

JOINT/SELECT COMMITTEE REPORTS OF LEGISLATIVE ASSEMBLY - 1924

The Indian Merchant Shipping (Amendment) Bill

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1924.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Central Board of Revenue Bill.	18.2.24.	
.	The Indian Coinage Bill.	18.2.24.	
.	The Indian Penal Code(Amendment) Bill.	19.2.24.	
.	The Indian Tariff(Amendment) Bill.	26.2.24.	
5.	The Indian Income-tax(Amendment) Bill.	10.3.24.	
6.	The Indian Penal Code(Amendment) Bill(Age of Consent) by Dr. Hari Singh Gour.	15.3.24.	
7.	The Steel Industry(Protection) Bill.	30.5.24.	
8.	The Imperial Bank of India Bill.	8.9.24.	
9.	The Indian Criminal Law(Amendment) Bill.	10.9.24.	
10.	The Indian Merchant Shipping(Amendment) Bill.	11.9.24.	
11.	The Land Customs Bill.	11.9.24.	

WE, the undersigned, Members of the Select Committee to which the Bill to amend the Indian Merchant Shipping Act, 1923, for certain purposes was referred, have considered the Bill and the papers noted in the margin, and have now the honour to submit this our Report, with the Bill as amended by us annexed thereto.

2. The first amendment which we suggest in the Bill is the omission of clause 5. A large volume of opinion is opposed to any proposal to fix limits to the pilgrim season under statutory powers, and we are agreed that it would be inadvisable to enact any provision to this effect.

3. Most of the remaining amendments which we have made in the Bill are consequential upon the decision at which we have arrived with regard to clause 6 (now clause 5). While we are agreed that it is in the interests of third class pilgrim passengers that they should be required either to purchase a return ticket or to make a deposit in order to cover the cost of the return journey, we think that the choice of these alternatives should be left to the individual pilgrim in cases where the purchase of a return ticket is feasible rather than that Government should have the power to prescribe one alternative to the exclusion of the other in all cases. We think there is no necessity to impose this condition upon persons travelling first or second class, as we doubt whether cases of destitution among pilgrims of these classes are sufficiently frequent to justify the imposition upon them of restrictions which may give a certain amount of trouble.

4. In clause 7 (now clause 6), apart from the consequential amendments necessitated by the above-mentioned decision, we propose two further amendments. In the first place, we think it desirable that a pilgrim should be able to nominate a person to whom, in the event of the death of the pilgrim in the Hedjaz or on the voyage thereto, the cost of the return ticket or the deposit, as the case may be, shall be refunded. Secondly, we consider that, where a pilgrim has died in such circumstances, the repayment of deposits should not be subject to any deduction or condition.

5. The amendments which we have made in clauses 8 and 9 (now 7 and 8, respectively,) are consequential upon the amendments to which we have already alluded. We have included among them a provision to enable the Government to dispose of unclaimed amounts liable to be refunded, and, we suggest that these sums should be devoted to the amelioration of the condition of pilgrims.

6. The non-official members of our Committee desire to suggest that Government should make every effort to supplement the provisions of this Bill by providing all possible banking and credit facilities for pilgrims at Jeddah.

7. The Bill was published as follows:—

In English.

<i>Gazette.</i>	<i>Date.</i>
Gazette of India	9th February, 1924.
Fort Saint George Gazette	4th March, 1924.
Bombay Government Gazette	22nd May, 1924.
Calcutta Gazette	9th April, 1924.
United Provinces Gazette	10th May, 1924.
Punjab Government Gazette	23rd May, 1924.
Burma Gazette	31st May, 1924.
Central Provinces Gazette.. ..	23rd February, 1924.
Assam Gazette	20th February, 1924.
Coorg District Gazette	1st March, 1924.
Sind Official Gazette	14th February, 1924.
Bihar and Orissa Gazette	24th May, 1924.
N.-W. F. Province Gazette	30th May, 1924.

In the Vernaculars.

<i>Province.</i>	<i>Language.</i>	<i>Date.</i>
Madras	Tamil ..	10th June, 1924.
	Telugu ..	17th June, 1924.
	Hindustani ..	10th June, 1924.
	Kanarese..	17th June, 1924.
	Malayalam ..	17th June, 1924.
Bombay	Marathi ..	3rd July, 1924.
	Gujarathi..	3rd July, 1924.
	Kanarese..	19th June, 1924.
	Urdu ..	26th June, 1924.
Punjab	Urdu ..	13th June, 1924.
Central Provinces ..	Hindi ..	7th June, 1924.
Coorg	Kanarese..	1st July, 1924.
Sindh	Sindhi ..	12th June, 1924.

8. We think that the Bill has not been so altered as to require re-publication, and we recommend that it be passed as now amended.

J. W. BHORE.

ABDUL QAIYUM.

K. AHMED.

SARFARAZ HOSAIN KHAN.*

H. MONCRIEFF SMITH.

W. S. J. WILLSON.

W. M. HUSSANALLY.*

AJAB KHAN, *Hony. Capt.*

T. RANGACHARIAR.

S. A. K. JEELANI.

GULAM BARI.*

The 10th September, 1924.

