

**JOINT/SELECT COMMITTEE  
REPORTS OF LEGISLATIVE  
ASSEMBLY - 1932**

**The Port Haj Committees Bill**

List of Reports of Select or Joint Committees  
presented in the Legislative Assembly in 1932.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Indian Partnership Bill.	26.1.32.	
2.	The Wire and Wire Nail Industry (Protection) Bill.	15.2.32.	
3.	The Bamboo Paper Industry (Protection) Bill.	16.2.32.	
4.	The Bengal Criminal Law Amendment (Supplementary) Bill.	22.2.32.	
5.	The Sugar Industry (Protection) Bill.	23.2.32.	
6.	The Foreign Relations Bill.	29.2.32.	
7.	The Indian Air Force Bill.	10.3.32.	
8.	The Ancient Monuments Presentation (Amendment) Bill.	5.4.32.	
9.	The Port Haj Committees Bill.	5.9.32.	
10.	The Tea Districts Emigrant Labour Bill.	5.9.32.	
11.	The Code of Criminal Procedure (Amendment) Bill.	12.9.32.	
12.	The Children Pledging of Labour Bill.	19.9.32.	
13.	The Criminal Law Amendment Bill.	7.11.32.	
14.	The Indian Merchant Shipping (Amendment) Bill.	14.11.32.	
15.	The Indian Tariff (Ottawa Trade Agreement) Amendment Bill.	12.12.32.	

## LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz was referred, have considered the Bill and have now the honour to submit this our report, with the Bill as amended by us annexed thereto.

2. *Clause 4.*—We have re-modelled the constitution of the Port Haj Committee of Calcutta upon the lines laid down for the constitution of the Port Haj Committee of Bombay. We have also redistributed the members among the different categories so as to enlarge the number of members to be co-opted. In regard to the Port Haj Committee of Bombay we record our view that among the four members to be co-opted by the elected members of the Committee one Moplah member should, if possible, be normally included.

*Clause 5.*—We have made no alteration in this clause as drafted, but we desire to record our view that when action is being taken under this section the Standing Haj Committee should be consulted. It was explained that the provision regarding previous publication practically ensured this and we are satisfied with the assurance of the Honourable Member in charge that such consultation would be a normal incident.

*Clause 10.*—We have omitted sub-clause (c).

*Clause 11.*—We have altered this clause to make the Chairman of the Committee an elected Chairman. Certain consequential amendments were necessitated by this change.

*Clause 14.*—We recognise that there are definite advantages to be gained by having the Executive Officer and the staff of a Port Haj Committee appointed by Government during the early stages of the existence of Haj Committees. We desire, however, to put a definite limit to the period during which this system shall continue, and we are strongly of opinion that in any case appointment of this kind should be made in consultation with the Committee concerned. Our amendments here aim at giving effect to this view.

*Clause 15.*—The changes made in this clause are consequential on the changes we have made in clause 14.

*Clause 17.*—We have raised the number of members to form a quorum to approximately one-third of the total number of members of the Committee.

*Clause 18.*—We have amplified the provisions contained in this clause. The duty described in sub-clause (ff) we consider an important one and one, therefore, that should be specifically mentioned in the Act. The addition made in sub-clause (2) represents our view that as the duties of the Committee are laid down it is right also to give definite expression to the duty of Government towards the Committee.

*Clauses 19 and 20.*—The changes made in these clauses are minor matters of drafting.

3. The Bill was published in the Gazette of India, dated the 2nd April 1932.

4. 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.

ABDUR RAHIM.

F. NOYCE.

ISMAIEL ALIKHAN.

MD. IBRAHIM ALI KHAN.

MD. SHAFEE DAUDI.

SYED MURTUZA.

\*BHAI PARMA NAND.

\*M. MASWOOD.

WAJIHUDDIN.

CHAUDHURI MOHD. ISMAIL KHAN.

SIMLA ;

The 25th July 1932.

\* Subject to a minute of dissent.

I strongly differ from what I consider to be the fundamental principle underlying the composition of the Port Haj Committees and in order to explain my views on this subject, I have to add a rather lengthy note. The object of the Bill as described in the Preamble is to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz. The Haj Enquiry Committee made its recommendation to that effect in the following words—  
 “ At present the principal organisation whose primary function it is to take an interest in matters pertaining to the Haj and to act as guide and adviser to pilgrims generally, is that of the Haj Committees at the Ports of Bombay, Calcutta and Karachi, reinforced by the protectors of pilgrims and their establishment. The functions of these Committees as described in an executive order of the Bombay Government, in 1908 are as follows :—

“ To superintend the arrangements for the reception and despatch of pilgrims from Bombay and the repatriation of such as are stranded at Jeddah as well as otherwise to assist pilgrims to and from Mecca.”

