

Bihar And Orissa Places Of Pilgrimage Act, 1920

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SCHEDULE 1 :- THE SCHEDULE

Bihar And Orissa Places Of Pilgrimage Act, 1920

An Act to make better provision for the control and sanitation of places of pilgrimage and for the regulation of houses therein in which pilgrims are accommodated Whereas it is expedient to make better provision for the control and sanitation of places of pilgrimage, and for the regulation of houses therein in which pilgrims are accommodated; And whereas the previous sanction of the Governor-General has been obtained under Section 79 (2) of the Government of India Act, 1915, to the passing of this Act; It is hereby enacted as follows: Published vide Orissa Act No. 11 of 1920. For Statement of Objects and Reasons, see the Bihar and Orissa Gazette, 1919, Pt. V, p. 15; for the Report of the Select Committee, see *ibid.*, 1920, Pt. V, p 47; and for Proceedings in Council see *Ibid*, 1919, Pt. VI, p. 424, and *Ibid*, 1920, Pt. VI, p. 38.

CHAPTER 1

PRELIMINARY

1. Short Title And Extent :-

(1) This Act may be called the Bihar and Orissa Places of Pilgrimage Act, 1920.

(2) This section extends to the whole of the State of Bihar and Orissa, including the Santal Parganas.

(3) The Provincial Government may by notification extend** all or any of the other provisions of this Act to any local area to or through which people go on pilgrimage.

The application of this Act is barred in-

(i) the district of Angul by the Angul Laws Regulation, 1936 (Regulation V of 1936), Section 3 (2);

(ii) the district of Khondmals by the Khondmals Laws Regulation, 1936 (Regulation IV of 1936), Section 3 (2).

2. Definitions :-

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

(1) "licensed house" means a house in respect of which a licence for the accommodation of pilgrims has been granted under this Act and is in force;

1[(2) "Magistrate" means an Executive Magistrate empowered by the State Government in that behalf to perform the functions of a Magistrate under this Act;

(3) "owner" means the Person entitled to the immediate possession of any houses and includes the person who has obtained a licence in respect of any house;

(4) "pilgrim" includes a person who visits a place of pilgrimage with the object, among others, of performing such rites as are usually performed by pilgrims;

(5) "prescribed" means prescribed by rules made by the Provincial Government under this Act.

1. Substituted vide Orissa Act, No. 13 of 1991.

CHAPTER 2

LICENSED HOUSES

3. Prohibition Of Accommodation Of Pilgrims For Gain In Unlicensed Houses :-

No person shall accommodate pilgrims for gain in any house not licensed.

4. Application For Licence :-

(1) The owner of any house may apply to the Magistrate to licence such house for the accommodation of pilgrims.

(2) Every such application shall be in writing in the prescribed form, and shall be accompanied by the prescribed fee for inspection of the house by the Medical Officer of Health.

5. Reference To Medical Officer Of Health :-

The Magistrate shall forward the application to the Medical Officer of Health, who shall inspect the house and return the application to the Magistrate with a certificate in the prescribed form of the result of his inspection.

6. Grant Of Licence :-

(1) If it appears to the Magistrate after considering the certificate of the Medical Officer of Health that the house satisfies the prescribed requirements, he may, on payment of the prescribed licence-fee, license the house for the accommodation of such number of pilgrims, if any, as in his opinion the house is fit to accommodate, having regard to the number of persons stated in the application to be resident in the house as members of the family and servants of the owner, or if the Magistrate considers that the number of persons so stated has been overstated or understated, to the number of persons likely in his opinion to be so resident at the time when the largest number of pilgrims is accommodated in the house.

(2) Every such licence shall be in the prescribed form and subject to the prescribed conditions, and shall specify the date, not exceeding one year from the date of issue, up to which it is to remain in force.

7. Discretion To Grant Temporary Or Provisional Licence :-

The Magistrate may license any house for a period not exceeding one month at a reduced fee, and may also, in case of urgency, if satisfied that sufficient accommodation cannot otherwise be provided for all the pilgrims visiting the town or place, provisionally license any house pending the result of the inspection of the Medical Officer of Health.

8. Revocation Or Suspension Of Licence :-

If the Magistrate is satisfied that any licensed house is unfit for the accommodation of Pilgrims, or if the owner of any licensed house is convicted of any offence punishable under this Act, the Magistrate may revoke or suspend the licence granted in respect of such house.

9. Modification Of Licence :-

Whenever the Magistrate is satisfied that any licensed house is fit for the accommodation of a less number only of pilgrims than the number entered in the licence, the Magistrate may modify such licence by entering therein such less number:

Provided that if the change is not due to the fault of the licensee,

the Magistrate shall refund to him such portion of the licence-fee already paid as he deems just and reasonable in the circumstances of the case.

10. Powers Of Entry And Inspection :-

(1) The Magistrate or the Medical Officer of Health may at any time-

(a) enter and inspect any licensed house or any part thereof other than a zanana room;

(b) after giving the prescribed notice of his intention to do so, enter and inspect any zanana room in a licensed house.

