

The Sarais Act, 1867

February 26, 2013

Preamble

ACT No.22 OF 1867¹

[AS ON 1956]

[15th march, 1867.]

1. As to extent, see note tos.17, infra.

The Act has been declared, by notification under s.3 (a) of the Schedule Districts Act, 1874 (14 of 1874), to be in force in the following Scheduled Districts, namely:-

The Districts of Hazaribagh, Lohardaga (now the Ranchi District, see Calcutta Gazette, 1899, Pt. I, p.44), and Manbhum, and Pargana Dhalbhum and the Kolhan in the District of Singbhum. See Gazette of India, 1881, Pt. I, t.504. The Tarai of the Province of Agra. See Gazette of India, 1876, Pt. I, p. 505.

It has also been extended to the districts of Ganjam and Koraput and to certain partially excluded areas in the Province of Orissa. See Orissa Govt. notifications No.776-P, dated 23rd June, 1941 and No.188-P, dated 18th January, 1939, respectively.

An Act for the regulation of public Sarais and Purees.

Preamble.

WHEREAS it is expedient to provide for the regulation of public Saris and Puraos:

It is hereby enacted as follows:-

Section 1. Repeal of Bengal Regulation 14 of 1807, section 11, clause 5

Rep.by the Amending Act, 1891 (10 of 1891).

Section 2. interpretation-clause

In this Act, unless there be something repugnant in the subject or context,-

"Sarais" means any building used for the shelter and accommodation of travellers, and includes, in any case in which only part of a building is used as a sarais, the part so used of such building. It also includes a purao so far as the provisions of this Act are applicable thereto:

"Keeper of a sarais" includes the owner and any person having or acting in the care or management thereof:



¹“Magistrate of the District” means the chief officer charged with the executive administration of a district in criminal matters whatever may be his designation:

²[***]

1.This reference should now be read as " District Magistrate ".See pare.2 of s.3 of the Code of Criminal Procedure, 1898 (5 of 1898)

Section 3. Notice of this Act to be given to keepers of sarais

Within six months after this Act shall come into operation, the Magistrate of the District in which any sarais to which this Act shall apply may be situate shall, and from time to time thereafter such Magistrate may, give to the keeper of every such sarais notice in writing of this Act, by leaving such notice for the keeper at the sarais, and shall by such notice require the keeper to register the sarais as by this Act provided.

Such notice may be in the form in the Schedule to this Act annexed or to the like effect.

Section 4. Registers of sarais to be kept

The Magistrate of the District shall keep a register in which shall be entered by such other person as he shall appoint in this behalf, the names and residences of the keepers of all sarais within his jurisdiction and the situation of every such sarais.

No charge shall be made for making any such entry.



Section 5. Lodgers etc., not to be received in sarais until registered

After one month after the giving of such notice to register as by this Act provided the keeper of any sarais or any other person shall not receive any lodge or allow any person cattle sheep elephant camel or other animal or any vehicle to halt or be placed in such until the same and the name and residence of the keeper thereof shall have been registered as by this Act provided.

Section 6. Magistrate may refuse to register keeper not producing certificate of character

The Magistrate of the District may if he shall think fit refuse to register as the keeper of a sarais person who does not produce a certificate of character in such form and signed by such person as the State Government shall from time to time direct.

Section 7. Duties of keepers sarais

The keeper of a sarais shall be bound—

(1) When any person in such sarais is ill of any infectious or contagious disease or dies of such disease to give immediate notice thereof to the nearest police-station.

(2) At all times when requires by any Magistrate or any other person duly authorized by the Magistrate of the District in this behalf to give him free access to the sarais and allow him to inspect the same or any part thereof;

(3) To thoroughly cleanse the rooms and verandas and drains of the sarais and the wells tanks or other sources from which water is obtained for the persons or animals using it to the satisfaction of and so often as shall be required by the Magistrate of the District, or such person as he shall appoint in this behalf :

(4) To remove all noxious vegetation on or near the sarais, and all tree and branches of tree capable of affording to thieves means of entering or leaving the sarais:

(5) To keep the gates, walls, fences, roofs and drains of the sarais in repair :

(6) To provide such number of watchmen as may, in the opinion of the Magistrate of the District, subject to such rules as the State Government may prescribe in this behalf, be necessary for the safety and protection of persons and animals or vehicles in, halting at or placed in the Sarais and

(7) To exhibit a list of charges for the sarais at such place and in such form and languages as the Magistrate of the District shall from time to time direct.

Section 8. Power to order reports from keepers of sarais

The keeper of a sarais shall from time to time, if required so to do by an order of the Magistrate of the District served up him, report, either orally or in writing s may be directed by the Magistrate, to such Magistrate or to such person as the Magistrate shall appoint, every person who resorted to such sarais during the preceding day or ought.

If written reports are required for any space of time, exceeding a single day or night, schedules shall be furnished by the Magistrate of the District to the keeper.

The keeper shall from time to time fill up the said schedule with information so required, and transmit them to the said Magistrate, in such manner and at such intervals as may from time to time be ordered by him.

Section 9. Power to shut up secure clear and clean deserted sarais

If any sarais by reason of abandonment or of disputed ownership shall remain untenanted, and thereby become a resort of idle and disorderly persons, or become in a filthy or unwholesome state, or be complained of by any two or more of the neighbours as a nuisance, the Magistrate of the District, after due enquiry, may cause notice in writing to be Vienna to the owner or to the person claiming to be the owner, if he be known and resident within the district, and may also cause such notice to be put on some conspicuous part of the sarais, requiring the persons concerned therein, whoever they may be, to secure, enclose, clean or clear the same; And if such requisition shall not be complied with eight days, the Magistrate of the District may cause the necessary work to be executed, and all expenses thereby incurred shall be paid by the owner of the sarais, and shall be recoverable like penalties under this Act, or, in case of abandonment or disputed ownership of the sarais, by the sale of any material found therein.