As far as the Bill goes to fulfil the above objects, there can be no objection to it and to the recommendation of the Haj Enquiry Committee. But as soon as we come to clause 4 of the Bill, which lays down the mode of composition of the Port Haj Committee, we find that the Bill does not confine itself to the above objects ; but goes far beyond them. It aims at the establishment of a strong statutory Muslim organisation throughout the country on the basis of religion and under the patronage of the Government. This clause, with its sub-sections, makes a provision for the establishment of an elaborate elective machinery to gain that end. We find in sub-section (1) (b) the following :—

“ 4 members to be elected by the elected Muslim members of the District Boards in Bengal.”

This simply means the organisation of the Muslim members of all the District Boards in Bengal on a communal basis as distinct and, in a way, opposed to the non-Muslim members of the District Boards. Again, sub-section (2) (b) and (c) and sub-section 3 (b) and (c) all provide that similar distinctions should be created in the Municipal Corporation of Bombay, in the Legislative Council of Bombay, in the Council of State, in the Legislative Assembly, in the Bombay Medical Council and the Municipality of Karachi.

I cannot at all see what relation there could exist between the Haj Committee of some port and the Central Legislatures except a simple inference that in the name of the Port Haj Committees the Bill, in reality, aims at the creation of a separate Muslim organisation similar to that of Khilafat Committee approved and sanctioned by the Central Legislature of the country. And

this I say is a measure which is definitely and directly opposed to the declared policy of non-interference in and non-patronising of any religion by the Government. And what surprises me most is that the Government themselves are going to take the responsibility of the violation of this old established principle. The Haj Enquiry Committee referring to the election of the members of the Port Haj Committees, say that 18 members (out of 25) should be elected in accordance with approved bye-laws by various Muslim associations and Anjumans representing all shades of Muslim opinion and by the Municipal Corporations of the ports concerned. The point to be noted, in particular, is that the Haj Enquiry Committee say definitely that the members should be elected by the Municipal Corporations of the ports concerned and not by the Muslim members of these Corporations. The Bill as proposed by the Government goes against the recommendations of the Haj Enquiry Committee in that respect and also goes further much beyond it when it wants to include the Council of State and the Legislative Assembly to become a part of the constituency for the election of the Port Haj Committees. The Government of Bengal opposed this suggestion on a similar ground. In the letter dated 12th September 1930, the Governor of Bengal said—  
 “ As regards allowing elected Muslim Members of Legislative Councils to send representatives, I am to say that this procedure is likely to bring politics into a religious matter ”. I think while seeking for the protection and comforts of the Muslim pilgrims it would be a great evil to introduce communal spirit in the local and Legislative Bodies of the country. Before we think of doing so, we should have to draw a line between the pilgrimage as such and the formation of these Port Haj Committees. Pilgrimage is undoubtedly a religious function but the question is whether an organisation that is formed to look after the comforts of these pilgrims is a religious and communal organisation. In case the Port Haj Committees are purely communal and religious bodies, then I think this Assembly can have nothing to do with them. And, if their functions are of a secular nature, then there seems to be no reason for limiting the right of vote to Muslim Members alone of District Boards or Legislative Bodies.

My second objection is to the principle which underlies the Clause No. 14, its sub-sections and to the first half of Clause 16. These two clauses form the basis of and, practically decide the relations of the Government and the various Port Haj Committees. On the question of these regulations various and opposite views are held by various parties. One is that of the Haj Enquiry Committee. The Haj Enquiry Committee says that the Port Haj Committees should be constituted by an Act of the Legislature, on the lines of a Municipality or a Local Board. They

should have authority to spend the funds at their disposal on any matter they consider necessary for their purpose. Their Chairman should be elected by each Port Haj Committee. Their Executive Officer and staff should be appointed by these Committees. Further, giving details of the pay and allowances of the officer and the staff, they recommend that this organisation should be treated as a distinct department of the Government, and that these Haj Committees, in so far as they will relieve Government of its duty of protecting pilgrims, are entitled to subvention from the Government to cover their cost. Besides it is proposed that these Port Haj Committees should have their branches in all Districts of the country as District Haj Committees and that they should be given the power of issuing and cancelling of licences to the Muallims (Clause 4 of the Bill relating to Muallims).

There is a second view, *i.e.*, of the Muslim public as represented by the Jammat-ul-Ulema. This section of the Muslims is strongly opposed to all the three Bills as involving interference by the Government in the Muslim religion. They have strongly protested against making these Haj Committees a department of the Government or in making them in any way dependent upon the Government. They are indifferent as to the form and nature of the constituencies for electing these Haj Committees but what they particularly want is that the Government should have no hand in the election or formation of these Committees which they say should be quite free from the control of the Government. It is a strange coincidence that they fixed the 10th of June as an All-India day of protest against these Bills which was the day when the Select Committee was finally considering these Bills.