* Subject to minutes of dissent.

MINUTES OF DISSENT.

I sign this report on the assurance given to me that the Government will make rules for recovering the value of lapsed return tickets from Shipping Companies; and this amount together with lapsed deposits will be utilized for the amelioration of the pilgrims to the Hedjaz. The clause put in does not appear to me very clear. In my opinion neither the Government nor the Shipping Companies have any right to appropriate this money which I believe will not be inconsiderable every year.

W. M. HUSSANALLY,—11-9-24.

I will add this much more that the Government should make every effort to see that return tickets are available at reduced rate.

GULAM BARI.

I agree with Khan Bahadur Gulam Bari that there should be some reduction made in the return ticket rate to make the measure more attractive.

SARFARAZ HOSAIN KHAN,—11-9-24.

[As amended by the Select Committee.]

[Words printed in italics indicate the amendments suggested by the Select Committee.]

A
BILL

TO

*Amend the Indian Merchant Shipping Act, 1923,
for certain purposes.*

WHEREAS it is expedient to amend the Indian Merchant Shipping Act, 1923, for certain purposes hereinafter appearing; It is hereby enacted as follows:—

1. This Act may be called the Indian Merchant Shipping (Amendment) Act, 192 .
Short title.

2. In section 203 of the Indian Merchant Shipping Act, 1923 (hereinafter ~~XXI~~ of 1923. Amendment of section 203, Act XXI of 1923. referred to as the said Act),—

(a) in sub-section (1), for the words "Every pilgrim ship, proceeding from any port in British India other than Aden to any port in the Red Sea, shall touch at Aden and shall not leave", the words "Any officer empowered by the Local Government in this behalf may, by order in writing, require any pilgrim ship proceeding from any port in British India other than Aden to any port in the Red Sea, to touch at Aden and not to leave" shall be substituted; and

(b) in sub-section (2), after the word "ship" the words "in respect of which an order has been made under this section" shall be inserted, and for the words "by this section" the words "under this section" shall be substituted.

3. In section 204 of the said Act, for the words "The authority at Aden empowered to grant the certificate required under section 203", the words "Where any pilgrim ship touches at Aden in compliance with an order made under section 203, the authority at Aden empowered to grant the certificate required under that section" shall be substituted. Amendment of section 204, Act XXI of 1923.

4. In section 205 of the said Act, in clause (a) after the word "shall" the words "if so required by an order under section 203" shall be inserted, and for the words and figures "by section 203" the words "under that section" shall be substituted. Amendment of section 205, Act XXI of 1923.

5. After section 208 of the said Act the following section shall be inserted, namely:— Insertion of new section 208A in Act XXI of 1923.

"208A. No pilgrim shall be received on board any pilgrim ship at any port or place in British India for conveyance in the lowest class available on the ship, unless he— Conditions for securing return passages for pilgrims.

(a) is in possession of a return ticket, or

to the British Consul at Jeddah, notifying his desire to embark on the return passage, the master, owner or agent thereof shall pay to the Local Government in respect of such pilgrim such sum not exceeding double the whole sum received by such pilgrim in respect of the return ticket as the Local Government claims as the cost of repatriating the pilgrim, together with a sum of one anna per day after the expiry of the thirty days aforesaid during which the pilgrim has been detained at Jeddah:

Provided that, for the purpose of computing the said period of thirty days, no period shall be taken into account during which the ship is prevented from carrying pilgrims on the return passage by reason of the port of Jeddah having been declared by proper authority to be infected or by reason of war disturbance or any other cause not arising from any act or default of the master, owner or agent.

(2) A certificate of such detention purporting to be made and signed by the British Consul at Jeddah shall be received in evidence in any Court in British India without proof of the signature or of the official character of the person who has signed the same."

8. In sub-section (1) of section 213 of the said Act,—

Amendment of section 213, Act XXI of 1924.

(a) after clause (a) the following clause shall be inserted, namely:—

"(aa) the manner in which deposits shall be made for the purposes of section 208A, and any matter in respect of which provision is, in the opinion of the Governor General in Council, necessary or expedient for the purpose of giving effect to the provisions of that section;"

(b) in clause (7), after the word "passage-money" the words "and of deposits made under section 208A" shall be inserted, and to the same clause after the words "pilgrim ship" the words "and the refund of passage-money or deposits to the nominees and legal representatives of pilgrims who have died in the Hedjaz or on the voyage thereto, and the manner in which persons shall be nominated for the purpose of entitling them to such refunds," shall be added; and

(c) after clause (7) the following clause shall be inserted, namely:—

"(qq) the period after which unclaimed passage-money and deposits liable to be refunded shall lapse to Government, and the purposes to which sums so lapsing shall be applied."

9. In sub-section (2) of section 245 of the said Act, after clause (b) the following clause shall be inserted, namely:—

"(c) the charging of fees for the grant of the certificate referred to in sub-section (4) of section 243, the amount of such fees and the manner in which they shall be recoverable."

GOVERNMENT OF INDIA.
LEGISLATIVE DEPARTMENT.

Report of the Select Committee on the Bill
to amend the Indian Merchant Shipping
Act, 1923, for certain purposes, with
Bill as amended.