

Bihar and Orissa Places of Pilgrimage Act, 1920

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Act 2 of 1920

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Bihar and Orissa Places of Pilgrimage Act, 1920(B. & O. Act 2 of 1920)Last Updated 1st February, 2020[Dated 31.03.1920]An Act to make better provision for the control and sanitation of places of pilgrimage and for the regulation of house therein in which pilgrims are accommodatedWhereas 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: -

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 [States] [Substituted by A.L.O.] of Bihar [and Orissa], including the Santhal Parganas.(3)The [State] [Substituted by A.L.O.] 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.

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;(2)"Magistrate" means the District Magistrate, and includes any Magistrate of the first class specially empowered by the [State] [Substituted by A.L.O.] Government to perform the functions of the Magistrate under this Act;(3)"owner" means the person entitled to the immediate possession of any house, 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 [State] [Substituted by A.L.O.] Government under this Act.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 licence such house for the accommodation of pilgrims.(2)Every such application shall be in writing in the 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, licence 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 under-stated, to the number of person 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, upto which it is to remain in force.

7. Discretion to grant temporary provisional licence.

- The Magistrate may license any house for a period not exceeding one month at a reduced fee, and may also, in cases of urgency, if satisfied that sufficient accommodation cannot otherwise be provided for all the pilgrims visiting the town or place, provisionally licence 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 license-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 customs and manners of the country ought not to be compelled to appear in public. (2) The magistrate may by order in writing -(a) authorize any officer not below the rank of a Sub-Deputy Magistrate or Sub-Deputy Collector to exercise the above powers; (b) authorize any other person to exercise the above powers between the hours of 6 a.m. and 9 p. m. (3) Every person so authorized shall be deemed to be a public servant within the meaning of the Indian Penal Code.

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. 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 purpose of this Act; (b) sanction the entertainment of such establishment as he may deem necessary for the purpose of this Act. Terminal Tax on Passengers

13. Power to impose terminal tax.

- The [State] [Substituted by ALO.] 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: Provided that no terminal tax shall be imposed on passengers of class (a) or class (b) [after the commencement of the [Constitution] [Substituted for the word 'without the sanction of the Governor-General-in-Council' by AO.]] which was not lawfully being imposed immediately before [such commencement] [Substituted by Parts III of the Government of India Act, 1935 for the words 'that date'.], and any tax so imposed on passengers of those classes shall only be leviable until provision to the contrary is made by [Parliament] [Substituted by A.L.O., for the words 'The Central

Legislature'.].Penalties

14. Penalty for accommodating pilgrims in house not licensed.

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

15. Penalty for accommodating person in house after revocation or suspension of licence.

- When a licence in respect of any house has been revoked or suspended, if there is no 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 Rs. 5 for each person so found.

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 authorized number, the owner of the house shall be liable to a fine not exceeding five rupees for each person so found in excess.Explanation. - In this Section, the expression "authorized 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.

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 for 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.

18. Liability of persons in charge of licenced house in absence of owner.

- If the owner of 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 may 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 with the meaning of the [Bengal Municipality Act 1884.]
[Repealed and re-enacted by B. & O. Act 7 of 1922.]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 place 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] [Inserted by B. & O. Act 2 of 1931.], -(a)all sums levied and recovered within such area as fees [***] [The words 'fines, penalties' omitted by A. O.] of otherwise under this Act [not being fines or penalties] [Inserted by A. O.];(b)all sums which may be the allotted to the Fund from provincial revenues by the [State] [Substituted by A.L.O.] Government, or directed by the [State] [Substituted by A.L.O.] Government to the 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 [State Government invest] [This proviso was added by B. & O. Act 2 of 1931.] any moneys not required for immediate use either in Government securities of any other form of security of which the [State Government may approve] [Substituted by A.L.O.].(2)The State 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 area where the Bengal Municipal Act, [1884] [Repealed and re-enacted by B. & O. Act 7 of 1922.] 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 of that area and the remainder shall be elected or nominated in such manner as the [State] [Substituted by A.L.O.] 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 the Act;(c)[to the expenditure incurred on all acts and things which are necessary for carrying out the purpose of this Act or which are likely to promote the safety, health, welfare or convenience of pilgrims, or expenditure whereon may be declared by the Lodging House Committee, with the sanction of the [State Government, to be an appropriate charge on the Lodging-House Fund.] [Added by B. & O. Act 15 of 1939.]

22. Suits against officers.

(1)For the purpose of Section 80 of the Code of Civil Procedure, 1908 the Magistrate, the Medical Officers 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 to be instituted after three months from the date of accrual of the cause of action.Miscellaneous

23. Power to make Rules.

(1)The [State] [Substituted by A.L.O.] Government may after[previous publication] [As or the procedure for previous publication, see B. & O. Act 1 of 1917.] make Rules for carrying out the purposes of this Act:Provided that without the previous sanction of the [Central Government] [Substituted by A. L.O. for the words 'Federal Railway Authority'.] no railway company or administration [operating a railway] [Inserted by A. O.] [within the meaning of Clause (20) of Article 366 of the Constitution] [Substituted by A.L.O. for the words and figure 'which is Federal Railway within the meaning of this Government of India Act, 1935'.] 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 [State] [Substituted by A.L.O.] 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 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 the members of the said establishment and for supplementing such contributions out of the Lodging-house Fund;(h)regulate the encampments, lodging and halting-places, saries and dharamshalas 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 [State] [Substituted by A.L.O.] Government may in making any Rule under this Section directed 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.Repeals

24. Repeals.

- The enactments specified in the schedule, so far as they are in force in Bihar and Orissa, are hereby repealed.The ScheduleEnactments Repealed(See Section 42)Acts of the Lieutenant-Governor of Bengal

Year	No	Shorttitle
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.