Between these two divergent views the Government have taken up a midway position, as put forth in clauses 14 and 16. Clause 14 and its sub-sections authorise Local Government to appoint Executive Officer and other Officers and servants and to make rules for their conduct. Though in the Select Committee this power is limited to 4 years. In Clause 16, it is said "the pay and the allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by the Local Government under Clause 14 shall be paid by the Governor General in Council and the pay, allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by a Committee, under Clause 15, shall be paid by the Committee out of the funds at its disposal. In other words the Bill lays down that the Central Government shall bear all the expenses of this Department as long as the Haj Committees are in the control of the Government but the burden of the whole cost should shift to the Committees when their administration is made autonomous.

I hold an entirely different view. The pilgrimage affair is a purely religious one. It is not for the Government to undertake any responsibility in this matter. I supported almost all the provisions of the Indian Merchant Shipping Bill which provides for the protection and

comforts of the Muslim pilgrims going to Hedjaz. That much I think is a part of the duties of the State. I can properly add here that on a similar ground the Hindus and Sikh pilgrims going to their sacred places can claim similar protection and facilities from the Government in the course of their journeys by rail or otherwise; and for the framing of special rules for the guidance of Railway Companies. Apart from this, we cannot go against the general principle that the State should be above religion. I think, this will involve the Government in religious affairs of the Muslims; therefore, I would oppose passing these two clauses of the Bill by the Assembly.

It may be said that the Government officials such as the Commissioner of Police at Bombay and Karachi have been already acting as protectors of the pilgrims to the Hedjaz and for similar reasons the Government can become a party to the formation of the Haj Committees. I, however, think that the two things are quite different from each other. In the former case, the Commissioner of Police did his duty of protector of the pilgrims as representative of State without any regard for religion. While the Port Haj Committees being religious and communal bodies have no such claim on the State, specially in these days of financial stringency when retrenchment is the rule and when certain minor departments are being brought under reduction by the Government there can be no justification for adding a new Department just for the sake of patronising one religion. On this ground also I say that the Government should refuse to take any burden on themselves for the maintenance of the Port Haj Committees.

*The 10th June 1932.* BHAI PARMA NAND.

I most strongly and emphatically differ from what I consider to be the fundamental principle underlying the Bill. In my opinion the entire Bill requires re-casting. Under clause 5, the Local Governments are empowered to propose a set of rules altering the composition of a Port Haj Committee and after the approval of the Governor General in Council the composition of the Committee is liable to be changed. Apart from other sub-clauses which will be dealt with later under clauses 10, 12 and 22, very wide powers have been given to the Local and the Central Governments—even the election of the Chairman is subject to the approval of the Local Government and similarly the bye-laws made by the Port Haj Committee must be approved by the Local Government. In other words, these committees will be nothing but an instrument in the hands of the Government. I do not find even a single recommendation about such vast powers in the report of the Haj Enquiry Committee. There is no mention of the Provincial Haj Committees in the Bill, as amended by the Select Committee, which would have been of a very great help to those who intend to go to Hedjaz for pilgrimage. If the foundation is not made sound, the whole structure will be in danger of being collapsed. The questions regarding passports, vaccination, sufficient funds, etc., all require to be properly handled and settled before

the pilgrims undertake the voyage. The Haj Enquiry Committee recommended 72% seats in the Port Haj Committees to be filled by election but only 42% seats have been provided for by election in the proposed Bill and even this election has been restricted to political bodies. I fail to understand how my honourable friend Maulvi Shafee Daoodi, M.L.A., and other members of the Haj Enquiry Committee accepted and supported the present Bill which is not in accordance with their own recommendations contained in the Haj Enquiry Committee's Report. These are the broad defects of the present amended Bill and the details will be dealt with in the following paragraphs.

2. In discussing the Bill in detail, I take the composition of the proposed Port Haj Committees first. The fundamental principle underlying the composition of the Port Haj Committees consisting of, or elected by, members of those provinces only in which the ports are situated is highly objectionable. Pilgrims from different parts of India go to Hedjaz and pilgrimage is not restricted for the people of two provinces of Bengal and Bombay only. India is a vast country with an area of over 1,700,000 square miles and a population of over 352,000,000 people. India is 34 times bigger than England and 43 times or nearly half of Europe. Apart from the two big nations, Hindus and Muslims, there are inner divisions also amongst them. Even Muslims of different parts of India differ very much in habits, in social customs, in dress, in their modes of living and specially in language. No doubt Muslims have one religion and one civilisation but in different parts of the country their mode of living is different, their taste is different and their language is different. In fact for the purpose of giving adequate comforts to the pilgrims the consideration of their tastes, language and habits will play important part. There is vast difference in the languages of the four corners of India. The language of Northern India is Urdu and Punjabi, of Western India Gujarati, of Central India Marhati, of Southern India Tamil and Telegu and of Eastern India Bengali, Assami and Burmi. Although Urdu or Hindustani, whatever it may be called, is more or less understood in almost every part of India but this too is confined to particular areas only while pilgrims to Hedjaz go in larger number from the villages and also from such areas where Urdu is not understood. Neither the pilgrims nor the Port Haj Committees will be in a position to engage interpreters to properly safeguard the interests of the pilgrims. On account of these difficulties, it is entirely necessary that there should be at least one member, on the Port Haj Committee, from each province to safeguard the interests of the pilgrims coming from his part of the country.

