

Untouchability (Offences) Act, 1955

22 of 1955

[08 May 1955]

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SCHEDULE 1 :- THE SCHEDULE

Untouchability (Offences) Act, 1955

22 of 1955

[08 May 1955]

An Act to prescribe punishment for the practice of "Untouchability", for the enforcement of any disability arising therefrom and for matters connected therewith. BE it enacted by Parliament in the Sixth Year of the Republic of India as follows :-

1. Short Title, Extent And Commencement :-

- (1) This Act may be called the Untouchability (Offences) Act, 1955.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date {1st June, 1955, vide Notification No.S.R.O.1109, dt.23-5-55, Gazette of India,

Extraordinary, 1955 Pt.II, Section 3, p.971.} as the Central Government may, by notification in the Official Gazette, appoint.

2. Definitions :-

In this Act, unless the context otherwise requires,-

(a) hotel includes a refreshment room, a boarding-house, a lodging house, a coffee house and a cafe;

(b) place includes a house, a building, a tent, and a vessel:

(c) place of public entertainment includes any place to which the public are admitted and in which an entertainment is provided or held.

Explanation.- Entertainment includes any exhibition, performance, game, sport and any other form of amusement;

(d) place of public worship means a place, by whatever name known, which is used as a place of public religious worship or which is dedicated generally to, or is used generally by, persons professing any religion or belonging to any religious denomination or any section 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;

(e) shop means any premises where goods are sold either wholesale or by retail or both wholesale and by retail and includes a laundry, a hair cutting saloon and any other place where services are rendered to customers.

3. Punishment For Enforcing Religious Disabilities :-

Whoever on the ground of "untouchability" prevents any person-

(a) from entering any place of public worship which is open to other persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person; or

(b) from worshipping or offering prayers or performing any religious service in any place of public worship, or bathing in, or using the waters of, any sacred tank, well, spring or watercourse, in the same manner and to the same extent as is permissible to other persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person; shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.-For the purposes of this section and section 4 persons professing the Buddhist, Sikh or Jaina religion or persons professing the Hindu religion in any of its forms or developments including Virashaivas, Lingayats, Adivasis, followers of Brahmo, Prarthana,

Arya Samaj and the Swaminarayan Sampraday shall be deemed to be Hindus.

4. Punishment For Enforcing Social Disabilities :-

Whoever on the ground of "untouchability" enforces against any person any disability with regard to-

(i) access to any shop, public restaurant, hotel or place of public entertainment; or

(ii) the use of any utensils, and other articles kept in any public restaurant, hotel, dharmashala, sarai or musafirkhana for the use of the general public or of persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person; or

(iii) the practice of any profession or the carrying on of any occupation, trade or business; or

(iv) the use of, or access to, any river, stream, spring, well, tank, cistern, water-tap or other watering place, or any bathing ghat, burial or cremation ground, any sanitary convenience, any road, or passage, or any other place of public resort which other members of the public, or persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person, have a right to use or have access to; or

(v) the use of, or access to, any place used for a charitable or a public purpose maintained wholly or partly out of State funds or dedicated to the use of the general public, or persons professing the same religion, or belonging to the same religious denomination or any section thereof, as such person; or

(vi) the enjoyment of any benefit under a charitable trust created for the benefit of the general public or of persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person; or

(vii) the use of, or access to, any public conveyance; or

(viii) the construction, acquisition, or occupation of any residential premises in any locality, whatsoever; or

(ix) the use of any dharmahala, sarai or musafirkhana which is open to the general public, or to persons professing the same religion or belonging to the same religious denomination or any section thereof, as such person; or

(x) the observance of any social or religious custom, usage or ceremony or taking part in any religious procession; or

(xi) the use of jewellery and finery; shall be punishable with imprisonment which may extend to six months, or with fine which

may extend to five hundred rupees, or with both.

