
Removal Of Civil Disabilities Act, 1938**21 of 1938****[24 January 1939]****CONTENTS**

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Removal Of Civil Disabilities Act, 1938**21 of 1938****[24 January 1939]**

An Act to provide for the removal of Civil disabilities among certain classes of Hindus. Whereas it is increasingly felt by the Hindu Community that the disabilities, which are imposed by social custom and usage on certain classes of Hindus commonly known as Harijans, Untouchables, or Depressed Classes, and which have been in certain matters even legally recognized in the adjudication of rights and duties in civil and criminal proceedings, are repugnant to modern conditions and ideas of justice and social solidarity, and should no longer be recognized by law or otherwise enforced; It is hereby enacted as follows:--

1. Short Title And Extent :-

- (1) This Act may be called The Removal of Civil Disabilities Act, 1938.
- (2) It extends to the whole of the Province of Madras.

2. Social Disabilities Not To Be Recognized By Law :-

Notwithstanding any law, custom, usage or prescription to the contrary, no Hindu shall, by reason merely his belonging to any

particular community or class known as Harijans, Untouchables, Depressed Classes or the like, be prevented or disabled from being appointed to any public office or having access to or using any public stream, river, well, tank, pathway, sanitary convenience, or means of transport or any secular institution which the general public belonging to all other classes and communities of Hindus have a right of access to or a right to use of or which is dedicated or maintained or licensed for the use of the general public or which is maintained or paid for out of the funds of the State or a local authority; and no Civil, Criminal or Revenue Court in adjudicating any matter or executing any order and no public or local authority in conducting the affairs entrusted to such authority shall recognize and custom, usage or prescriptive right under which it is sought to impose any civil disability on any person by reason of his belonging to any of the classes communities aforesaid, or by reason of any act or omission on the part of such person which would not furnish grounds for such disability if he did not belong to such class or community.

3. Discrimination Against Harijans Etc., Prohibited :-

No person owing, or being in charge of any secular institution referred to in Section 2, shall--

- (i) impose, or cause or suffer to be imposed, any restriction on any person belonging to any community or class referred to in Section 2, or
- (ii) do or omit to do anything, or cause or suffer anything to be done or omitted to be done, so as to result in discrimination against any person belonging to any such class or community merely on the ground that he belongs to such community or class.

4. "Secular Institution" Explained :-

For the purposes of this Act, the expression "secular institution" includes among others--

- (i) any refreshment room, restaurant, cafe, coffee house, eating house, boarding house, lodging house, hostel hotel or any other place where persons are provided with food, drink, shelter or sleeping or other accommodation;
- (ii) any place of public entertainment or amusement;
- (iii) any premises where goods are sold, any laundry, any shaving or hair dressing saloon or any other place where services are rendered to customers;

(iv) any place used for the burial, cremation, or disposal otherwise, of the dead.

5. Refusal Of Sale Of Articles To Harijans, Etc., Prohibited :-

No dealer shall refuse to sell, or withhold from sale, any article which is kept by him for sale, to any person belonging to any community on the ground that he belongs to such community.

6. Penalties :-

whoever--

(i) prevents a person belonging to any community or class referred to in Section 2 from exercising any civil right or privilege to which he is entitled under this Act, or

(ii) molests or obstructs any such person in the exercise of any such right or privilege, or

(iii) contravenes the provisions of Section 3 and 5, shall be punishable in the case of a first offence, with fine which may extend to fifty rupees and in the case of a second or subsequent offence, with imprisonment which may extend to six months or with fine which may extend to one thousand rupees or with both.

7. Offences Under Act To Be Cognizable :-

All offences punishable under this Act shall be cognizable.