It is rather strange that funds will be contributed by the Central Government and the Provincial pilgrims in different shapes but the power to incur expenditure will be restricted to the representatives elected by the Bombay and Bengal Presidencies only. Hardly any such parallel may be cited as an example of such highhandedness.

It will be inconsistent if the Port Haj Committee is constituted by an Act of the Central Legislature, repealing the existing Provincial Acts in force in Bombay and Bengal, while the member-

ship will still be restricted to these two Presidencies only. The Local Acts would have sufficed if the membership is narrowed down to two provinces only and there was no necessity of bringing forward a Bill in the Central Legislature. Now as the Bill is before the Central Legislature the membership should be thrown open to the Muslims of whole of India.

It is also surprising that the electorate of the different Port Haj Committees is amongst others restricted to the Muslim members of the Central Legislature only from Bombay and Bengal. I cannot understand why the Muslim members of the Central Legislature from Assam, Bihar and Orissa, United Provinces, the Punjab, North-West Frontier Province, Central Provinces and Madras have been debarred from voting in the election of members of the Port Haj Committees. Is it due to their incompetency or lack of love for Islam? The majority has not given any reason for this differentiation in the Report of the Select Committee. I strongly disapprove of this and I am sure this will be resented to by Muslims all over the country.

The argument of my learned friend Maulvi Shafee Daoodi in support of this differentiation that it will be difficult for men of other provinces to serve on the committee is not at all convincing. Apart from other reasons the two mentioned below are worth considering. Firstly, many people of the different provinces live at Bombay and Calcutta who can easily be elected by Muslims of their own provinces and it will be difficult for them to secure their election by such electors who know very little of their merits. Secondly, in some cases it will be easier for persons of other provinces to attend the meetings than the members from the same province. For example, if one member comes from Patna and the other from Dacca, it will be much easier for the Patna member to attend the meetings of the Committee than the member from Dacca. The journey between Patna and Calcutta is more convenient and cheaper than the journey between Dacca and Calcutta.

My view in this connection has been supported by the Anjuman-i-Islamia, Delhi, whose member gave his evidence before the Select Committee. The representatives of this Anjuman-i-Islamia emphatically said that the membership should not be restricted to two provinces only when these committees are being established to look after the comforts of pilgrims from all parts of India.

3. Besides the above defects in the composition of the Port Haj Committees, the religious bodies and Jamiat-ul-Ulema have altogether been ignored. Haj is purely a religious matter. I pointed out sometime ago that only Ulemas are competent enough to guide in matters religious. As the lawyers know about law, the doctors about medicines and engineers about engineering, so only Ulemas are the authority on religious matters in Islam. In the Indian Medical Council Bill the membership of the Medical Council has been proposed to be restricted to the medical men. In the same way at least a few seats should be reserved for the religious bodies and the Ulemas by direct election. It is a well-known thing that only experts on a particular question are the authority on it and so it is but necessary that religious experts that is Ulemas should be on these Committees.

Only Ulemas can with authority give their opinions on religious matters. Like other branches there are specialists amongst Ulemas as well and only they can decide who will be the best representative for this purpose.

4. I fail to understand how my honourable colleague Maulvi Shafee Daoodi and other members of the Haj Enquiry Committee signed the Report of the Select Committee without a minute of dissent and supported the present Bill when they have themselves on page 172 in recommendations Nos. 150 and 151 of the Report of the Haj Enquiry Committee suggested 72% seats in the Port Haj Committee to be filled by election, only 8% by co-option and 20% by nomination. According to the composition suggested in the amended Bill, election has been reduced to 42%, co-option has been raised to 21% and nomination has been raised to an abnormal figure of 37%. Even in the District and Municipal Boards, such a heavy nomination is not to be found.

5. In concluding my remarks on clause 4, I will suggest as follows :—

- (i) Direct election through Jamiat-i-Ulemas and other religious bodies should be provided for.
- (ii) The composition of the Port Haj Committees be restricted to Ulemas and representatives of Muslims of different provinces.

Seats should be provided on the Calcutta Port Haj Committee at least to the Muslims of Bihar and Orissa and Assam, and similarly on the Bombay Port Haj Committee, the Muslims of the Punjab, United Provinces, North-West Frontier Province, Central Provinces and Madras should be given chance to serve. Similarly on the Karachi Port Haj Committee the Muslims of North-West Frontier Province, Punjab Province, United Provinces, Central Provinces, Bihar and Orissa Province and Baluchistan should be given chance to serve.

