

West Bengal Act XXXVII of 1948.

THE WEST BENGAL HINDU SOCIAL DISABILITIES REMOVAL ACT, 1948.

[*Passed by the West Bengal Legislature.*]

[Assent of the Governor was first published in the *Calcutta Gazette*, of the 11th November, 1948.]

An Act to provide for the removal of certain social disabilities suffered by some sections of Hindus.

WHEREAS it is expedient to foster a spirit of unity and harmony amongst all classes of people and, to that end, to provide for the removal of certain social disabilities suffered by some sections of Hindus;

It is hereby enacted as follows:—

1. (1) This Act may be called the West Bengal Hindu Social Disabilities Removal Act, 1948. Short title, extent and commencement.

(2) It extends to the whole of West Bengal.

(3) It shall come into force at once.

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

(a) "Hindu" includes a Buddhist, Sikh, Jain, Santal, Adibasi, a follower of Arya or Brahma Samaj or a convert to Hinduism or any other person habitually professing himself to be a Hindu;

(b) "Local authority" means a local authority as defined in clause (23) of section 3 of the Bengal General Clauses Act, 1899, other than a cantonment authority or the Commissioners for the Port of Calcutta;

(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 fair, *mela*, race-course, circus, cinema, theatre, music hall, billiard-room, bagatelle-room, gymnasium or fencing school, and a stadium, stand or gallery from where any game or show is watched;

(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 house, coffee house, tea shop, boarding house, lodging house and hotel;

(Section 3.)

- (e) "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;
- (f) "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 and mantapams attached to such place; and
- (g) "worship" means such religious service as the bulk of worshippers at a temple may offer.

Equality of rights of all castes and class of Hindus.

3. Notwithstanding anything contained in any instrument or any law, custom or usage to the contrary, no Hindu shall merely on the ground that he belongs to a particular caste or class—

- (a) be ineligible for office under any authority constituted under any law, or
- (b) be prevented from—
 - (i) having access to or offering worship at any temple; or
 - (ii) 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 other castes or classes of Hindus generally have a right to use or have access to; or
 - (iii) having access to or using any public conveyance licensed by the Provincial Government or any local authority to ply for hire; or
 - (iv) 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 Province or the funds of a local authority; or
 - (v) having access to a place of public amusement or a place of public entertainment; or
 - (vi) having access to a shop to which the members of other castes and classes of Hindus generally are ordinarily admitted; or
 - (vii) having access to or using any place set apart or maintained for the use of Hindus generally; or
 - (viii) enjoying any benefit under a charitable trust created for the benefit of Hindus generally; or
- (c) be denied any service whatsoever whether in connection with civic, social or religious practices or rites, by a Hindu who habitually renders such service in the course of his profession

The West Bengal Hindu Social Disabilities Removal 3
Act, 1948.

XXXVII of 1948.]

(Sections 4—8.)

4. No person in charge of any of the places referred to in sub-clauses (i), (ii), (iv), (v), (vi) and (vii) or any conveyance referred to in sub-clause (iii) of clause (b) of section 3 shall impose any restriction on any Hindu or act in a manner as to result in discrimination against him merely on the ground that he belongs to a particular caste or class.

Discrimination on grounds of caste or class prohibited.

5. Except in matters governed by Hindu Law, no Court shall in adjudicating any matter or executing any order recognise any custom or usage (other than a custom or usage having the force of law) imposing any social disability on any Hindu merely on the ground that he belongs to a particular caste or class.

Courts not to recognise any custom or usage imposing disability on a Hindu on ground of caste or class.

6. No local authority shall in carrying out the functions and duties entrusted to it under any law recognise any custom or usage imposing any social disability on any Hindu merely on the ground that he belongs to a particular caste or class.

Local authorities not to recognise any custom or usage imposing disability on ground of caste or class.

7. No Hindu shall be denied admission to any school, college or other educational institution meant for the public merely on the ground that he belongs to a particular caste or class.

No Hindu to be denied admission to any educational institution on ground of caste or class.

8. (1) Whoever—

Penalties.

(a) prevents any Hindu by reason of his belonging to a particular caste or class from having access to or using any of the places referred to in sub-clauses (i), (ii), (iv), (v), (vi) and (vii) or any conveyance referred to in sub-clause (iii) of clause (b) of section 3 or from enjoying any benefit under a charitable trust referred to in sub-clause (viii) of clause (b) of the said section or denies to any Hindu any service referred to in clause (c) of that section or abets such prevention or such denial; or

(b) contravenes the provisions of section 4 or section 7 or abets the contravention thereof,

4 *The West Bengal Hindu Social Disabilities Removal Act, 1948.*

[West Ben. Act XXXVII of 1948.]

(Sections 9, 10.)

shall, on conviction, be punished with imprisonment for a term which may extend to three months or with fine which may extend to rupees two hundred or with both and if he is the owner or occupier of any place of public amusement or of any place of public entertainment, or of any shop in regard to which the offence is committed, shall, in addition, be liable to have his license or permit, if any, in respect of such place of public amusement or such place of public entertainment or such shop cancelled.

(2) An offence under sub-section (1) shall be deemed to be an offence included under Part A of Schedule IV to the Bengal Village Self-Government Act, 1919, and shall be tried in accordance with the provisions of that Act.

Ben. Act V
of 1919.

Offences
under the
Act to
be investi-
gated by
a police
officer
without
the order
of a Magis-
trate.

9. Notwithstanding anything contained in the Code of Criminal Procedure, 1898, a police officer may investigate an offence-punishable under this Act without the order of a Magistrate.

Act V of
1898..

Power to
make
rules.

10. The Provincial Government may make rules for the purpose of carrying out the provisions of this Act.