

## **Gujarat Obsequial Dinners (Control) Act, 1963**

**8 of 1964**

[ ]

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## **Gujarat Obsequial Dinners (Control) Act, 1963**

**8 of 1964**

[ ]

<sup>1</sup>\*Came into force on 1-6-1964. An Act to provide for the control in the interest of the general public of obsequial dinners in the State of Gujarat. It is hereby enacted in the Fourteenth Year of the Republic of India as follows:

### **1. Short title, extent and commencement :-**

(1) This Act may be called the Gujarat Obsequial Dinner (Control) Act, 1963.

(2) It extends to The whole of the State of Gujarat.

(3) It shall come into force in such area and on such date as the State Government may, by notification in the Official Gazette, appoint.

## **2. Definitions :-**

In this Act, unless the context otherwise requires.

(1) "dinner" includes service or distribution of articles of food of any kind for consumption.

(2) "household" means a group of persons normally residing and messing jointly as members of the same domestic unit.

(3) "obsequial dinner" means a dinner given in the course of a day at one time or at different times and at one place or at different places in connection with the demise of a person, on one occasion or more than one occasion within a period of thirteen months from the date of the demise of the person to a person or group of persons (not being members of the household of the person giving the dinner), and includes a dinner given on an occasion commonly known as Barma, Terma, Varshi, ziarat, karaj, Ujamana Gam sama sadiya, Kalasic, Brahmabhojan, Chorasi or Dabado;

(4) "panchayat" means a gram panchayat or nagar panchayat constituted or deemed to be constituted under the Gujarat Panchayats Act, 1961 (Guj VI of 1962).

## **3. . :-**

(1) Notwithstanding any custom or usage or anything contained in any law, no person shall, either by himself or through an agent or caterer, give or abet the giving of an obsequial dinner to more than fifty persons:

Provided that where obsequial dinners are given on more than one occasion,

(i) an obsequial dinner to persons not exceeding fifty may be given only on one occasion, and

(ii) on any other occasion the number of persons to whom such dinner may be given shall not exceed ten.

(2) Where any obsequial dinner is given through an agent or caterer such agent or caterer, and every person preparing or taking part in preparing the articles of food for being served in an obsequial dinner and also every person who serves articles of food in such dinner, shall be deemed to abet the giving of such dinner.

## **4. Penalty for contravention of section 3 :-**

Whoever gives or attempts to give or abets the giving of an

obsequial dinner in contravention of the provisions of sub-section (1) of section 3 shall, on conviction be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

#### **5. Issue of injunction :-**

(1) If a court is satisfied on information laid before it through a complaint or otherwise that an obsequial dinner in contravention of the provisions of this Act has been arranged or is about to be given, it may issue an injunction against any of the persons concerned in arranging or giving it, prohibiting the giving of such obsequial dinner.

(2) Whoever knowing that an injunction has been issued against him under sub-section (1) disobeys such injunction shall, on conviction be punished with imprisonment of either description for a term which may extend to one year or with fine which may extend to one thousand rupees or with both.

#### **6. Member of panchayat to give information to police or file complaint about offence :-**

Notwithstanding anything contained in the Gujarat Panchayats Act, 1961 (Guj VI of 1962), any member of the panchayat may

(a) communicate any information which he may possess respecting the commission of an offence punishable under this Act to the officer-in-charge of the nearest police station; or

(b) himself file a complaint in a court for an offence punishable under this Act, if such offence is committed or make an application to a court for an injunction under section 5, if he has reason to believe that, an offence under sec. 4 is about to be committed by any person.

#### **7. Police patels duty to communicate information about offence to officer in charge of police station :-**

Every police patel shall forthwith communicate to the officer-in-charge of the nearest police station any information which he may possess respecting the commission of, in or in the neighbourhood of his village, any offence under this Act.

#### **8. Duty of officer-in-charge of police station to file complaint or apply for injunction :-**

On receipt of any information under clause (a) of section 6 or

section 7 or from any other source, the officer-in-charge of a police station shall, unless he has reasonable ground which shall be recorded by him in writing, for not believing the information forthwith file a complaint in the court for an offence which appears to him to have been committed or, as the case may be, make an application to the court for an injunction under section 5.

**9. Jurisdiction :-**

Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (V of 1898), no court inferior to that of a magistrate of the first class shall take cognizance of, or try, any offence punishable under this Act.

**10. Limitation for prosecution :-**

No court shall take cognizance of any offence under this Act after the expiry of one year from the date on which the offence is alleged to have been committed.

**11. Amendment of section 23 of Gujarat Panchayats Act, 1961 :-**

In sub clause (i) of clause (a) of section 2i of the Gujarat Panchayat Act, 1901 (Guj VI of 1962). after the words "in any part of the State" the words brackets and figures "or under the Gujarat Obsequial Dinners (Control) Act, 1963 (Guj 8 of 1964)" shall be inserted.