



The Protection of Muhammadan Pilgrims Act, 1896

Act 1 of 1896

Keyword(s):

Pilgrim, Pilgrim Broker, Muallem, Agent, Calcutta, Commissioner of Police

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Bengal Act I of 1896
(The Protection of Muhammadan Pilgrims
Act, 1896.)¹

REPEALED IN PART	[Act XIV of 1927. Act XX of 1932.
REPEALED IN PART AND AMENDED	Ben. Act II of 1929.
ADAPTED	(a) The Government of India (Adaptation of Indian Laws) Order, 1937. (b) The Indian Indepen- dence (Adaptation of Bengal and Punjab Acts) Order, 1948. (c) The Adaptation of Laws Order, 1950.

(10th June, 1896.)

An Act to provide for the Protection of Muhammadan Pilgrims.

Whereas it is expedient to provide for the protection of Muham-
 madan Pilgrims ;

It is hereby enacted as follows :—

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

(2) It extends in the first instance to Calcutta only ; but the²[Central
 Government] may, by notification in the³[*Official Gazette*] extend it
 to any other place in the⁴[State] of⁵[West Bengal], and

(3) It shall come into force—

Short title,
 extent and
 commence-
 ment.

¹LEGISLATIVE PAPERS.—For Statement of Objects and Reasons. see the *Calcutta Gazette* of 1896. Pt. IV, page 3 ; for Report of Select Committee, see *ibid.*, page 5 ; and for Proceedings in Council. see *ibid.* 1896, Supplement, pages 406, 464, 695 and 737.

LOCAL EXTENT.—This Act extends to Calcutta, and may be extended by notification to any other place in West Bengal. see section. 1 (2).

²These words were substituted for the words "Local Government" by para. 3 and Sch. IV to the Government of India (Adaptation of Indian Laws) Order, 1937.

³These words were substituted for the words "*Calcutta Gazette*" by paragraph 4 (1), *ibid.*

⁴This word was substituted for the word "Province" by paragraph 4 (1) of the Adaptation of Laws Order, 1950.

⁵These words were substituted for the word "Bengal" by paragraph (2) of Article 3 of the Indian Independence (Adaptation of Bengal and Punjab Acts) Order, 1948.

(Section 2.)

- (a) in Calcutta, from the date on which it may be published in the ¹[*Official Gazette*] with the assent of the ²[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.

Definitions.

2. 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 ;
- ³[(bb) "*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 defined in ⁴[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

Ben. Act III
of 1923.

¹See foot-note 3 on page 107, *ante*.

²This word was substituted for the word "Governor-General" by paragraph 4(1) of the Adaptation of Laws Order, 1950.

³Clause (bb) was inserted by s. 2 (1) of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

⁴These words and figures were substituted for the words and figures "the Calcutta Municipal Consolidation Act, 1888" by s. 2 (2). *ibid*. The Calcutta Municipal Act, 1923, was repealed and re-enacted by the Calcutta Municipal Act, 1951 (West Ben. Act XXXIII of 1951), which was again repealed and re-enacted by the Calcutta Municipal Corporation Act, 1980 (West Ben. Act LIX of 1980), and this reference should now be construed as a reference to section 2, clause (9) the last mentioned Act.

of 1896.]

(Sections 3 — 6.)

(ii) as regards any place to which this Act may hereafter be extended, any person whom the ¹[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.

3. (1) The Commissioner of Police shall from time to time grant licenses empowering persons to act as pilgrim brokers ²[or *Muallems*].

Grant of licenses to act as pilgrim brokers or *Muallems*.

(2) The ¹[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*].

4. Every such license shall specify—

Licenses what to 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. Any person who, without a license granted under section 3, acts as a pilgrim broker ⁴[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.

Penalty for acting as pilgrim broker or *Muallem* without a license, or for lending license.

6. If any licensed pilgrim broker ⁵[or licensed *Muallem*]—

Penalty for mis-behaviour of licensed pilgrim broker 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 ⁶[the Indian Merchant Shipping Act, 1923,] applies, at any time before notice has been given by the

XXI of 1923.

¹See foot-note 2 on page 107, *ante*.

²These words were added by s. 3 of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

³See foot-note 3 on page 107, *ante*.

⁴These words were inserted by s. 4 of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

⁵These words were inserted by s. 5 (1), *ibid*.

⁶These words and figures were substituted for the words and figures "the Native Passengers Ships Act, 1887" by s. 5 (2), *ibid*. The Indian Merchant Shipping Act, 1923, has been repealed and re-enacted by the Merchant Shipping Act, 1958 (44 of 1958), and this reference should now be construed as a reference the last mentioned Act.

(Sections 6A, 7.)

master, owner or agent of the ship under ¹[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

²* * * * *

- (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 pilgrim's passage-ticket,

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

Penalty for receipt of commission exceeding five per cent of the price of passage-tickets.

³6A. 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.

Power to suspend and cancel licenses.

7. The Commissioner of Police may—

- (a) suspend the license of any pilgrim broker ⁴[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
- ⁵(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

¹This word and figures were substituted for the word and figure "section 7" by s. 5 (2) of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

²Clause (e) was omitted by s. 5(3), *ibid.*

³Section 6A was inserted by s. 6, *ibid.*

⁴These words were inserted by s. 7(1), *ibid.*

⁵Clause (aa) was inserted by s. 7 (2), *ibid.*

of 1896.]

(Sections 8 — 17.)

(b) cancel the license granted to any pilgrim broker [or *Muallem*] who is convicted of any offence under this Act or of any other criminal offence.

8 to 10.—Rep. by s. 24 (2) of the Port Haj Committees Act, 1932 (XX of 1932).

11. [Information to be supplied by master, owner or agent of ship conveying pilgrims.]—Rep. by s. 4 of the Indian Merchant Shipping (Amendment) Act, 1927 (XIV of 1927).

12. [Penalty for refusal or omission to give such information or for giving false information.]—Rep. by s. 4 of the Indian Merchant Shipping (Amendment) Act, 1927 (XIV of 1927).

13. [Penalty for issuing tickets in excess.]—Rep. by s. 10 of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

14. [Passage-tickets to be numbered consecutively and to have price marked.]—Rep. by s. 10 of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

²15. Sections 281, 282, 286, and 288 of the Indian Merchant Shipping Act, 1923³, shall apply to all offences punishable and fines leviable under this Act.

Certain provisions of the Indian Merchant Shipping Act, 1923, to apply to offences and fines under this Act.

16. The penalties to which masters, owners and agents of ships are made liable by this Act shall be enforced only of information laid at the instance of the Commissioner of Police.

Certain penalties to be enforced only at the instance of the Commissioner of Police.

17. [Construction of references to the Native Passenger Ships Act, 1887.]—Rep. by s. 10 of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

¹These words were inserted by s. 7(1) of the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Ben. Act II of 1929).

²Section 15 was substituted for the original section by s. 9, *ibid.*

³The Indian Merchant Shipping Act, 1923 has been repealed and re-enacted by the Merchant Shipping Act, 1958 (44 of 1958), and this reference should now be construed as a reference to the latter Act.

XXI of 1923.