THE SARÁÍS ACT, 1867

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THE SARÁÍS ACT, 1867

ACTNO. XXIIOF 18671.

PASSEDBY THE GOVERNOR GENERAL OF INDIA IN COUNCIL.

(Received the assent of the Governor General on the 15th *March* 1867*.)*

An Act for the regulation of public Saráís and Puraos..

Preamble.—WHEREAS it is expedient to provide for the regulation of public Saráís and Puraos; It is hereby enacted as follows :—

1. [*Repeal of Bengal Regulation* 14 *of* 1807*, section* 11*. Clause* 5.] Rep. by the Amending Act, 1891 (12 of 1891)

2. Interpretation clause.—In this Act, unless there be something repugnant in the subject or context,—

"Saráí."—"Saráí" 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 Saráí, 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 Sarai.**"—"Keeper of a Saráí" includes the owner and any person having or acting in the care or management thereof :

[2]["**Magistrate of the District.**"—"Magistrate of the District"means the chief officer charged with the executive administration of a district in criminal matters whatever may be his designation :]

[3][* * * *]

3. **Notice of this Act to be given to keepers of Saráí.**—Within six months after this Act shall come into operation, the Magistrate of the District in which any Saráí 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 Saráí notice in writing of this Act, by leaving such notice for the keeper at the Saráí; and shall by such notice

1. As to extent, see note to s. 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, p. 504.

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

3. The words "words in the singular include the plural, and vice versa" rep. by Act 10 of 1914, and the definition of "L.G." rep. by the A.O. 1937.

form in the Schedule to this Act annexed or to the like effect.

4. **Registers of saráis to be kept.**—The Magistrate of the District shall keep a register in which shall be entered by such magistrate or such other person as he shall appoint in this behalf, the names and residences of the keepers of all Saráis within his jurisdiction, and the situation of every such Sarai. No charge shall be made for making any such entry.

5. Lodgers, &c., not to be received in Saráis until registered.—After one month after the giving of such notice to register as by this Act, provided, the keeper of any Sarái 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 Sarái until the same and the name and residence of the keeper thereof shall have been registered as by this Act provided,

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 Sarái, a person who does not produce a certificate of character in such form and signed by such persons as the State Government shall from time to time direct.

7. Duties of keepers of Saráis.—The keeper of a Sarái shall be bound.—

(*1*) When any person in such Sarái 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 Sarái and allow him to inspect the same or any part thereof;

(*3*) To thoroughly cleanse the rooms and verandahs, and drains of the Sarái, 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 Sarái, and all trees and branches of trees capable of affording to thieves means of entering or leaving the Sarái:

(*5*) To keep the gates, walls, fences, roofs and drains of the Sarái 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 lodging in, halting at or placed in the Sarái lodging and;

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

8. Power to order reports from keepers of Saráis.—The keeper of a Sarái shall from time to time, if required so to do by an order of the Magistrate of the District served upon him, report, either orally or in writing as may be directed by the Magistrate, to such Magistrate or to such person as the Magistrate shall appoint, every person who resorted to such Sarái during the preceding day or night. 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 schedules with the 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.

9. power to shut up, secure, clear, and clean deserted Saráis.—If any Sarái 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 given 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 Saráí, 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 within 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 Saráí, and shall be recoverable like penalties under this Act, or, in case of abandonment or disputed ownership of the Saráí, by the sale of any material found therein.

10. Taking down or repairing ruinous Saráís.—If a Saráí 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 Saráí, he shall give notice in writing to the keeper of the Saráí, requiring him forthwith to take down, repair or secure (as the case may be) the Saráí or such part thereof as the case may require. If the keeper do not begin to take down, repair or secure the Saráí, 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 Saráí 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 Saráí, and shall be recoverable from him as hereinafter mentioned.

11. Sale of materials of ruinous Saráís.—If any such Saráí 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 overplus (if any) arising from such sale to the owner of such Saráí on demand, and may recover the deficiency (if any) as if the amount thereof were a penalty under this Act.

12. penalty for permitting saráís to be filthy or overgrown.—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:

Proviso.—Provided that the Magistrate of the District may, in lieu of enforcing such daily penalty, enter on and cleanse or clear the said Saráí, 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

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.

14. Penalty for infringing Act or regulations.—If the keeper of a Saráí 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 [1]Section 61 of the Code of Criminal Procedure.

15. Conviction for third offence to disqualify persons from keeping Saráís.—Where a keeper of a sarai is convicted of a third offence under this Act, he shall not afterwards act as keeper of a Saráí 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.

16. Nothing in Act to apply to certain Saráís.—No part of this Act, except section 8, shall apply to any Saráí which may be under the direct management of the State Government or of any Municipal Committee.

17. Extent of Act.—This Act shall in the first instance extend only to the [2]territories under the government of the Lieutenant Governor of the North-West Provinces of the Presidency of Fort William in Bengal.

Power to Governor General in Council to extend this Act.—But it shall be lawful for the State Government, by notification in the Local *Gazette*, to [3]extend this Act, *mutatismutandis*, to any other part of the [4][the territories under its government], except the towns of Calcutta, Madras and Bombay [5]* * *

18. Short title.—This Act may be called the saráís Act, 1867.

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

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

3. It has been extended to Oudh, *See* Notification No. 591, dated 25th July, 1883, in North-Western Provinces and Oudh Gazetted, 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.

4. 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 Vict., ch. 106 (*an Act for the better Government of India*)". 5. The words "and the Settlement of Prince of Wales' Island, Singapore and Malacca" rep. by Act 12 of 1891.

SCHEDULE.

FORM OF NOTICE.

Take notice that on the day of 1867, an Act called "The Saráís' Act, 1867," was passed, and that before the day of 18 you, being the keeper of a Saráís [*or* Purao**]** within [*here state the district over which the jurisdiction of the Magistrate giving the notice extends*] must have your Saráís [*or* Purao**]** 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 Saráís [*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 per*

son to keep the register] he will register your Saráís **[***or* Purao**]** free of all charge to you.

Dated the day of 18 .