurrent Subjects) Order, 1968. "Province" by Adaptation of. Laws Order, 1950. 200 REMOVAL OF RELIGIOUS [1948 : East Pb. Act AND SOCIAL DISABILITIES 9. No court shall in adjudicating any matter or or usage imposing mg any order recognise any custom or usage imposing Caily disability on exclu. civil disability on any member of an excluded class mere. ly on the ground that he is such a member. ded classes

10. No local authority shall in carrying out the not to recognise tions and duties entrusted to it under any law recognise imposing disability any custom or usage referred to in section 9.or excluded classes. and Offences penalties

11. 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), (v) and (Yi), or any conveyance referred to in sub-clause (iO of clause (b) of section 7 or abets the preven• tion thereof ; or (c) contravenes the provisions of section 8 or abets the contravention thereof, shall, on cons viction, 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. If any person who has been convicted of Enhanced penalty in •ertain cases after previous:conviction.Offence punishable under this Act is again guilty Of the Offences under Act cognizable. same offence he shall be punished on the second con+icti0D with imprisonment for a term which may extend to months or with fine which may extend to Rs 500 or, with both and if he is again so guilty shall be punished on the third or any subsequent conviction with imprisoimént for a term which may extend to one year and shall ago liable to fine which may extend-to Rs 1,000

13. Notwithstanding anything' •contained ii the Code of Criminal Procedure, 1898; an offence punishable under this Act shall be cognizable by the police.1948 : East Pb. Act XVII REMOVAL OF RELIGIOUS 201 AND SOCIAL DISABILITES 14. If any difficulty arises in giving effect to the pro-Power to remove visions of this Act the 1[Central Government], as occasion requires may, by order, do anything which appears to them necessary for the purpose of removing the difficulty

15. The 1[Central Government] may make rules for the purpose of carrying out the provisions of this Act.SCHEDULE 1, 3. 4. 5. 6. 7. 8. 9. 11. 12. 13. 14. 15. 16. 17. 18. 19. 20

21. Aheria Balai Banetwala Bangali Banjara Barar Batwal Bawaria Bazigar Bhabulia Balmiki Chu hra Bhanjara Chamar Cheengh Chirimar Daiya (Chhaj Bananowala) Dhanak 22.23. 24. 25

26. Gadaria Gawala Ghasiara Herhi Jatya or Jatay Chamar 27.28. 29. 30. 31. 32. 33. 34. 35. 36. 37. 38

39. Julaha (Weaver) Kalurpanthi Kabirpanthi (Sikh) Kuchbandh Kanjar Khatik Kori Kurmi Lal Begi Madari Mahashas Mallah Marija or Maredha Mazhabi (Sikh) Megh or Meghowal Mochi 43.44. 45. 46. 47. 48. 49. 50. 51. 52. 53. 54. 55. 56. 57. 58

59. Nai (Barbar) Naribut Nat (Rana) Nayak Od Pasi Perna Ramdasias Ramdasias Sikh Ravidasi or Rai Dasi Regar Sais Sansi Santhia Saperas Sarera Singiwala or Dhinwar or Jhinwar 40.Dhobi Dom 41

42. Kalbalia 60.Siqligar 61. Sikligar (Sikh) 62. Sirkiband 63. Teli *Substituted for the words "State Government" by the Punjab Reorganisation (Chandigarh) (Adaptation of Laws on State and Concurrent Subjects) Order, 1968.