Explanation-The expression "zanana room" means any part of a house in the exclusive use and occupation of women who according to the custom and manners of the country ought not to be compelled to appear in public.

(2) The Magistrate may by order in writing-

(a) authorise any officer not below the rank of a Sub-Deputy Magistrate or Sub-Deputy Collector to exercise the above powers;

(b) authorise any other person to exercise the above powers between the hours of 6 a.m. and 9 p.m.;

(3) Every person so authorised shall be deemed to be a public servant within the meaning of the Indian Penal Code (Act XLV of 1860).

11. Power To Exempt Licensed House From Inspection :-

The Magistrate may, by order, exempt any licensed house or any part thereof from inspection for a period specified in the order, and may cancel or renew any such order.

CHAPTER 3

MEDICAL OFFICERS OF HEALTH

12. Power To Appoint Medical Officers Of Health And Sanction Establishment :-

The Commissioner may-

(a) appoint Medical Officers of Health to carry out the purposes of this Act;

(b) sanction the entertainment of such establishment as he may deem necessary for the purposes of this Act.

CHAPTER 4

TERMINAL TAX ON PASSENGERS

13. Power To Impose Terminal Tax :-

The Provincial Government may impose a terminal tax on passengers of one or more of the following classes, namely:

- (a) passengers brought by railway to any railway station;
- (b) passengers taken by railway from any railway station;
- (c) passengers brought by steam vessel to any landing place;
- (d) passengers taken by steam vessel from any landing place in or near a place of pilgrimage;
- (e) passengers carried by road by a public service vehicle as defined in the Motor Vehicles Act, 1939 (IV of 1939) and brought to or taken from any place:

Provided that no terminal tax shall be imposed on passengers of class (a) or class (b) after the commencement of the Constitution, which was not lawfully being imposed immediately before such commencement and any tax so imposed on passengers of those classes shall only be leviable until provision to the contrary is made by Parliament.

CHAPTER 5 **PENALTIES**

14. Penalty For Accommodating Pilgrims In House Not Licensed :-

If any pilgrim is accommodated for gain in a house other than a licensed house, the owner of the house shall be liable for every pilgrim so accommodated to a fine not exceeding rupees 1[fifty] for every day or night during any part of which such pilgrim was accommodated in the house.

1. Substituted vide Orissa Act No. 13 of 1991.

15. Penalty For Accommodating Persons In House After Revocation Or Suspension Of Licence :-

When a licence in respect of any house has been revoked or suspended, if there is resident in such house any person other than a member of the family or a servant in the actual employ of the owner, the owner shall be liable to a fine not exceeding 1[fifty rupees] for each person so found.

1. Substituted vide Orissa Act No. 13 of 1991.

16. Penalty For Accommodating Excess Number :-

If there is at any time resident in a licensed house a number of persons in excess of the authorised number, the owner of the house shall be liable to a fine not exceeding 1[fifty] rupees for each person so found in excess.

Explanation-In this section the expression "authorised number" means the total arrived at by adding the number of pilgrims entered in the licence to the number of residents to which regard was had under the provisions of Sub-section (1) of Section 6.

1. Substituted vide Orissa Act No. 13 of 1991.

17. Penalty For Contravention Of Conditions Of Licence :-

If the conditions entered on a licence granted in respect of a licensed house are contravened in any manner of which no penalty is provided by this Act and the rules made thereunder, the owner of the house shall be liable to a fine not exceeding Rs. 20.

17A. Trial Of Offences :-

1[(1) The State Government may confer on an Executive Magistrate not being one empowered under Clause (2) of Section 2, the powers of a Judicial Magistrate of the first class or of the second class for the trial of the offences under this Act, and on such conferment of powers, the Executive Magistrate, on whom the powers are so conferred, shall be deemed, for the purposes of the Code of Criminal Procedure, 1973 (2 of 1974) to be a Judicial Magistrate of the first class or of the second class, as the case may be.

(2) An offence under this Act may be tried summarily.

1. Inserted vide Orissa Act No. 13 of 1991.

17B. Compounding Of Offences :-

Any offence punishable under this Act may, either before or after the institution of the prosecution, be compounded by the Magistrate on payment of such sum not being less than fifty per centum of the maximum fine provided for such offence and more than such maximum fine as the Magistrate may determine, and on payment thereof,-

(a) no further proceedings shall be commenced against the person accused in respect of such offence;

(b) if any proceedings have already been commenced against such person, such proceedings shall not be further proceeded with; and

(c) such person, if in custody, shall be discharged.

18. Liability Of Persons In Charge Of Licensed House In Absence Of Owner :-

If the owner of a licensed house is absent therefrom, leaving it in charge of any other person, then such other person as well as the owner shall be liable to any penalty which may under this Act be imposed for any offence in respect of such house.