- (iii) Nomination by Government should be reduced to ten per cent.

6. To empower the Government to alter the composition of the Port Haj Committee as proposed in clause 5 is against all principles of modern democracy. When the composition of the committee is to be settled by an Act of the Central Legislature, it is but right and proper that the power to alter it should also be vested in the Central Legislature. Giving of such vast powers to the Government will indirectly mean taking away of what was given to the Muslims by clause 4. The Select Committee has recommended to consult the Standing Haj Committee on such occasions but the recommendation cannot be binding upon the Government and such recommendation cannot be treated as law. Further, the Standing Haj Committee is merely an advisory body, Government may or may not accept its advice. I am of opinion that this clause should be omitted otherwise the whole Act will be a tool in the hands of the Local Governments.

7. Clause 6 should also be omitted as there is absolutely no likelihood in the near future of any other ports, besides the ports of Calcutta, Bombay, and Karachi, being opened for pilgrim traffic and if such an emergency by any chance arises the Government can bring forward an amending Bill. I am against the principle of empowering the Government in this connection.

8. Sub-clause (2) of clause 11 leaves the approval of the election of the Chairman in the hands of the Local Government concerned which will be disliked by the people and so this sub-clause should be omitted. When the Chairman will be elected from amongst the members of the Committee, the Government should not interfere with it. Such a power will be inconsistent with the power given to the committee to elect its own Chairman. Government will have so many powers under various sections, such as, the prescribing of qualifications, removal of members, etc., that it is not fair for them to secure more powers. If they find any undesirable man as the Chairman, they can remove him.

In my opinion there should be no objection if sub-clause (2) be drafted in the following terms :—

“ An elected Chairman shall not take up his office until the election is published in the Gazette ”.

9. There is no mention in the Bill as amended that the Executive Officer shall be a Mussalman. I have already mentioned that Haj is purely a religious matter and Executive Officers and other servants of the Haj Committee should all be Muslims.

10. The vast powers given to Government under clauses 10, 12 and 22 will be strongly resented to by the Muslims of India. Such powers may be taken as interference in the religion itself. No section of India, whether Hindu or Muslim, can tolerate interference in his religion. Many of these powers should be given to the Port Haj Committees and to the Standing Haj Committee. At present the Central Standing Haj Committee is merely an advisory body. I suggest that the powers and the duties of this committee should be increased and it should not be considered only an advisory body.

11. As a general conclusion I will say that the Standing Haj Committee should be the supreme body under which there should be provincial committees and the Port Haj Committees. All the funds should be placed at the disposal of the Standing Haj Committee who should be charged to look after it and distribute it amongst the provincial committees and the Port Haj Committees according to their needs.

12. The whole report of the Select Committee together with the amended Bill should be circulated for the purpose of eliciting opinions thereon.

13. The Bill as amended by the Select Committee has so widely been changed that in my opinion it requires republication.

M. MASWOOD, M.L.A.

[AS AMENDED BY THE SELECT COMMITTEE.]

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

A

## BILL

TO

*Establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz.*

WHEREAS it is expedient to establish Committees in the principal ports of pilgrim traffic to assist Muslim pilgrims to the Hedjaz ; It is hereby enacted as follows :—

1. (1) This Act may be called the Port Haj Short title, extent and Committees Act, 1932. commencement.

(2) It extends in the first instance to the Presidencies of Bombay and Bengal, but the Governor General in Council may, by notification in the Gazette of India, extend it to any other maritime province.

(3) This section shall come into force at once, and the remaining provisions of this Act shall come into force in any province to which the Act extends on such date as the Governor General in Council may, by notification in the Gazette of India, appoint in this behalf.

2. In this Act, unless there is anything repugnant in the subject or context,—

Definitions.

(a) a " pilgrim " means a Muslim proceeding on or returning from pilgrimage to the Hedjaz ; and

(b) a " pilgrim ship " means a ship conveying or about to convey pilgrims from or to any port in British India to or from any port in the Red Sea other than Suez.

3. As soon as may be after this Act comes into force in the Presidency of Bengal, there shall be constituted a committee, to be called the Port Haj Committee of Calcutta, and as soon as this Act comes into force in the Presidency of Bombay, there shall be constituted two committees, to be called the Port Haj Committee of Bombay and the Port Haj Committee of Karachi, respectively.

4. (1) The Port Haj Committee of Calcutta shall consist of nineteen members as follows :—

Composition of Port Haj Committees.

(a) seven members to be nominated by the Local Government, of whom not more than five shall be officials ; \*

(b) two members to be elected by the elected Muslim Councillors and elected Muslim Aldermen of the Corporation of Calcutta ;

(c) six members to be elected by an electorate consisting of—

(i) the elected Muslim members of the Bengal Legislative Council,



(ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bengal, and

(iii) the elected Muslim members of the Bengal Medical Council : and

(d) four members to be co-opted by the elected members of the Committee.

