

**JOINT/SELECT COMMITTEE
REPORTS OF LEGISLATIVE
ASSEMBLY - 1933**

**The Hedjas Pilgrims (Muslims)
Bill**

List of Reports of Select or Joint Committees
presented in the Legislative Assembly in 1933.

Serial No.	Short title of the Bill.	Date of presentation.	Remarks.
1.	The Hedjaz Pilgrims (<u>Muallims</u>) Bill.	6.2.33.	
2.	The Workmen's Compensation (Amendment) Bill.	14.2.33.	
3.	The Land Acquisition (Amendment) Bill.	14.2.33.	
4.	The Auxiliary Force (Amendment) Bill.	14.2.33.	
5.	The Indian Wireless Telegraphy Bill.	23.2.33.	
6.	The Indian Railways (Amendment) Bill (Sec. 51).	24.3.33.	
7.	The Indian Income-tax (Amendment) Bill.	1.4.33.	
8.	The Indian Income-tax (Second Amendment) Bill.	10.4.33.	
9.	The Indian Medical Council Bill.	1.9.33.	
10.	The Indian Merchant Shipping (Second Amendment) Bill.	4.9.33.	
11.	The Murshidabad Estate Administration Bill.	7.9.33.	
12.	The Reserve Bank of India Bill.	20.11.33.	Report of the Joint Committee
13.	The Imperial Bank of India Bill.	20.11.33.	-do-
14.	The Indian Khaddar (Name Protection) Bill by Mr. Gaya Prasad Singh.	29.11.33.	
15.	The Indian Tariff (Second Amendment) Bill.	1.12.33.	

LEGISLATIVE ASSEMBLY.

We, the undersigned, Members of the Select Committee to which the Bill to regulate the activities of persons in British India who offer 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. *Short title and preamble.*—We have amended the short title in conformity with our decision to change the word “*muallim*” wherever it appears in the Bill to the expression “*pilgrim guide*”. Our reason for making this change is that the word “*muallim*” is employed in other senses than the restricted one in which it was used in this Bill.

Clause 2, sub-clause (a).—We have considered it necessary to extend the definition of “*pilgrim*” to cover persons who have not yet actually started on the journey to the place of pilgrimage in view of the provisions of clause 6 of the Bill which may apply to overtures made to a person intending to proceed on a pilgrimage before such person has actually reached the stage which might be described as proceeding on a pilgrimage.

Sub-clause (b).—We have amended the definition of “*pilgrim guide*” with the object both of making it more comprehensive and of excluding from the mischief of clause 6, where a similar amendment has been made, the activities of *bona fide* religious preceptors.

Clause 4.—We recommend that the Local Government should, where practicable, ordinarily appoint the Port Haj Committee as the licensing authority. Although the wording of the clause as it stands does not exclude the possibility of this being done, we have inserted words aimed at making it clear that Government can where practicable appoint such Committee as the licensing authority.

Clause 5.—We have accepted this clause as drafted, but we desire to record our view (1) that in prescribing conditions to be entered in licences

the Local Government should take into consideration the desirability of limiting the freedom of contract granted to pilgrim guides to the making of fair and reasonable contracts, and (2) in making rules under clause (c) the Local Government should direct the licensing authority to consult the local Haj Committee, if any, before granting a licence to a pilgrim guide.

Clause 6.—Our comments on the definition in clause 2 explain the changes which we have made in this clause.

Clause 11.—We have somewhat simplified the drafting.

Clause 12.—We consider it essential that some such provision as is here proposed should be made in order to secure the prosecution of breaches of the Act. We fear that, if the initiation of prosecutions is left solely to aggrieved pilgrims, many offences might go unpunished.

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. We have, however, decided by a majority to recommend that the Bill be not proceeded with at present. It would be difficult, in practice, to differentiate between those activities of pilgrim guides which the Bill is designed to prevent and legitimate activities such as giving purely religious advice. We are very doubtful as to the efficacy of the procedure devised to prosecute offenders and owing to the anxiety of the pilgrims to proceed without any loss of time to Jeddah, prosecutions even when started will be difficult to complete. It would be better, therefore, in our opinion, to watch the effect of the newly established Port Haj Committees and the recent legislation in Bengal on the activities of pilgrim guides before fresh legislation on the subject is undertaken.

*ABDUR RAHIM.

G. S. BAJPAI.

ISMAIL ALI KHAN.

MD. SHAFEE DAOODI.

WAJIHUDDIN.

S. MURTUZA.

MD. IBRAHIM ALI KHAN.

M. MASWOOD.

BHAI PARMA NAND.

SYED RAJAN BAKSH SHAH.

CHAUDHURY MD. ISMAIL KHAN.

*NAWAB AHMAD NAWAZ KHAN.

NEW DELHI,

The 16th November, 1932.

MINUTE OF DISSENT.

I consider it unfortunate that the majority of the other Honourable Members on the Select Committee should have at the last meeting decided to recommend that this Bill be withdrawn. The way many of the men who act as guides to intending pilgrims—whether they call themselves *Muallims* or otherwise—defraud the poor and ignorant among the pilgrims is a crying evil and the Haj Enquiry Committee after a full investigation of the facts unanimously came to the conclusion that legislation on the lines proposed

in this Bill was absolutely necessary. The amendments that were passed by the Committee would suffice to exclude *bona fide* religious teachers from the purview of the Bill. Nor can there be any reasonable doubt that even if all or most of the offenders could not be brought to book—indeed that has not been found possible under any law—the control provided by the Bill over undesirable activities of persons acting professionally as guides or *muallims* would have considerably narrowed their opportunity for mischief.