Section 10. Taking down or repairing ruinous sarais



If a sarais or any part thereof be deemed by the Magistrate of the District to be in a ruinous state, or likely to fall, or in any way dangerous to the persons or animals lodging in or halting at the sarai, he shall give notice in writing to the keeper of the sarais, requiring him forthwith to take down, repair or secure (as the case may be) the sarais or such part thereof as the case may require.

If the keeper do not begin to take down, repair or secure the sarais, or such part as aforesaid within three days after such notice, and complete such work with due diligence, the Magistrate shall cause all or so much of the sarais as he shall think necessary to be taken down, repaired or otherwise secured.

All the expenses so incurred by the Magistrate shall be paid by the keeper of the sarais, and shall be recoverable from him as hereinafter mentioned.

Section 11. Sale of materials of ruinous sarais

If any such sarais or any part thereof be taken down by virtue of the powers aforesaid, the Magistrate of the District may sell the materials thereof, or so much of the same as shall be taken down under the provisions of the last preceding section, and apply the proceeds of such sale in payment of the expenses incurred, and shall restore the over plus (if any) arising from such sale to the owner of such sarais on demand, and may recover the deficiency (if any) as if the amount thereof were a penalty under this Act.

Section 12. Penalty for permitting sarais to be filthy or over grown

Whoever, being the keeper of any Sarai, suffers the same to be in a filthy and unwholesome state, or overgrown with vegetation, or after the expiration of two days from the time of his receiving notice in writing from the Magistrate of the District to cleanse or clear the same, or after he shall have been convicted of suffering the same to be in such state or so overgrown as aforesaid, shall allow the same to continue in such state, or so overgrown, shall be liable to the penalties provided in section 14 of this Act:

Provided that the Magistrate of the District may, in lieu of enforcing such daily penalty, enter on and cleanse or clear the said sarai, and the expense incurred by the Magistrate in respect thereof shall be paid to him by the keeper, and shall be recoverable as by this Act provided in the case of penalties.

Section 13. Power for State Government to make regulations

The State Government may from time to time make regulations for the better attainment of the objects of this Act, provided that such rules be not inconsistent with this Act or with any other law for the time being in force, and may from time to time repeal, alter and add to the same.

All regulations made under this Act and all repeals thereof, and alterations and additions thereto, shall be published in the Official Gazette.

Section 14. Penalty for infringing Act or regulations

If the keeper of a sarais offend against any of the provisions of this Act or any of the regulations made in pursuance of this Act, he shall for every such offence be liable on conviction before any



Magistrate to a penalty not exceeding twenty rupees, and to a further penalty not exceeding one rupee a day for every day during which the offence continues :

Provided always that this Act shall not exempt any person from any penalty or other liability to which he may be subject, irrespective of this Act.

All penalties imposed under this Act may be recovered in the same manner as fines may be recovered under ¹section 61 (25 of 1861) of the Code of Criminal Procedure.

1. See now sections 386, 387 and 389 of the Code of Criminal Procedure, 1898 (Act 5 of 1898).

Section 15. Conviction for third offence to disqualify persons from keeping sarais

Where a keeper of a sarais is convicted of a third offence under this Act, he shall not afterwards act as keeper of a sarais without the licence in writing of the Magistrate of the District, who may either withhold such licence or grant the same on such terms and conditions as he may think fit.

Section 16. Nothing in Act to apply to certain sarais

No part of this Act, except section 8, shall apply to any sarais which may be under the direct management of the State Government or of any Municipal Committee.



Section 17. Extent of Act

This Act shall in the first instance extend only to the ¹territories under the government of the Lieutenant-Governor of the North-Western Provinces of the Presidency of Fort William in Bengal.

Power to State Government to extend this Act.

But it shall be lawful for the State Government, by notification in the Official Gazette, to ²extend this Act, mutates mutants, to any other part of ³[the territories under its government], except the towns of Calcutta, Madras and Bombay ⁴[***].

1. Now that area form part of the U.P.

2. It has been extended to Oudh. See Notification No.591, dated 25th July, 1883, in North-Western Provinces and Oudh Gazette, 1883, Pt.I, p.433.

It has also been extended to the Punjab. See Notification No.4499, dated 13th December, 1879, in Punjab Government Gazette, 1879, Pt. I, p. 727.

3. Subs.by the A.O.1948 for " British India " which had been subs. by the A.O.1937 for "the territories which are or may be vested in Her Majesty or Her Successors by the Statute 21 & 22 Vice. Ch.106 (an Act for the better Government of India)".

4. The words "and the Settlement of Prince of Wales' Island, Singapore and Malacca" rep. by Act 12 of 1891.

Section 18. Short title

This Act may be called the Sarais Act, 1867.

Schedule

FORM OF NOTICE

Take notice that on the.....day of.....1067, an Act called the Sarais Act, 1867, was passed, and that, before the.....day of18, you, being keeper of a sarai [or purao] within [here state the district over which the jurisdiction of the Magistrate giving the notice extends], must have your sarai [or purao] so registered, and that the register is to be kept at [here state where the register is to be kept] and that, if you do not have your sarai [or purao] so registered, you will be liable to a penalty not exceeding twenty rupees, and to a further penalty not exceeding one rupee a day for every day during which the offence continues, and that on your applying to [here give the name and address of the person to keep the register] he will register your sarai [or purao] free of all charge to you.

Dated the day of 18