19. Power To Perform Work Of Which Notice Is Given :-

Where any person is required to perform any work of or connected with conservancy or sanitation, and such person fails to perform such work within eight days after being served with a notice in that behalf, the Magistrate may cause such work to be performed and may recover the cost from such person as if it were a fine

Provided that in case of urgency where immediate remedy is in the opinion of the Magistrate essentially necessary, he may cause such work to be performed at any time after the issue of the notice, and may recover the cost as aforesaid:

Provided that this section shall not apply to an area which is a Municipality within the meaning of the Bengal Municipal Act, 1884 (Bengal Act III of 1884).

CHAPTER 6

THE LODGING-HOUSE FUND

20. The Lodging-House Fund :-

(1) In every area to which this Act applies, there shall be constituted a fund, to be called the "Lodging-house Fund", and there shall be placed to the credit thereof in the District Treasury or in a Sub-Treasury, or in any bank or branch bank used as a Government treasury in or near the area

(a) all sums levied and recovered within such area as fees, or otherwise under this Act, not being fines or penalties;

(b) all sums which may be allotted to the fund from provincial revenues by the Provincial Government, or directed by the Provincial Government to be credited to the fund; and

(c) the net proceeds of the terminal tax, if any, imposed under Section 13:

Provided that a Committee appointed under Sub-section (2) may, with the previous sanction of the Provincial Government, invest any moneys not required for immediate use either in Government securities or in any other form of security of which the Provincial Government may approve.

(2) The Provincial Government may appoint any person or a Committee to administer, in accordance with the provisions of this Act, the Lodging-house Fund constituted for any area:

Provided that in any area where the Bengal Municipal Act, 1884 (Bengal Act III of 1884) is in force, the fund shall be administered by a Committee, at least one-third of whose number shall be

elected by the Commissioners of the Municipality for that area and the remainder shall be elected or nominated in such manner as the Provincial Government may prescribe.

21. Application Of Fund :-

The Lodging-house Fund shall be applied as the Commissioner may direct-

(a) to the payment of the salaries of Medical Officers of Health appointed and of establishment entertained in accordance with the provisions of Section 12, and of pensions and gratuities, and of contributions to the provident or annuity fund;

(b) to the provision of medical relief in the area for which the fund is constituted, and to the sanitary improvement and conservancy of the said area and of any place, building or road which is or may be regulated by rules made under this Act.

CHAPTER 7

MISCELLANEOUS

22. Suits Against Officers :-

(1) For the purposes of Section 80 of the Code of Civil Procedure, 1908 (V of 1908), the Magistrate, the Medical Officer of Health and every person acting under his or their direction, shall be deemed to be a public Officer.

(2) A suit or proceeding against any such person for anything done or professing or purporting to be done under this Act shall not be instituted after three months from the date of accrual of the cause of action.

23. Power To Make Rules :-

(1) The Provincial Government may, after previous publication, make rules for carrying out the purposes of this Act:

Provided that without the previous sanction of the Central Government no railway company or administration operating a railway within the meaning of Clause (20) of Article 366 of the Constitution shall by such rules be called upon to collect a terminal tax.

(2) In particular and without prejudice to the generality of the foregoing power, the Provincial Government may by such rules-

(a) provide for every matter by this Act directed or expressly or impliedly authorized to be prescribed;

- (b) prescribe the authority which may require a person to perform a work of or connected with conservancy or sanitation, or to perform such a work of any specified class;
 - (c) prescribe the manner of service of any notice or order under this Act or any rule made thereunder;
 - (d) subject to the proviso to Sub-section (1), prescribe the manner in which the terminal tax shall be collected;
 - (e) prescribe registers, forms and returns;
 - (f) provide for the grant of pensions and gratuities to the Medical Officer of Health and to the members of the establishment entertained under Section 12;
 - (g) provide for the creation and management of a provident fund or annuity fund, for compelling contributions thereto on the part of members of the said establishment and for supplementing such contributions out of the Lodging-house Fund;
 - (h) regulate the encampments, lodging and halting places, sarais and dharmshalas used by pilgrims in any place of pilgrimage, or on their journey thereto or therefrom;
 - (i) prescribe measures to be taken for preventing the outbreak or spread of any epidemic disease;
 - (j) in any area not being a Municipality or part of a Municipality, provide for all or any matters of or connected with conservancy, sanitation and medical relief.
- (3) The Provincial Government may in making any rule under this section direct that the breach thereof shall be punishable with fine not exceeding fifty rupees, and in case of a continuing offence, a further fine not exceeding twenty rupees for each day after written notice of the offence from the Magistrate.

CHAPTER 8

REPEALS

24. Repeals :-

The enactments specified in the Schedule, so far as they are in force in Bihar and Orissa are hereby repealed.

SCHEDULE 1

THE SCHEDULE

Enactments repealed

[See Section 24]

Acts of the Lieutenants Governor of Bengal.

Year	No.	Short title
1	2	3

1871	4	The Puri Lodging house Act
1879	2	The Puri Lodging-house (Extension) Act
1884	1	Ditto
1908	3	The Puri Lodging-house (Amendment) Act