ABDUR RAHIM.

NAWAB AHMAD NAWAZ KHAN.

The 15th November, 1932.

[AS AMENDED BY THE SELECT COMMITTEE.]

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

A

BILL

TO

Regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz.

WHEREAS it is expedient to regulate the activities of persons in British India who offer to assist Muslim pilgrims to the Hedjaz; It is hereby enacted as follows :—

1. (1) This Act may be called the Hedjaz *Pilgrim Guides* Act, 1932.
Short title, extent and commencement.

(2) It extends to the whole of British India, including British Baluchistan and the Sonthal Parganas.

(3) It shall come into force in any province on such date as the Local Government may, by notification in the local official Gazette, appoint in this behalf.

2. In this Act,—
Definitions.

- (a) "pilgrim" and "pilgrimage" have reference to Muslim pilgrims proceeding *or intending to proceed* on the pilgrimage to the Hedjaz; and
- (b) a "*pilgrim guide*" means any person who, for a consideration or in the hope of reward, advises or assists, or offers to advise or assist, any pilgrim in any matter connected with the pilgrimage *other than the performance of religious rites and ceremonies relating thereto, and includes muallim, sabeer, hamaldar and pilgrim-broker.*

3. The Governor General in Council may, by Power of Governor General in Council to make rules. notification in the Gazette of India and subject to the condition of previous publication, make rules—

- (a) regulating the grant of licences to *pilgrim guides,*
- (b) prescribing conditions which shall be inserted in such licences, and
- (c) generally, to carry out the purposes of this Act.

4. The Local Government may appoint such Appointment of authority to grant licences. person *or body of persons* as it may think fit to discharge the duties of a licensing authority under this Act.

5. The Local Government may, by notification in the local official Gazette and subject to the condition of previous publication, make rules not inconsistent with the rules made by the Governor General in Council under section 3—

- (a) prescribing further conditions to be entered in licences granted to *pilgrim guides*,
- (b) prescribing the form of such licences,
- (c) regulating the procedure of the licensing authority in granting such licences, and
- (d) prescribing the fees to be paid for such licences.

6. Whoever, not being a licensed *pilgrim guide* for a consideration or in the hope of a reward, advises or assists, or offers to advise or assist, any pilgrim other than a relative or friend, in any matter connected with the pilgrimage other than the performance of religious rites and ceremonies relating thereto, shall be punishable with imprisonment which may extend to three months, or with fine which may extend to two hundred rupees, or with both.

7. Where it appears to any Court before which any person is being tried for an offence under section 6 that the accused has advised or assisted, or offered to advise or assist, any pilgrim who is not his relative or friend, and no consideration is proved, the Court may presume that the accused acted in the hope of a reward.

8. A licensed *pilgrim guide* who does any act in contravention of any of the conditions of his licence shall be punishable with fine which may extend to two hundred rupees.

9. The licensing authority may suspend the licence of any *pilgrim guide* pending any inquiry into an accusation against him for misconduct for which, if proved, he would be liable to be punished under section 8.

10. The licensing authority may cancel the licence of any *pilgrim guide* who is convicted of an offence under section 8, or of any other criminal offence involving, in the opinion of the licensing authority, moral turpitude.

11. (1) A licence granted under this Act to a *pilgrim guide* shall entitle him to act as such in the province in which the licence is granted; and it shall also entitle him to accompany, advise and assist any pilgrim on his journey through and from such province to a port of embarkation.

(2) Save to the extent provided in sub-section (1), a licence granted to a *pilgrim guide* shall not entitle him to act as a *pilgrim guide* outside the province in which the licence is granted and, in particular, shall not entitle him to act as a *pilgrim guide* in any port unless it is granted in the province in which the port is situated.

12. (1) No Magistrate of the second or third class shall take cognizance of or try any offence punishable under this Act.

(2) A Magistrate having jurisdiction may take cognizance of an offence punishable under this Act upon receiving a complaint of facts which constitute such offence made by a licensing authority appointed under section 4, or by any authority authorised by such licensing authority in this behalf.

13. (1) On the date on which this Act comes into force in the province of Bombay, the enactments specified in Part I of the Schedule shall be repealed :

Provided that any licence granted to a pilgrim-broker under the said enactments and valid immediately before the said date shall continue to be valid as if it has been granted under this Act, for such period as the Local Government may, by notification in the local official Gazette, determine, and shall cease to be valid on the expiry of such period.

(2) On the date on which this Act comes into force in the province of Bengal, the enactments specified in Part II of the Schedule shall be repealed :

Provided that any licence granted to a pilgrim-broker or to a *muallim* under the said enactments and valid immediately before the said date shall continue to be valid as if it had been granted under this Act, for such period as the Local Government may, by notification in the local official Gazette, determine, and shall cease to be valid on the expiry of such period.

THE SCHEDULE.

REPEALS.

(See section 13.)

PART I.—BOMBAY ACTS.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1887	II	The Protection of Pilgrims Act, 1887.	So much as has not been repealed.
1915	V	The Bombay Protection of Pilgrims (Amendment) Act, 1915.	The whole.

PART II.—BENGAL ACTS.

Year.	No.	Short title.	Extent of repeal.
1	2	3	4
1896	I	The Protection of Muhammadan Pilgrims Act, 1896.	So much as has not been repealed.
1929	II	The Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929.	The whole.

GOVERNMENT OF INDIA.
LEGISLATIVE ASSEMBLY
DEPARTMENT.

Report of the Select Committee on the
Bill to regulate the activities of persons
in British India who offer to assist
Muslim pilgrims to the Hedjaz, with
the Bill as amended.