

ACT No. XI OF 1925.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 18th March, 1925.)

An Act further to amend the Indian Merchant Shipping Act, 1923, for certain purposes.

XXI of 1923. **W**HEREAS it is expedient further 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 Short title. (Second Amendment) Act, 1925.

XXI of 1923. 2. In section 203 of the Indian Merchant Shipping Act, Amendment of section 203, Act XXI of 1923. 1923 (hereinafter 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 Amendment of section 204, Act XXI of 1923. 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.

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[Price One Anna or Three-half Pence.]

Amendment of section 205, 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.

Insertion of new section 208A in Act XXI of 1923.

5. After section 208 of the said Act the following section shall be inserted, namely:—

Conditions for securing return passages for pilgrims.

"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—

- (a) is in possession of a return ticket, or
- (b) has deposited with the prescribed person such sum for the purpose of defraying the cost of a return ticket as the Governor General in Council may specify by notification in the Gazette of India:

Provided that this prohibition shall not apply in the case of any such pilgrim who has made a declaration on oath or affirmation in such form as may be prescribed, before an authority appointed in this behalf by the Local Government, that he does not intend to return to India within three years after the date of declaration.

Amendment of section 209, Act XXI of 1923.

6. In section 209 of the said Act,—

(a) to sub-section (1) the following proviso shall be added, namely:—

"Provided that no pilgrim to whom the prohibition contained in section 208A applies shall be entitled to, or shall be provided with, a ticket other than a return ticket unless he has made the deposit required by that section"; and

(b) in sub-section (2), for the words "shall be entitled to the refund of any passage-money he may have paid, subject to any conditions or deductions which may be prescribed" the following shall be substituted, namely:—

"shall, subject to any conditions or deductions which may be prescribed, be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made in compliance with the provisions of section 208A; and if any pilgrim who has paid for a return ticket or made such deposit dies in the Hedjaz or on the voyage thereto, or does not return to British India before the expiration of one year from the date

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on which he paid for the return ticket or made such deposit the person nominated by him in writing in the prescribed manner or, if no person has been so nominated, his legal representative or the pilgrim himself, as the case may be, shall, if the pilgrim was in possession of a return ticket, be entitled to the refund, subject as aforesaid, of half the passage-money paid by the pilgrim or, if the pilgrim had made a deposit, be entitled to the refund unconditionally of the whole of the deposit made by him."

7. After section 209 of the said Act the following section shall be inserted, namely:—

Insertion of new section 209A in Act XXI of 1923.

"209A. (1) Port-clearance shall not be granted from any port in British India to any pilgrim ship unless or until the master, owner or agent and two sureties resident in British India have executed in favour of the Secretary of State for India in Council a joint and several bond for the sum of ten thousand rupees, conditioned that, if any pilgrim who has been carried to the Hedjaz by that ship with a return ticket issued in British India within the previous eighteen months is owing to his inability to obtain accommodation on a ship for which the return ticket is available, detained at Jeddah for a longer period than twenty-five days from the day on which he presents his ticket to the British Consul at Jeddah, notifying his desire to embark for the return passage, the master, owner or agent aforesaid shall pay to the Local Government in respect of such pilgrim such sum not exceeding double the whole sum received by such master, owner or agent in respect of the return ticket as the Local Government claims as the cost of repatriating the pilgrim, together with a sum of one rupee for each day after the expiry of the twenty-five days aforesaid during which the pilgrim has been detained at Jeddah:

Cost of return journey of pilgrims on ships other than those for which return ticket is available.

Provided that, for the purpose of computing the said period of twenty-five 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

Indian Merchant Shipping (Second Amendment). [ACT XI, 1925.]

Amendment of
section 213,
Act XXI of
1923.

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

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

“(oo) 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 (g), 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, or to pilgrims who do not return to British India within the period provided in section 209 or to the nominees of such pilgrims 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 (g) 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.”