(2) The Port Haj Committee of Bombay shall consist of nineteen members as follows :—

(a) seven members to be nominated by the Local Government, of whom not more than five shall be officials ;

(b) two members to be elected by the elected Muslim members of the Municipal Corporation of the City of Bombay ;

(c) six members to be elected by an electorate consisting of—

(i) the elected Muslim members of the Bombay Legislative Council,

(ii) the Muslim members of the Council of State and of the Legislative Assembly, elected by constituencies in the Presidency of Bombay, and

(iii) the elected Muslim members of the Bombay Medical Council ; and

(d) four members to be co-opted by the elected members of the Committee.

(3) The Port Haj Committee of Karachi shall consist of seventeen members as follows :—

(a) six members to be nominated by the Local Government, of whom not more than five shall be officials ;

(b) two members to be elected by the elected Muslim members of the Municipality of Karachi ;

(c) five members to be elected by the electorate defined in clause (c) of sub-section (2) ; and

(d) four members to be co-opted by the elected members of the Committee.

(4) An elected member of a Port Haj Committee need not be a member of the electorate which elects him.

(5) A member of a Port Haj Committee nominated by a Local Government may be nominated by virtue of office.

5. (1) The Local Government may propose to the Governor General in Council a draft of rules altering the composition of a Port Haj Committee, and the Governor General

Power to alter composition of Port Haj Committee.

in Council, after previous publication of the draft in accordance with the provisions of section 23 of the General Clauses Act, 1897, shall take the draft into consideration.

X of 1897.

(2) The draft in the form finally approved by the Governor General in Council shall be published in the Gazette of India and in the local official Gazette, and thereupon the composition of the Port Haj Committee shall be altered accordingly.

6. (1) When any port, other than Calcutta, Bombay or Karachi, situated in any province to which this Act extends, is appointed to be a port for pilgrim traffic in pursuance of sub-section (1) of section 150 of the Indian Merchant Shipping Act, 1923, the Governor General in Council may, subject to the condition of previous publication; make rules providing for the composition of a Port Haj Committee for such port, and shall cause the Committee to be constituted accordingly. XXI of 1923.

(2) The provisions of this Act shall apply to such Committee when constituted.

7. (1) The election and co-option of members of Port Haj Committees shall be conducted in accordance with rules to be made in this behalf by the Local Government.

(2) As soon as may be after the election and co-option of members of a Port Haj Committee, the Local Government shall make the nominations permitted by section 4, and shall publish in the local official Gazette a list of the names of all members nominated, elected and co-opted :

Provided that the failure of anybody to elect or to co-opt a member shall not prevent the Local Government from making nominations or from publishing the list of members as provided in this sub-section :

Provided further that the list of members of a new Committee shall not be published before the expiry of three years from the date of the publication of the list of members of the Committee which it is replacing.

8. (1) Where a member of a Port Haj Committee is nominated by virtue of his office, the person for the time being holding the office shall be a member until the Local Government otherwise directs.

(2) The term of office of other members (except members filling casual vacancies) shall be not less than three years, commencing on the day following the publication of the list of members under sub-section (2) of section 7, and ending on the date of the publication of the list of members of the next Committee.

9. (1) At such time as the Local Government may deem to be expedient before or after the expiry of the period of three years after the publication of the list of members of a Committee under sub-section (2) of section 7, the Local Government shall take or cause to be taken all necessary steps for the election, co-option and nomination of members of the new Committee.

(2) No person shall be ineligible for election, co-option or nomination to a Port Haj Committee on the ground that he is or has been a member of a Port Haj Committee.

10. The Local Government may make rules—  
Rules relating to the constitution of Committees.

- (a) prescribing the disqualifications which shall disqualify any person from being elected, co-opted or nominated as member of a Port Haj Committee ;
- (b) providing for the decision of doubts and disputes relating to the election and co-option of members ;

\* \* \* \* \*

- (d) regulating the resignation of members ;
- (e) prescribing the reasons for which members may be removed, and providing for their removal ;
- (f) regulating the filling of casual vacancies and the term of office of members filling casual vacancies ; and
- (g) providing for any other matter which the Local Government may deem to be expedient for the proper constitution of Port Haj Committees.

11. (1) After the publication of the list of members of a Port Haj Committee under sub-section (2) of section 7, the Local Government shall direct the Committee to elect one of its members to be Chairman *within a time to be specified in such direction.*

*(1A) If within the time so specified the Committee fails to elect a Chairman, the Local Government may appoint a member of the Committee to be Chairman of the Committee.*

(2) An elected Chairman shall not take up his office until his election has been approved by the Local Government.

(3) A Port Haj Committee may elect from amongst its members not more than two members to be Vice-Chairmen.

