

ACT No. XX OF 1932.

[AS PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 1st October, 1932.)

An Act to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.

WHEREAS it is expedient to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz; It is hereby enacted as follows:—

1. (1) This Act may be called the Port Haj Committees Act, 1932. Short title, extent and commencement.

(2) It extends in the first instance to the Presidencies of Bombay and Bengal, but the Governor General in Council may, by notification in the Gazette of India, extend it to any other maritime province.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in any province to which the Act extends on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context,— Definitions.

(a) a "pilgrim" means a Muslim proceeding on or returning from pilgrimage to the Hedjaz; and

(b) a "pilgrim ship" means a ship conveying or about to convey pilgrims from or to any port in British India to or from any port in the Red Sea other than Suez.

3. As soon as may be after this Act comes into force in the Presidency of Bengal, there shall be constituted a committee, to be called the Port Haj Committee of Calcutta, and as soon as this Act comes into force in the Presidency of Bombay, there shall be constituted two committees, to be called the Port Haj Committee of Bombay and the Port Haj Committee of Karachi, respectively. Initiation of Port Haj Committees.

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Composition of
Port Haj
Committees.

4. (1) The Port Haj Committee of Calcutta shall consist of nineteen members as follows:—

- (a) seven members to be nominated by the Local Government, of whom not more than five shall be officials;
- (b) two members to be elected by the elected Muslim Councillors and elected Muslim Aldermen of the Corporation of Calcutta;
- (c) six members to be elected by an electorate consisting of—
 - (i) the elected Muslim members of the Bengal Legislative Council,
 - (ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bengal, and
 - (iii) the elected Muslim members of the Bengal Medical Council; and
- (d) four members to be co-opted by the elected members of the Committee.

(2) The Port Haj Committee of Bombay shall consist of nineteen members as follows:—

- (a) seven members to be nominated by the Local Government, of whom not more than five shall be officials;
- (b) two members to be elected by the elected Muslim members of the Municipal Corporation of the City of Bombay;
- (c) six members to be elected by an electorate consisting of—
 - (i) the elected Muslim members of the Bombay Legislative Council,
 - (ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bombay, and
 - (iii) the elected Muslim members of the Bombay Medical Council; and
- (d) four members to be co-opted by the elected members of the Committee.

(3) The

(3) The Port Haj Committee of Karachi shall consist of seventeen members as follows:—

- (a) six members to be nominated by the Local Government, of whom not more than five shall be officials;
- (b) two members to be elected by the elected Muslim members of the Municipality of Karachi;
- (c) five members to be elected by the electorate defined in clause (c) of sub-section (2); and
- (d) four members to be co-opted by the elected members of the Committee.

(4) An elected member of a Port Haj Committee need not be a member of the electorate which elects him.

(5) A member of a Port Haj Committee nominated by a Local Government may be nominated by virtue of office.

5. (1) The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor General in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.

Power to alter composition of Port Haj Committee.

(2) The draft in the form finally approved by the Governor General in Council shall be published in the Gazette of India and in the local official Gazette, and thereupon the composition of the Port Haj Committee shall be altered accordingly.

6. (1) When any port, other than Calcutta, Bombay or Karachi, situated in any province to which this Act extends, is appointed to be a port for pilgrim traffic in pursuance of sub-section (1) of section 150 of the Indian Merchant Shipping Act, 1923, the Governor General in Council may, subject to the condition of previous publication, make rules providing for the composition of a Port Haj Committee for such port, and shall cause the Committee to be constituted accordingly.

Constitution of Port Haj Committees in other ports.

(2) The provisions of this Act shall apply to such Committee when constituted.

7. (1) The election and co-option of members of Port Haj Committees shall be conducted in accordance with rules to be made in this behalf by the Local Government.

Nominations, elections and co-options.

(2) As soon as may be after the election and co-option of members of a Port Haj Committee, the Local Government shall make the nominations permitted by section 4, and shall publish

lish in the local official Gazette a list of the names of all members nominated, elected and co-opted :

Provided that the failure of anybody to elect or to co-opt a member shall not prevent the Local Government from making nominations or from publishing the list of members as provided in this sub-section :

Provided further that the list of members of a new Committee shall not be published before the expiry of three years from the date of the publication of the list of members of the Committee which it is replacing.

Term of office.

8. (1) Where a member of a Port Haj Committee is nominated by virtue of his office, the person for the time being holding the office shall be a member until the Local Government otherwise directs.

(2) The term of office of other members (except members filling casual vacancies) shall be not less than three years, commencing on the day following the publication of the list of members under sub-section (2) of section 7, and ending on the date of the publication of the list of members of the next Committee.

Formation of new Committees.

9. (1) At such time as the Local Government may deem to be expedient before or after the expiry of the period of three years after the publication of the list of members of a Committee under sub-section (2) of section 7, the Local Government shall take or cause to be taken all necessary steps for the election, co-option and nomination of members of the new Committee.

(2) No person shall be ineligible for election, co-option or nomination to a Port Haj Committee on the ground that he is or has been a member of a Port Haj Committee.

Rules relating to the constitution of Committees.

