

ACT No. XI OF 1933.

[PASSED BY THE INDIAN LEGISLATURE.]

(Received the assent of the Governor General on the 16th April, 1933.)

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

of 1923. **W**HEREAS it is expedient further to amend the Indian Merchant Shipping Act, 1923, for the purposes herein-after appearing; It is hereby enacted as follows:—

1. (1) This Act may be called the Indian Merchant Shipping (Amendment) Act, 1933. Short title and commencement.

(2) It shall come into force on such date as the Governor General in Council may, by notification in the Gazette of India, appoint.

of 1923. 2. In section 155 of the Indian Merchant Shipping Act, 1923 (hereinafter referred to as the said Act),— Amendment of section 155, Act XXI of 1923.

(a) clause (c) shall be omitted;

(b) clauses (d), (e) and (f) shall be re-lettered as clauses (c), (d) and (e), respectively;

(c) after clause (e), as so re-lettered, the following clause shall be inserted, namely:—

“(f) in the case of a native passenger ship, that food, fuel and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for native passenger-ships, have been placed on board, of the quality prescribed, properly packed, and sufficient to supply the native passengers on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale:—

Provided that, if the officer appointed in this behalf by the Governor General in Council is satisfied that

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that a native passenger has brought on board for his own use food of the quality and in the quantity prescribed, such native passenger shall not be included among the number of native passengers for the purpose of the supply of food under this clause;”;

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

“(i) in the case of a pilgrim ship, that food and pure water over and above what is necessary for the crew, and the other things (if any) prescribed for pilgrim ships, have been placed on board, of the quality prescribed, properly packed and sufficient to supply the pilgrims on board during the voyage which the ship is to make (including such detention in quarantine as may be probable) according to the prescribed scale;”;

and

(e) clause (i) shall be re-lettered as clause (j).

Omission of section 156, Act XXI of 1923.

3. Section 156 of the said Act shall be omitted.

Amendment of section 166, Act XXI of 1923.

4. In section 166 of the said Act,—

(a) the words “ or pilgrim ”, where they first occur, shall be omitted;

(b) for the words “ any passenger or pilgrim ” the words “ any native passenger ” shall be substituted; and

(c) after the words “ fuel and water, ” the words “ or, if the master of a pilgrim ship, without reasonable excuse, the burden of proving which shall lie upon him, omits to supply to any pilgrim the prescribed allowances of cooked and uncooked food and of water, ” shall be inserted.

Amendment of section 167, Act XXI of 1923.

5. In sub-section (1) of section 167 of the said Act, for the word “ twenty ” the word “ fifty ” shall be substituted.

Amendment of section 193, Act XXI of 1923.

6. In sub-section (1) of section 193 of the said Act, for the words “ the space for the time being required for passengers under this Act ”, the words “ sixteen and ninety-six, respectively ” shall be substituted.

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7. In section 201 of the said Act,—

Amendment of
section 201,
Act XXI of
1928.

(a) in sub-section (1), after the words "as may be prescribed", the following words shall be inserted, namely:—

"and such medical officers and attendants shall give their services free to all sick pilgrims on board";

(b) in sub-section (2),—

(i) for the words "If this section is not complied with", the words "If medical officers and attendants are not carried on a pilgrim ship in accordance with the provisions of sub-section (1)" shall be substituted; and

(ii) for the words "five hundred" the words "three thousand" shall be substituted; and

(c) after sub-section (2), the following sub-section shall be inserted, namely:—

"(3) Any medical officer or attendant on a pilgrim ship who charges any pilgrim on such ship for his services shall be liable to a fine which may extend to two hundred rupees."

8. For section 205 of the said Act the following section shall be substituted, namely:—

Substitution of
new section for
section 205,
Act XXI of
1928.

"205. (1) Port-clearance shall not be granted from any port in British India to any pilgrim ship unless 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 covering all voyages which may be made by the ship in the current pilgrim season, conditioned that—

Bond where
pilgrim ship
proceeds on
outward
voyage.

(a) where any voyage does not begin at Aden, the ship shall, if so required by an order under section 203, touch at Aden on the outward voyage and there obtain the certificate required under that section,

(b) the master and medical officer or officers, if any, shall comply with the provisions of this Part and the rules made thereunder, and

(c) the

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- (c) the master, owner or agent (as the case may be) shall pay any sum claimed by the Governor General in Council under section 209A.
- (2) A bond may be given under this section covering any or all of the pilgrim ships owned by one owner, and in such cases the amount of the bond shall be ten thousand rupees for each ship covered."

Amendment of section 206, Act XXI of 1923.

9. In section 206 of the said Act, after sub-section (1), the following sub-section shall be inserted, namely:—

"(1A) No pilgrim shall be received on board any pilgrim ship unless he produces medical certificates signed by persons who, in the opinion of the officer making an inspection under this section, are duly qualified to grant such certificates, showing that such pilgrim—

- (a) has been inoculated against cholera within six months before the inspection, and
- (b) has been vaccinated against small-pox within five years before the inspection:

Provided that the officer making the inspection may dispense with the certificate of vaccination, if in his opinion the pilgrim has marks showing that he has had small-pox."

Substitution of new proviso to section 208A, Act XXI of 1923.

10. For the proviso to section 208A of the said Act the following proviso shall be substituted, namely:—

"Provided that the prescribed person may exempt any pilgrim from any or all of the above requirements, if he is satisfied that it is inexpedient, in the special circumstances of the case, to enforce them."

Substitution of new sections for section 209, Act XXI of 1923.

Issue or production of tickets.

