



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

Act 16 of 1948

Keyword(s):

Hindu, Excluded Class, Place of Public Amusement, Place of Public Entertainment, Sikh, Shop, Temple, Gurdwara, Worship



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

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SCHEDULE

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

EAST PUNJAB ACT NO. 16 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	2	3	4
Year	No.	Short title	Whether repealed or otherwise affected by legislation
1948	16	The East Punjab (Removal of Religious and Social Disabilities) Act, 1948	Amended in part by the Adaptation of Laws Order, 1950 Amended in part by the Adaptation of Laws (Third Amendment) Order, 1951

An Act to remove the religious and social disabilities of certain classes and castes in ²[the State of Punjab].

It is hereby enacted as follows:—

1. (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 ³[State] of ⁴[Punjab.]

Short title and extent.

2. In this Act, unless there is anything repugnant in the subject or context,—

Interpretation.

- (a) "Hindu" includes a Buddhist, Jain, a follower of Arya Samaj or Brahma Samaj and a convert to Hinduism;

¹For Statement of Objects and Reasons, see *East Punjab Government Gazette* (Extraordinary), 1948, page 310 for proceedings in the Assembly, see *East Punjab Legislative Assembly Debates*, Volume II, 1948, pages 950--57.

*Substituted for the words "the Province of East Punjab" by the Adaptation of Laws (Third Amendment) Order, 1951.

*Substituted for the word "Province," by the Adaptation of Laws Order, 1950.

*Substituted for the words "East Punjab" by the Adaptation of Laws Order, 1950.

- (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[State] 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;
- (e) "Sikh" has the meaning given to it in section 2 of the Sikh Gurdwaras 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

VIII of
1925.

* Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

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, 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.

Right of excluded
classes to enter
and offer worship
in temple

(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.

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

4. The trustee or other authority in charge of a temple or gurdwara shall have power, subject to the control of the ¹[State] 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.

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

5. (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 ¹[State] Government.

Power to decide disputes.

6. 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 ¹[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 ¹[State] Government.

Other rights of excluded classes.

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

¹ Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

(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 ¹[State] 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 ²[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.

8. No person in charge of 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 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.

Discrimination
against excluded
classes prohibited

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.

²Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

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

9. No court shall in adjudicating any matter or executing any order 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.

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

10. 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.

Offences and 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), (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.

Enhanced penalty in certain cases after previous conviction.

12. If any person who has been convicted of any 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 the third or any subsequent conviction with imprisonment for a term which may extend to one year and shall also be liable to fine which may extend to Rs 1,000.

Offences under Act cognizable.

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

14. If any difficulty arises in giving effect to the provisions of this Act, the ¹[State] Government, as occasion requires may, by order, do anything which appears to them necessary for the purpose of removing the difficulty.

Power to remove difficulty

15. The ¹[State] Government may make rules for the purpose of carrying out the provisions of this Act.

Rules

SCHEDULE

1. Aheria	22. Gadaria	43. Nai (Barber)
2. Balai	23. Gawala	44. Naribut
3. Banetwala.	24. Ghasiara	45. Nat (Rana)
4. Bangali	25. Herhi	46. Nayak
5. Banjara	26. Jatya or Jatay Chamar	47. Od
6. Barar	27. Julaha (Weaver)	48. Pasi
7. Batwal.	28. Kabirpanthi	49. Perna
8. Bawaria	29. Kabirpanthi (Sikh)	50. Ramdasia
9. Bazigar	30. Kuchbandh	51. Ramdasia Sikh
10. Bhabulia	31. Kanjar	52. Ravidasi or Rai Dasi
11. Balmiki	32. Khatik	53. Regar
12. Chuhra	33. Kori	54. Sais
13. Bhanjra	34. Kurmi	55. Sansi
14. Chamar	35. Lal Begi	56. Santhia
15. Cheengh	36. Madari	57. Sapera
16. Chirimar	37. Mahashas	58. Sarera
17. Daiya (Chhaj Banane-wala)	38. Mallah	59. Singiwala or Kalbalia
18. Dhanak	39. Marija or Maredha	60. Sikligar
19. Dhinwar or Jhinwar	40. Mazhabi (Sikh)	61. Sikligar (Sikh)
20. Dhobi	41. Megh or Meghowal	62. Sirkiband
21. Dom	42. Mochi	63. Teli

¹Substituted for the word "Provincial" by the Adaptation of Laws Order, 1950.