10. The Local Government may make rules—

- (a) prescribing the disqualifications which shall disqualify any person from being elected, co-opted or nominated as member of a Port Haj Committee;
- (b) providing for the decision of doubts and disputes relating to the election and co-option of members;
- (c) regulating the resignation of members;
- (d) prescribing the reasons for which members may be removed, and providing for their removal;
- (e) regulating

- (e) regulating the filling of casual vacancies and the term of office of members filling casual vacancies; and
- (f) providing for any other matter which the Local Government may deem to be expedient for the proper constitution of Port Haj Committees.

11. (1) After the publication of the list of members of a Port Haj Committee under sub-section (2) of section 7, the Local Government shall direct the Committee to elect one of its members to be Chairman within a time to be specified in such direction. Chairmen and Vice-Chairmen.

(2) If within the time so specified the Committee fails to elect a Chairman, the Local Government may appoint a member of the Committee to be Chairman of the Committee.

(3) An elected Chairman shall not take up his office until his election has been approved by the Local Government.

(4) A Port Haj Committee may elect from amongst its members not more than two members to be Vice-Chairmen.

(5) The appointment or election of Chairmen and Vice-Chairmen shall be notified in the local official Gazette.

12. The Local Government may make rules—

- (a) prescribing the term of office of Chairmen;
- (b) prescribing the powers and duties of Chairmen;
- (c) regulating the resignation of Chairmen;
- (d) prescribing the reasons for which Chairmen and Vice-Chairmen may be removed, and providing for their removal; and
- (e) regulating the filling of casual vacancies in the office of Chairman and the term of office of persons filling such vacancies.

Power to make rules regarding Chairmen and Vice-Chairmen.

13. A Port Haj Committee may, with the previous sanction of the Local Government, make by-laws—

- (a) prescribing the term of office of Vice-Chairmen;
- (b) prescribing the powers and duties of Vice-Chairmen, and also the powers and duties of the Chairman in so far as they have not been prescribed by rules under section 12;
- (c) regulating the resignation of Vice-Chairmen; and
- (d) regulating

Power to make by-laws regarding Chairmen and Vice-Chairmen.

- (d) regulating the filling of casual vacancies in the office of Vice-Chairman, and the term of office of persons filling such vacancies.

Officers and servants of Port Haj Committees.

14. (1) Until the expiry of a period of four years from the date of the publication of the list of members of a Port Haj Committee on its first constitution, the Local Government shall, in consultation with the Committee, appoint, for each Port Haj Committee, a person to be Executive Officer, who shall also be Secretary to the Committee, and shall also in like manner appoint such other officers and servants as it may consider necessary for the efficient discharge of the duties of the Committee.

(2) The Local Government may make rules—

- (a) regulating the relations between a Port Haj Committee and its Executive Officer;
- (b) regulating the subordination of the other officers and servants of a Port Haj Committee to the Committee and to the Executive Officer;
- (c) determining the conditions of service of an Executive Officer and other officers and servants;
- (d) prescribing the powers and duties of the Executive Officer in so far as they are not prescribed by this Act; and
- (e) prescribing the powers and duties of the other officers and servants of a Port Haj Committee.

(3) Rules made under sub-section (2) may authorise a Port Haj Committee to make by-laws providing for any of the matters specified in that sub-section in so far as such matters are not provided for in the rules.

Delegation to Port Haj Committee of control over its officers and servants.

15. (1) Within the period of four years referred to in sub-section (1) of section 14 the Local Government may, and on the expiry of that period the Local Government shall, by notification in the local official Gazette, authorise a Port Haj Committee to appoint its Executive Officer, and to appoint such other officers and servants as the Committee may deem to be necessary for the efficient discharge of its duties.

(2) Such authorisation may impose such restrictions and conditions as the Local Government may think fit.

(3) A Port Haj Committee so authorised may make by-laws providing for any of the matters specified in sub-section (2) of section

section 14, and may cancel any rule made under that sub-section in so far as it applies to such Committee and its officers and servants.

16. The pay and allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by the Local Government under section 14 shall be paid by the Governor General in Council, and the pay, allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by a Committee under section 15 shall be paid by the Committee out of the funds at its disposal.

Payment of salaries, etc., of officers and servants.

17. (1) A Port Haj Committee shall meet at least once in every month during the four months before the Haj Day and during the two months after the Haj Day, and at least once in each three months during the rest of the year.

Meetings of Committees and conduct of business.

(2) The number of members required to make a quorum at any meeting shall be six.

(3) All matters shall be decided by a majority of the members present, and in the event of an equality of votes the Chairman or other person presiding shall have a casting vote.

(4) A Port Haj Committee may make by-laws—

- (a) regulating the convening of its meetings;
- (b) regulating the conduct of business at its meetings;
- (c) prescribing the registers and records which shall be maintained;
- (d) providing for the publication of its proceedings and of any other matters of interest to pilgrims; and
- (e) providing for any other matter which the Committee may deem necessary for the regulation of its meetings and its business:

Provided that the Local Government may, at any time before the first meeting of a Committee after the commencement of this Act, frame instructions for the Committee on all or any of the matters specified in this sub-section, and such instructions shall be deemed to be by-laws made by the Committee under this sub-section until they are superseded by by-laws so made.

