



THE SARAIS ACT, 1867



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THE SARAIS ACT, 1867

¹ACT No. XXII OF 1867

[15th March, 1867]

An Act for the regulation of public Sarais and Puraos.

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

1. Interpretation-clause.— [*Repeal of Bengal Regulation XIV of 1807, section 11, clause 5.*]
Rep. by the Amending Act, 1891 (XII of 1891).

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

“sarai” 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 sarai, 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 sarai” includes the owner and any person having or acting in the care or management thereof :

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

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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 sarai 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 sarai notice in writing of this Act, by leaving such notice for the keeper at the sarai ; and shall by such notice require the keeper to register the sarai as by this Act provided.

¹For Statement of Objects and Reasons, see Gazette of India, 1867, p.194 and for Proceedings in Council relating to the Bill, see *ibid.*, Supplement pp. 62, 72, 158, 225 and 232. The Act has been applied to Phulera in the Excluded Area of Upper Tanawal to the extent the Act is applicable in the N.W.F.P., subject to certain modifications, and extended to the Excluded Area of Upper Tanawal (N.W.F.P.) other than Phulera with effect from such date and subject to such modifications as may be notified, see N.W.F.P. (Upper Tanawal) (Excluded Area) Laws Regulation, 1950.
The Act has been applied to Baluchistan by the Baluchistan Laws Regulation, 1913 (II of 1913), s. 3.
It has been extended to the Leased Areas of Baluchistan, see the Leased Areas (Laws) Order, 1950 (G.G.O. 3 of 1950) ; and applied in the Federated Areas of Baluchistan, see Gaz. of India, 1937, Pt. I, p. 1499.

²This reference should now be read as “District Magistrate”, see para. 2 of section 3 of the Code of Criminal Procedure, 1898 (Act 5 of 1898).

³The words “Words in the singular include the plural, and vice versa”, rep. by the Repealing and Amending Act, 1914 (10 of 1914), and the definition of “L.G.” by A. O., 1937.

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

4. Registers of sarais 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 sarais within his jurisdiction, and the situation of every such sarai.

No charge shall be made for making any such entry.

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 sarai or any other person shall not receive any lodger or allow any person, cattle, sheep, elephant, camel or other animal, or any vehicle, to halt or be placed in such sarai 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 sarai a person who does not produce a certificate of character in such form and signed by such person as the¹[Provincial Government] shall from time to time direct.

7. Duties of keepers of sarais. The keeper of a sarai shall be bound—

(1) when any person in such sarai 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 required 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 sarai and allow him to inspect the same or any part thereof :

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

(5) to keep the gates, walls, fences, roofs and drains of the sarai repair :

(6) to provide such number of watchmen as may, in the opinion of the Magistrate of the District, subject to such rules as the¹[Provincial 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 sarai : and

¹Subs. by A. O., 1937, for "L.G".