(4) The appointment or election of Chairmen and Vice-Chairmen shall be notified in the local official Gazette.

12. The Local Government may make rules—

Power to make rules regarding Chairmen and Vice-Chairmen.

- (a) prescribing the term of office of Chairmen ;
- (b) prescribing the powers and duties of Chairmen ;
- (c) regulating the resignation of Chairmen ;
- (d) prescribing the reasons for which Chairmen and Vice-Chairmen may be removed, and providing for their removal ; and
- (e) regulating the filling of casual vacancies in the office of Chairman and the term of office of persons filling such vacancies.

13. A Port Haj Committee may, with the previous sanction of the Local Government, make by-laws—

- (a) prescribing the term of office of Vice-Chairmen ;

- (b) prescribing the powers and duties of Vice-Chairmen, and also the powers and duties of the Chairman in so far as they have not been prescribed by rules under section 12 ;
- (c) regulating the resignation of Vice-Chairmen ; and
- (d) regulating the filling of casual vacancies in the office of Vice-Chairman, and the term of office of persons filling such vacancies.

14. (1) *Until the expiry of a period of four years from the date of the publication of the list of members of a Port Haj Committee on its first constitution,* the Local Government shall, *in consultation with the Committee,* appoint, for each Port Haj Committee, a person to be Executive Officer, who shall also be Secretary to the Committee, and shall also *in like manner* appoint such other officers and servants as it may consider necessary for the efficient discharge of the duties of the Committee.

(2) The Local Government may make rules—

- (a) regulating the relations between a Port Haj Committee and its Executive Officer ;
- (b) regulating the subordination of the other officers and servants of a Port Haj Committee to the Committee and to the Executive Officer ;
- (c) determining the conditions of service of an Executive Officer and other officers and servants ;
- (d) prescribing the powers and duties of the Executive Officer in so far as they are not prescribed by this Act ; and
- (e) prescribing the powers and duties of the other officers and servants of a Port Haj Committee.

(3) Rules made under sub-section (2) may authorise a Port Haj Committee to make by-laws providing for any of the matters specified in that sub-section in so far as such matters are not provided for in the rules.

15. (1) *Within the period of four years referred to in sub-section (1) of section 14 the Local Government may, and on the expiry of that period the Local Government shall,* by notification in the local official Gazette, authorise a Port Haj Committee to appoint its Executive Officer, and to appoint such other officers and servants as the Committee may deem to be necessary for the efficient discharge of its duties.

(2) Such authorisation may impose such restrictions and conditions as the Local Government may think fit.

(3) A Port Haj Committee so authorised may make by-laws providing for any of the matters specified in sub-section (2) of section 14, and may cancel any rule made under that sub-section in so far as it applies to such Committee and its officers and servants.

16. The pay and allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by the Local Government under section 14 shall be paid by the Governor General in Council, and the pay, allowances and expenses lawfully incurred in respect of an Executive Officer or other officer or servant appointed by a Committee under section 15 shall be paid by the Committee out of the funds at its disposal.

17. (1) A Port Haj Committee shall meet at least once in every month during the four months before the Haj Day and during the two months after the Haj Day, and at least once in each three months during the rest of the year.

(2) The number of members required to make a quorum at any meeting shall be six.

(3) All matters shall be decided by a majority of the members present, and in the event of an equality of votes the Chairman or other person presiding shall have a casting vote.

(4) A Port Haj Committee may make by-laws—

- (a) regulating the convening of its meetings ;
- (b) regulating the conduct of business at its meetings ;
- (c) prescribing the registers and records which shall be maintained ;
- (d) providing for the publication of its proceedings and of any other matters of interest to pilgrims ; and
- (e) providing for any other matter which the Committee may deem necessary for the regulation of its meetings and its business :

Provided that the Local Government may, at any time before the first meeting of a Committee after the commencement of this Act, frame instructions for the Committee on all or any of the matters specified in this sub-section, and such instructions shall be deemed to be by-laws made by the Committee under this sub-section until they are superseded by by-laws so made.

(5) Anything done or any proceeding taken by a Port Haj Committee shall not be questioned on the ground of any vacancy in the Committee, or on account of any defect or irregularity not affecting the merits of the case.

18. (1) The duties of a Port Haj Committee shall be—

- (a) to collect and disseminate information useful to pilgrims ;
- (b) to advise and assist pilgrims during their stay at the port, while proceeding to or returning from the Hedjaz, in all matters including vaccination, inoculation, medical inspection and issue of passes and passports, and to co-operate with the local authorities concerned in such matters ;
- (c) to give relief to indigent pilgrims ;

- (d) to negotiate and co-operate with railways and shipping companies for the purpose of securing travelling facilities for pilgrims ;
- (e) to find suitable Muslims for employment by shipping companies on pilgrim ships ;
- (f) to bring the grievances of pilgrims and any irregularities or omissions on the part of a master or owner of a pilgrim ship in the carrying out of the provisions of the Indian Merchant Shipping Act, 1923, to **XXI of 1923.** the notice of the authorities concerned, and to suggest remedies ; \*
- (ff) to authorise whenever practicable an individual pilgrim or a committee of pilgrims on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship ; and
- (g) such other duties in connection with the pilgrim traffic as may be entrusted to it by Government.