5. Punishment For Refusing To Admit Persons To Hospitals, Etc :-

Whoever on the ground of "untouchability"-

(a) refuses admission to any person to any hospital, dispensary, educational institution or any hostel attached thereto, if such hospital, dispensary, educational institution or hostel is established or maintained for the benefit of the general public or any section thereof; or

(b) does any act which discriminates against any such person after admission to any of the aforesaid institutions; shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

6. Punishment For Refusing To Sell Goods Or Render Services :-

Whoever on the ground of "untouchability" refuses to sell any goods or refuses to render any service to any person at the same time and place and on the same terms and conditions at or on which such goods are sold or services are rendered to other persons in the ordinary course of business shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

7. Punishment For Other Offences Arising Out Of "Untouchability" :-

(1) Whoever-

(a) prevents any person from exercising any right accruing to him by reason of the abolition of "untouchability" under Article 17 of the Constitution; or

(b) molests, injures, annoys, obstructs or causes or attempts to cause obstruction to any person in the exercise of any such right or molests, injures, annoys or boycotts any person by reason of his having exercised any such right; or

(c) by words, either spoken or written, or by signs or by visible representations or otherwise, incites or encourages any person or class of persons or the public generally to practise "untouchability" in any form whatsoever; shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

Explanation.-A person shall be deemed to boycott another person

who-

(a) refuses to let to such other person or refuses to permit such other person, to use or occupy any house or land or refuses to deal with, work for, hire for, or do business with, such other person or to render to him or receive from him any customary service, or refuses to do any of the said things on the terms on which such things would be commonly done in the ordinary course of business; or

(b) abstains from such social, professional or business relations as he would ordinarily maintain with such other person.

(2) Whoever-

(i) denies to any person belonging to his community or any section thereof any right or privilege to which such person would be entitled as a member of such community or section, or

(ii) takes any part in the ex-communication of such person, on the ground that such person has refused to practise "untouchability" or that such person has done any act in furtherance of the objects of this Act, shall be punishable with imprisonment which may extend to six months, or with fine which may extend to five hundred rupees, or with both.

8. Cancellation Or Suspension Of Licences In Certain Cases

:-

When a person who is convicted of an offence under section 6 holds any licence under any law for the time being in force in respect of any profession, trade, calling or employment in relation to which the offence is committed, the court trying the offence may, without prejudice to any other penalty to which such person may be liable under that section, direct that the licence shall stand cancelled or be suspended for such period as the court may deem fit, and every order of the court so cancelling or suspending a licence shall have effect as if it had been passed by the authority competent to cancel or suspend the licence under any such law.

Explanation.-In this section, licence includes a permit or a permission.

9. Resumption Or Suspension Of Grants Made By Government :-

Where the manager or trustee of a place of public worship which is in receipt of a grant of land or money from the Government is convicted of an offence under this Act and such conviction is not reversed or quashed in any appeal or revision, the Government may, if in its opinion the circumstances of the case warrant such a course, direct the suspension or resumption of the whole or any

part of such grant.

10. Abetment Of Offence :-

Whoever abets any offence under this Act shall be punishable with the punishment provided for the offence.

11. Enhanced Penalty On Subsequent Conviction :-

Whoever having already been convicted of an offence under this Act or of an abetment of such offence is again convicted of any such offence or abetment, shall, on every such subsequent conviction, be punishable with both imprisonment and fine.

12. Presumption By Courts In Certain Cases :-

Where any act constituting an offence under this Act is committed in relation to a member of a Scheduled Caste as defined in clause (24) of Article 366 of the constitution, the court shall presume, unless the contrary is proved, that such act was committed on the ground of "untouchability"

13. Limitation Of Jurisdiction Of Civil Courts :-

(1) 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 if the claim involved in such suit or proceeding or if the passing of such decree or order or if such execution would in any way be contrary to the provisions of this Act.

(2) No court shall, in adjudicating any matter or executing any decree or order, recognise any custom or usage imposing any disability on any person on the ground of "untouchability".