11. For section 209 of the said Act the following sections shall be substituted, namely:—

"208B. (1) Every pilgrim travelling on a pilgrim ship shall be entitled, on payment of his passage-money and fulfilment of other prescribed conditions, if any, to receive a ticket in the prescribed form, and shall be bound to produce it to such officers and on such occasions as may be prescribed and otherwise to deal with it in the prescribed manner:

Provided

Provided that no pilgrim, who has not been exempted under the proviso to section 208A, shall be given a ticket other than a return ticket unless he has made the deposit required by that section.

(2) Any ticket issued to a pilgrim for a voyage on a pilgrim ship shall entitle him to receive food and water, on the scale and of the quality prescribed, free of further charge, throughout the voyage.

208C. (1) Every pilgrim prevented from embarking under section 206, or removed from the ship under section 207, or otherwise prevented from proceeding shall be entitled to the refund of any passage-money which he may have paid, and of any deposit which he may have made under section 208A. Refund of deposits and passage-money.

(2) Any pilgrim who, within eighteen months of his sailing from British India, satisfies His Majesty's Representative at Jeddah that he intends to remain in the Hedjaz or to return to India by a route other than the route by which he came from India, shall be entitled to a refund of any deposit made by him under section 208A, or, if he is in possession of a return ticket, to a refund of half the passage-money paid by him.

(3) Where any pilgrim dies in the Hedjaz or on the voyage thereto, any person nominated by him in this behalf in writing in the prescribed manner, or, if no person has been so nominated, his legal representative, shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim.

(4) Where any pilgrim fails to return to British India from the Hedjaz within eighteen months of his sailing from India, or returns to India by a route other than the route by which he came from India, he or any person nominated by him in this behalf in writing in the prescribed manner shall be entitled to a refund of any deposit made by such pilgrim under section 208A, or, if such pilgrim

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was in possession of a return ticket, to a refund of half the passage-money paid by such pilgrim, except where such deposit or passage-money has already been refunded under this section.

(5) Refunds under sub-sections (1), (2), (3) and (4) of deposits shall be subject to such conditions and of passage-money to such deductions and conditions as may be prescribed.

Unclaimed deposits and passage-money to lapse to Government.

209. (1) All deposits made under section 208A which have been unclaimed for the prescribed period shall become the property of Government.

(2) If any pilgrim entitled to a refund of passage-money under sub-section (1) of section 208C does not claim such refund within the prescribed period, or if any pilgrim who has purchased a return ticket does not on the basis of such ticket obtain a return passage from the Hedjaz within the prescribed period and the value of the return half of such ticket has not been refunded under sub-section (2) or sub-section (3) or sub-section (4) of section 208C, such passage-money or value shall, subject to the exercise of the rights conferred by sub-section (4) of section 208C, become the property of Government and shall be paid to Government by the master, owner or agent to whom it was paid."

Amendment of section 209A, Act XXI of 1923.

12. In section 209A of the said Act,—

(a) in sub-section (1),—

(i) for the words " 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 " the words " Where any pilgrim who has been carried to the Hedjaz by a pilgrim ship " shall be substituted,

(ii) for the words " British Consul ", the words " His Majesty's Representative " shall be substituted,

(iii) for

(iii) for the words "master, owner or agent aforesaid," the words "master, owner or agent of the ship in which such pilgrim was carried to the Hedjaz" shall be substituted, and

(iv) after the proviso the following further proviso shall be inserted, namely:—

"Provided further that in the case of any pilgrim whose ticket has been deposited with His Majesty's Representative at Jeddah the said period of twenty-five days shall, during the period of six weeks following the Haj day, be reduced to fifteen days beginning on the day on which such pilgrim notifies to His Majesty's Representative at Jeddah his desire to embark for the return passage.";

and

(b) in sub-section (2), for the words "British Consul" the words "His Majesty's Representative" shall be substituted.

13. In sub-section (3) of section 209B of the said Act, for the words "Within such time", the words "Before such reasonable and sufficient interval" shall be substituted. Amendment of section 209B, Act XXI of 1923.

14. To section 209C of the said Act, the following sub-section shall be added, namely:— Amendment of section 209C, Act XXI of 1923.

"(6) Nothing in this section or in section 209B shall apply to any advertisement made before the interval prescribed under sub-section (3) of section 209B, and intended to give the public information of the approximate date of the sailing of a pilgrim ship, provided that such advertisement clearly states that the date so advertised is approximate only and that the correct proposed date will be advertised later."

15. (1) In sub-section (1) of section 213 of the said Act,— Amendment of section 213, Act XXI of 1923.

(a) in clause (f),—

(i) for the words "food, fuel and water", in the first place where they occur, the words "cooked and uncooked food and water" shall be substituted; and

(ii) for

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- (ii) for the words " food, fuel and water ", where they occur in the second place, the words " food and water " shall be substituted;
 - (b) after clause (f), as so amended, the following clause shall be inserted, namely:—
 - " (ff) the kinds of food to be provided for pilgrims on payment, in addition to the food to be supplied in accordance with the rules made under clause (f), and the charges which may be made for the same;";
 - (c) in clause (j), after the words " on board " the words " free of charge to pilgrims " shall be inserted;
 - (d) after clause (m) the following clause shall be inserted, namely:—
 - " (mm) the period referred to in clause (a) of sub-section (1A) of section 206;";
 - (e) for clause (r) the following clause shall be substituted, namely:—
 - " (r) the refund of deposits and passage-money under section 208C, and the manner in which persons shall be nominated under that section for the purpose of entitling them to a refund;";and
 - (f) after clause (w) the following clause shall be inserted, namely:—
 - " (ww) providing that a pilgrim shall not be received on board any pilgrim ship, unless he is in possession of a passport or a pilgrim's pass, regulating the issue of pilgrims' passes, and prescribing the form of and fees which may be charged for such passes; and "
- (2) In sub-section (2) of the said section, for the words " two hundred " the words " three hundred " shall be substituted.