

Protection Of Muhammadan Pilgrims Act, 1896

1 of 1896

[10 June 1896]

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Protection Of Muhammadan Pilgrims Act, 1896

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[10 June 1896]

An Act to provide for the protection of Muhammadan Pilgrims. Whereas it is expedient to provide for the protection of Muhammadan Pilgrims ; It is hereby enacted as follows :-

1. Short Title, Extent And Commencement :-

(1) This Act may be called the Protection of Muhammadan Pilgrims Act, 1896.

(2) It extends in the first instance to Calcutta only; but the

1[Central Government] may, by notification in the 2[Official Gazette] extend it to any other place in the 3[State] of 4[West Bengal], and

(3) It shall come into force-

(a) in Calcutta, from the date on which it may be published in the 2[Official Gazette] with the assent of the 5[President], and

(b) in any place to which it may be extended by notification under sub-section (2) of this section, from date specified in this behalf in such notification.

1. Words Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

2. Words Substituted for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Word Substituted for the word "Province" by the Adaptation of Laws Order, 1950.

4. Words Substituted for the word "Bengal" by the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

5 . Word Substituted for the word "Governor-General" by the Adaptation of Laws Order, 1950.

2. Definitions :-

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

(a) "pilgrim" means a Muhammadan who is proceeding to or returning from the Hedjaz;

(b) "pilgrim broker" means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage tickets, whether by sea or railway, for pilgrims;

1(b b) "Muallem", means a person who offers for monetary consideration to act as a guide to pilgrims and includes any person employed by or acting for the furtherance of the business of, or under the direction of such guide:

Provided that a Muallem who is an Arab subject shall be excluded from the restrictions imposed by or under this Act;

(c) "agent" includes a person who has chartered a ship for the conveyance of pilgrims;

(d) "Calcutta" means the area for the time being included in "Calcutta" as denned in 2[the Calcutta Municipal Act, 1923,] and includes the Port of Calcutta; and

(e) "Commissioner of Police" means-

(i) as regards Calcutta, the Commissioner of Police for that town,

and

(ii) as regards any place to which this Act may hereafter be extended, any person whom the 3[Central Government] may appoint, by name or by virtue of his office, to perform in such place the functions of the Commissioner of Police under this Act.

1. Clause (bb) inserted by Ben. Act 2 of 1929.

2. Words and figures Substituted for the words and figures "the Calcutta Municipal Consolidation Act, 1888" by Ben. Act 2 of 1929.

3. Words Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Grant Of Licenses To Act As Pilgrim Brokers Or Muallems

:-

(1) The Commissioner of Police shall from time to time grant licenses empowering persons to act as pilgrim brokers 1[or Muallems.]

(2) The 2[Central Government] may, from time to time, make rules to regulate the grant of such licenses and to prescribe the conditions to be embodied therein.

(3) All such rules shall be published in the 3[Official Gazette],

1. Words inserted by Ben. Act 2 of 1929.

2. Words Substituted for the words "Local Government" by the Government of India (Adaptation of Indian Laws) Order, 1937.

3. Words Substituted for the words "Calcutta Gazette" by the Government of India (Adaptation of Indian Laws) Order, 1937.

4. Licenses What To Specify :-

Every such license shall specify,-

(a) the name and address of the licensee;

(b) the period for which the license is to be in force; and

(c) the conditions subject to which the license is granted.

5. Penalty For Acting As Pilgrim Broker Or Muallem Without A License, Or For Lending License :-

Any person who, without a license granted under section 3, acts as a pilgrim broker 1[or Muallem], or who lends to another person a license granted to himself under that section, shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence.

1. Words inserted by Ben. Act 2 of 1929.

6. Penalty For Misbehaviour Of Licensed Pilgrim Broker Or Licensed Muallem :-

If any licensed pilgrim broker 1[or licensed Muallem]-

- (a) commits a breach of any of the conditions of his license; or
- (b) purchases for or sells to any pilgrim a passage-ticket by any ship to which 2[the Indian Merchant Shipping Act, 1923,] applies, at any time before notice has been given by the master, owner or agent of the ship under 3[section 151] of that Act, of the time at which it is proposed that the ship shall sail; or
- (c) purchases for or sells to any pilgrim a passage-ticket by any ship unless the proposed time of sailing is printed on such ticket; or
- (d) charges any pilgrim a sum in excess of the cost price of any passage-ticket, or of any provisions or other articles, purchased for him, or receives from him any fee or commission on account of any such ticket; or
- (f) purchases for any pilgrim a passage-ticket on which there is not printed or stamped the price charged for the passage according to the class of accommodation secured; or
- (g) by fraud or false representation, or by any false pretence whatever, induces any person to purchase a pilgrims passage-ticket,

he shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence.

1. Words inserted by Ben. Act 2 of 1929.
2. Words and figures Substituted for the words and figures "the Native Passengers Ships Act, 1887" by Ben. Act 2 of 1929.
3. Words and figures Substituted for the word and figure "section 7" by Ben. Act 2 of 1929.
4. Clause (e) om. by Ben. Act 2 of 1929.

6A. Penalty For Receipt Of Commission Exceeding Five Per Cent. Of The Price Of Passage-Tickets :-

1[If any licensed pilgrim broker receives from the master, owner or agent of any ship, or from any railway servant, any fee or commission in respect of the sale of any passage-ticket for a pilgrim, exceeding five per centum of the price of such tickets he shall, on conviction, be liable to fine which may extend to two hundred rupees for each offence.]

1. Section 6A inserted by Ben. Act 2 of 1929.

7. Power To Suspend And Cancel Licenses :-

The Commissioner of Police may-

- (a) suspend the license of any pilgrim broker 1[or Muallem] pending any inquiry into any accusation against him of misconduct for which, if proved, he would be liable to fine under section 6, and
- 2(aa) suspend the license of any pilgrim broker pending any inquiry into any accusation against him of breach of the provisions of section 6A, and
- (b) cancel the license granted to any pilgrim broker 1[or Muallem] who is convicted of any offence under this Act or of any other criminal offence,

- 1. Words inserted by Ben. Act 2 of 1929.
- 2. Clause (aa) inserted by Ben. Act 2 of 1929.

8. Repealed :-

- 1. Sections 8 to 10 repealed Act 20 of 1932.

9. Section 9 :-

10. Section 10 :-

11. Section 11 :-

12. Repealed :-

- 1. Sections 11 and 12 repealed by Act 14 of 1927.

13. Repealed :-

- 1. Sections 11 and 12 repealed by Act 14 of 1927.

14. Section 14 :-

15. Section 15 :-

1[Sections 281, 282, 286, and 288 of the Indian Merchant Shipping Act, 1923, shall apply to all offences punishable and fines leviable under this Act.]

- 1. Section 15 Substituted by Ben. Act 2 of 1929.

16. Certain Penalties To Be Enforced Only At The Instance Of The Commissioner Of Police :-

The penalties to which masters, owners and agents of ships are made liable by this Act shall be enforced only on information laid at

the instance of the Commissioner of Police.

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1. Section 17 repealed by Ben. Act 2 of 1929.