14. Offences By Companies :-

(1) If the person committing an offence under this Act is a company, every person who at the time the offence was committed was in charge of, and was responsible to, the company for the conduct of the business of the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

Provided that nothing contained in this sub-section shall render any such person liable to any punishment, if he proves that the offence was committed without his knowledge or that he exercised all due diligence to prevent the commission of such offence.

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed with the consent of

any director or manager, secretary or other officer of the company, such director, manager, secretary or other officer shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Explanation.-For the purposes of this section,--

(a) company means any body corporate and includes a firm or other association of individuals; and

(b) director in relation to a firm means a partner in the firm

15. Offences Under The Act To Be Cognizable And Compoundable :-

Notwithstanding anything contained in the Code of Criminal Procedure, 1898-

(a) every offence under this Act shall be cognizable; and

(b) every such offence may, with the permission of the court, be compounded.

16. Act To Override Other Laws :-

Save as otherwise expressly provided in this Act, the provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force, or any custom or usage or any instrument having effect by virtue of any such law or any decree or order of any court or other authority.

17. Repeal :-

The enactments specified in the Schedule are hereby repealed to the extent to which they or any of the provisions contained therein correspond or are repugnant to this Act or to any of the provisions contained therein.

SCHEDULE 1

THE SCHEDULE

(See section 17)

- 1.The Bihar Harijan (Removal of Civil Disabilities) Act, 1949 (Bihar Act 19 of 1949).
- 2.The Bombay Harijan (Removal of Social Disabilities) Act, 1946 (Bombay Act 10 of 1947).
- 3.The Bombay Harijan Temple Entry Act, 1947 (Bombay Act 35 of 1947).
- 4.The Central Provinces and Berar Scheduled Castes(Removal of Civil Disabilities) Act, 1947 (Central provinces and Berar Act 24 of 1947).
- 5.The Central Provinces and Berar Temple Entry Authorisation Act, 1947 (Central provinces and Berar Act 41 of 1947).
- 6.The East Punjab (Removal of Religious and Social Disabilities Act, 1948(East Punjab Act 14 of 1948).
- 7.The Madras Removal of Civil Disabilities Act, 1938 (Madras Act 21 of 1938).
- 8.The Orissa Removal of Civil Disabilities Act, 1946 (Orissa Act 11 of 1946).
- 9.The Orissa Temple Entry Authorisation Act, 1948 (Orissa Act 11 of 1948).
- 10.The United Provinces Removal of Social Disabilities Act, 1947 (U.P.Act 14 of

1947).

11.The West Bengal Hindu Social Disabilities Removal Act,1948 (West Bengal Act 37 of 1948).

12.The Hyderabad-Harijan Temple Entry Regulation, 1358F (No.55 of 1358 Fasli).

13.The Hyderabad Harijan (Removal of Social Disabilities) Regulation, 1358F (No.56 of 1358 Fasli).

14.The Madhya Bharat Harijan Ayogta Nivaran Vidhan,Samvat 2005 (Madhya Bharat Act No.15 of 1949).

15.The Removal of Civil Disabilities Act, 1943 (Mysore Act 42 of 1943).

16.The Mysore Temple Entry Authorisation Act, 1948 (Mysore Act 14 of 1948).

17.The Saurashtra Harijan (Removal of Social Disabilities) Ordinance (No.XLof 1948).

18.The Travancore-Cochin Removal of Social Disabilities Act, 1125 (Travancore-Cochin Act 8 of 1125).

19.The Travancore-Cochin Temple Entry (Removal of Disabilities) Act, 1850 (TravancoreCochin Act 27 of 1950).

20.The coorg Scheduled Castes (Removal of Civil and Social Disabilities) Act, 1949 (Coorg Act 1 of 1949).

21.The Coorg Temple Entry Authorisation Act, 1949 (Coorg Act 2 of 1949).