

ORISSA ACT XI OF 1946
THE ORISSA REMOVAL OF CIVIL DISABILITIES
ACT, 1946

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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 :—

Short title,
extent and
commence-
ment

1. (1) This Act may be called the Orissa Removal of Civil Disabilities Act, 1946.

(2) It extends to the whole of the Province of Orissa.

(3) It shall come into force at once.

Special dis-
abilities not
to be recog-
nized by
law

2. Notwithstanding any law, custom, usage or prescription to the contrary, no Hindu shall, by reason merely of his belonging to any particular community or class known as Harijans, Untouchables, Depressed Class or the like, be prevented or disabled from being appointed to any public office or enjoying or having access to any public stream, river, well, tank, path way, 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 to enjoy or have access to 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 carrying on the affairs entrusted to such authority shall recognize any custom, usage or prescription under which it is sought to impose any civil disability on any person by reason of his belonging to any of the classes or communities aforesaid, or by reason of any acts or omissions on the part of such person which would not furnish grounds for such disability if he did not belong to such class or community.

Explanation—The expression 'secular institution' shall include all restaurants and eating places by whatever name they may be known.

Penalty

3. Whoever prevents or obstructs a Hindu belonging to the community or class mentioned in section 2 in the exercise of his rights under this Act, shall be punishable with fine which may extend to fifty rupees.