(2) The Local Government shall afford all reasonable assistance to the Port Haj Committee in the discharge of the duties imposed by this section.

19. (1) Each Port Haj Committee shall appoint one or more sub-committees composed of two of its members, whose duties shall be the inspection of pilgrim ships.

(2) Any such sub-committee when inspecting a pilgrim ship shall be accompanied by the certifying officer appointed for the port under section 151 of the Indian Merchant Shipping Act, 1923, or **XXI of 1923.** by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of a Port Haj Committee or a sub-committee appointed under sub-section (1) may enter and inspect any pilgrim ship advertised or offering to sail from or which has returned to the port for which the Committee is constituted.

(4) A master or any officer of a pilgrim ship who fails to render every reasonable facility for such inspection shall be punishable with fine which may extend to five hundred rupees.

(5) No Magistrate other than a Presidency Magistrate or Magistrate of the first class shall take cognizance of an offence punishable under sub-section (4), and such Magistrates shall take cognizance of such offence only on written complaint by the *Chairman* of the Port Haj Committee concerned.

20. In each port in which there is a Port Haj Committee there shall be created a fund, to be called the Haj Fund of the port concerned, and there shall be placed to the credit thereof the following sums, in so far as they arise or have arisen in the port concerned, namely :—

- (a) the interest on all deposits made by pilgrims under clause (b) of section 208A of the Indian Merchant Shipping Act, 1923 ; **XXI of 1923.**

- (b) unclaimed deposits made under that clause which have become the property of Government under sub-section (1) of section 209 of that Act ;
- (c) unclaimed passage-money and the value of unused return halves of tickets which have become the property of Government under sub-section (2) of section 209 of that Act ;
- (d) fees levied for pilgrim passes under clause (we) of sub-section (1) of section 213 of that Act ;
- (e) sums realised from the sale of the effects of deceased pilgrims and sums of money left by deceased pilgrims, which are unclaimed and have lapsed to Government ;
- (f) any fees which may be levied for the issue of visitors' passes to friends and relations of pilgrims who desire to go on board a pilgrim ship ;
- (g) the amount now standing to the credit of the fund known as the Indigent Pilgrims' Fund : provided that such amount shall be applied by the Committee solely for the relief of indigent pilgrims ; \*
- (h) any sums received by the Haj Fund from private sources ; and
- (i) any sums allotted by Government to the Haj Fund.

21. A Haj Fund of a port shall, subject to rules made under section 22, be under the control and management of the Port Haj Committee for that port, and shall be applicable to the payment of charges and expenses incidental to the objects specified in section 18, and of any other object specified by rules made under clause (c) of section 22.

22. The Local Government may, subject to the control of the Governor General in Council, make rules—

- (a) providing for the custody of Haj Funds ;
- (b) regulating the investment of balances of Haj Funds ;
- (c) prescribing the objects to which Haj Funds shall be applicable, in addition to those prescribed in section 18 ;
- (d) fixing the limits of expenditure which may be incurred by a Committee without sanction, and providing for the grant of sanction for expenditure exceeding those limits ;
- (e) regulating the preparation, submission and approval of the budgets of Committees ;
- (f) prescribing the accounts to be kept by Committees, and providing for the audit and publication thereof ;
- (g) prescribing the returns, statements and reports to be submitted by Committees ; and

(h) generally providing for the control of Committees in respect of financial matters.

23. (1) Rules made by the Local Government under this Act shall be Provisions regarding rules and by-laws. made by notification in the local official Gazette and shall be subject to the condition of previous publication.

(2) By-laws made by a Port Haj Committee shall be submitted to the Local Government, and shall not take effect until they have been confirmed by the Local Government.

(3) By-laws which have been confirmed by the Local Government shall be published in the local official Gazette.

24. (1) On the date on which this Act comes into force in the Presidency of Bombay, sections 8, 9 and 10 of the Protection of Pilgrims Act, 1887, shall be repealed. **Bom. Act II of 1887.**

(2) On the date on which this Act comes into force in the Presidency of Bengal, sections 8, 9 and 10 of the Protection of Muhammadan Pilgrims Act, 1896, shall be repealed. **Ben. Act I of 1896.**



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GOVERNMENT OF INDIA.  
LEGISLATIVE ASSEMBLY  
DEPARTMENT.

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Report of the Select Committee on the Bill  
to establish Committees in the principal  
ports of pilgrim traffic to assist Muslim  
pilgrims to the Hedjaz, with the Bill as  
amended.