(5) Anything done or any proceeding taken by a Port Haj Committee shall not be questioned on the ground of any vacancy

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in the Committee, or on account of any defect or irregularity not affecting the merits of the case.

Duties of
Port Haj
Committees.

18. (1) The duties of a Port Haj Committee shall be—

- (a) to collect and disseminate information useful to pilgrims;
- (b) to advise and assist pilgrims during their stay at the port, while proceeding to or returning from the Hedjaz, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports and to co-operate with the local authorities concerned in such matters;
- (c) to give relief to indigent pilgrims;
- (d) to negotiate and co-operate with railways and shipping companies for the purpose of securing travelling facilities for pilgrims;
- (e) to find suitable Muslims for employment by shipping companies on pilgrim ships;
- (f) to bring the grievances of pilgrims and any irregularities or omissions on the part of a master or owner of a pilgrim ship in the carrying out of the provisions of the Indian Merchant Shipping Act, 1923, XXI of 1923. to the notice of the authorities concerned, and to suggest remedies;
- (g) to authorise whenever practicable an individual pilgrim or a committee of pilgrims on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship; and
- (h) such other duties in connection with the pilgrim traffic as may be entrusted to it by Government.

(2) The Local Government shall afford all reasonable assistance to the Port Haj Committee in the discharge of the duties imposed by this section.

Inspection of
pilgrim ships.

19. (1) Each Port Haj Committee shall appoint one or more sub-committees composed of two of its members, whose duties shall be the inspection of pilgrim ships.

(2) Any such sub-committee when inspecting a pilgrim ship shall be accompanied by the certifying officer appointed for the port under section 151 of the Indian Merchant Shipping Act,

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Port Haj Committees.

Act, 1923, or by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of a Port Haj Committee or a sub-committee appointed under sub-section (1) may enter and inspect any pilgrim ship advertised or offering to sail from or which has returned to the port for which the Committee is constituted.

(4) A master or any officer of a pilgrim ship who fails to render every reasonable facility for such inspection shall be punishable with fine which may extend to five hundred rupees.

(5) No Magistrate other than a Presidency Magistrate or Magistrate of the first class shall take cognizance of an offence punishable under sub-section (4), and such Magistrates shall take cognizance of such offence only on written complaint by the Chairman of the Port Haj Committee concerned.

20. In each port in which there is a Port Haj Committee there shall be created a fund, to be called the Haj Fund of the port concerned, and there shall be placed to the credit thereof the following sums, in so far as they arise or have arisen in the port concerned, namely:—

- (a) the interest on all deposits made by pilgrims under clause (b) of section 208A of the Indian Merchant Shipping Act, 1923;
- (b) sums realised from the sale of the effects of deceased pilgrims and sums of money left by deceased pilgrims, which are unclaimed and have lapsed to Government;
- (c) any fees which may be levied for the issue of visitors' passes to friends and relations of pilgrims who desire to go on board a pilgrim ship;
- (d) the amount now standing to the credit of the fund known as the Indigent Pilgrims' Fund: provided that such amount shall be applied by the Committee solely for the relief of indigent pilgrims;
- (e) any sums received by the Haj Fund from private sources; and
- (f) any sums allotted by Government to the Haj Fund.

21. A Haj Fund of a port shall, subject to rules made under section 22, be under the control and management of the Port Haj Committee for that port, and shall be applicable to the payment

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payment of charges and expenses incidental to the objects specified in section 18, and of any other object specified by rules made under clause (c) of section 22.

Power to make rules for the financial control of Committees.

22. The Local Government may, subject to the control of the Governor General in Council, make rules—

- (a) providing for the custody of Haj Funds;
- (b) regulating the investment of balances of Haj Funds;
- (c) prescribing the objects to which Haj Funds shall be applicable, in addition to those prescribed in section 18;
- (d) fixing the limits of expenditure which may be incurred by a Committee without sanction, and providing for the grant of sanction for expenditure exceeding those limits;
- (e) regulating the preparation, submission and approval of the budgets of Committees;
- (f) prescribing the accounts to be kept by Committees, and providing for the audit and publication thereof;
- (g) prescribing the returns, statements and reports to be submitted by Committees; and
- (h) generally providing for the control of Committees in respect of financial matters.

Provisions regarding rules and by-laws.

23. (1) Rules made by the Local Government under this Act shall be made by notification in the local official Gazette and shall be subject to the condition of previous publication.

(2) By-laws made by a Port Haj Committee shall be submitted to the Local Government, and shall not take effect until they have been confirmed by the Local Government.

(3) By-laws which have been confirmed by the Local Government shall be published in the local official Gazette.

Repeals.

24. (1) On the date on which this Act comes into force in the Presidency of Bombay, sections 8, 9 and 10 of the Protection of Pilgrims Act, 1887, shall be repealed.

Bom. Act of 1887.

(2) On the date on which this Act comes into force in the Presidency of Bengal, sections 8, 9 and 10 of the Protection of Muhammadan Pilgrims Act, 1896, shall be repealed.

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