

Haj Committee Act, 1959

51 of 1959

[17 December, 1959]

CONTENTS

1. Short title
2. Definitions
3. Incorporation of Haj Committee
4. Composition of the Committee
5. Nomination and co-option of members
6. Chairman and Vice-Chairman
7. Term of office
8. Constitution of new Committees
9. Duties of Committees
10. Meetings of Committee
11. Vacancies, etc., not to invalidate acts or proceedings of the Committee
12. Executive Officer and other employees
13. Sub-committees and inspection of pilgrim ships
14. Haj Fund
15. Vesting of property in the Committee
16. Application of the Haj Fund
17. Power to make rules
18. Power to make bye-laws
19. Repeal and savings

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STATEMENT OF OBJECTS AND REASONS "According to the Port Haj Committees Act, 1932, as originally enacted, three Port Haj Committees were constituted at the three ports of Bombay, Calcutta and Karachi. Consequent upon constitutional changes in the country, the Act was suitably amended to provide for the continuance of the Calcutta and the Bombay Committees only, the reference to the Karachi Committee being omitted therefrom. The Calcutta Committee, however, ceased to function from 1948 owing to the partition of Bengal and there is a balance of about Rs.

15,000 lying to the credit of the defunct Port Haj Fund, Calcutta, which cannot be utilised for any other purpose or transferred to any Port Haj Fund unless the Act is amended. Further all pilgrim traffic to Saudi Arabia, Iraq and Iran is now centralised at Bombay. 2. It is, therefore, considered desirable that the Act should be revised to bring it in line with the present requirements of the Haj pilgrims and to make the Port Haj Committee a representative body of the country. 3. The Bill seeks to achieve this object." -Gazette of India, 1959, Extra, Pt. II, Section 2, page 1161.

1. Short title :-

This Act may be called The Haj Committee Act, 1959.

2. Definitions :-

In this Act, unless the context otherwise requires,

- (a) "Committee" means the Haj Committee constituted under this Act;
- (b) "pilgrim" means a Muslim proceeding on or returning from pilgrimage to Saudi Arabia, Syria, Iraq, Iran or Jordan;
- (c) "pilgrim ship" means a ship conveying or about to convey pilgrims from or to the port of Bombay to or from any port in the Red Sea other than Suez;
- (d) "prescribed" means prescribed by rules made under this Act.

3. Incorporation of Haj Committee :-

- (1) With effect from such date as the Central Government may, by notification in the Official Gazette, appoint in this behalf, there shall be established a Committee by the name of the Haj Committee.
- (2) The said Committee shall be a body corporate having perpetual succession and a common seal and shall by the said name sue and be sued.

4. Composition of the Committee :-

- (1) The Committee shall consist of the following members, namely:-
 - (a) the Collector of Customs, Bombay, ex officio;
 - (b) the Chairman, Port Trust, Bombay, ex officio;
 - (c) the Principal Officer, Mercantile Marine Department, Bombay,

ex. officio;

(d) the Commissioner of Police for Great Bombay, ex officio;

(e) the Municipal Commissioner, Greater Bombay, ex officio;

(f) the Port Health Officer, Bombay, ex officio;

(g) two members to be nominated by the Central Government;

(h) three members of Parliament of whom two are to be nominated by the Speaker of the House of the People from among its members and one by the Chairman of the Council of States from among its members;

(i) one member to represent the State Government of ¹[Maharashtra] to be nominated by that Government;

(j) two members of the ¹[Maharashtra] State Legislative Assembly to be nominated by the Speaker of that Assembly;

(k) two members of the Municipal Corporation of Greater Bombay to be nominated by the ³ [State Government of Maharashtra] on the recommendation of the Muslim members of the Municipal Corporation of Greater Bombay;

(l) three members, of whom two shall be Shia Muslims, to be co-opted by all the members of the Committee to represent such interests as, in their opinion, are directly and actively interested in the welfare of the pilgrims.

(2) Every nomination under this section shall take effect as soon as it is notified by the Central Government in the Official Gazette.

1. Substituted for "Bombay" by the Bombay Reorganisation (A. L. on U. S.) Order, 1961 (G.S.R. 346, D/- 15-3-1961) (with retrospective effect from 1-5-1960).

3. Substituted for "State Government of Bombay", Substituted for "Bombay" by the Bombay Reorganisation (A. L. on U. S.) Order, 1961 (G.S.R. 346, D/- 15-3-1961) (with retrospective effect from 1-5-1960).

5. Nomination and co-option of members :-

(1) The members of the Committee shall be nominated or co-opted in such manner as may be prescribed.

(2) As soon as may be after the nomination of the members of the Committee and the co-option of the members referred to in clause (

1) of sub-section (1) of section 4 , the Central Government shall publish in the Official Gazette a list of the names of all members nominated and co-opted: Provided that the failure to co-opt a member shall not prevent the Central 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.

6. Chairman and Vice-Chairman :-

(1) After the publication of the list of members of the Committee under sub-section (2) of section 5 , the Central Government shall direct the Committee to elect one of its members to be the Chairman within such time as may be specified in the direction.

(2) If within the time so specified the Committee fails to elect a Chariman, the Central Government may appoint a member of the Committee to be the Chairman thereof.

(3) The Chairman shall exercise such powers and discharge such duties as may be prescribed.

(4) The Committee shall elect from among its members not more than two members to be Vice-Chairman who shall exercise such powers and discharge such duties as may be determined by by-laws made in this behalf by the Committee.

(5) The appointment or election of the Chairman and Vice-Chairmen shall be notified by the Central Government in the Official Gazette.

7. Term of office :-

The term of office of the members of the Committee (other than the ex officio members and 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 5 , and ending on the date of the publication of the list of members of the next Committee.

8. Constitution of new Committees :-

(1) At such time as the Central 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 5 , the Central Government shall take or cause to be taken all necessary steps for the nomination and co-option of members of the new Committee.

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

9. Duties of Committees :-

(1) The duties of the Committee shall be -

(a) to collect and disseminate information useful to pilgrims;

(b) to advise and assist pilgrims during their stay in the city and the port of Bombay, while proceeding on or returning from pilgrimage, 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, shipping companies, airways and travel agencies for the purpose of securing travelling facilities for pilgrims;

(e) to find suitable guides 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 carrying out the provisions of the Merchant Shipping Act, 1923, to the notice of the authorities concerned, and to suggest remedies;

(g) to appoint a pilgrim as "Amirul-Haj" on board a pilgrim ship to represent the grievances of the pilgrims to the master or owner of the ship;

(h) generally to look after the welfare of the pilgrims; and

(i) to discharge such other duties in connection with pilgrim traffic as may be prescribed.

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

10. Meetings of Committee :-

(1) The 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 three months during the rest of the year.

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

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

11. Vacancies, etc., not to invalidate acts or proceedings of the Committee :-

No act or proceeding of the Committee shall be invalid by reason only of the existence of any vacancy among its members or any defect in the constitution thereof.

12. Executive Officer and other employees :-

(1) The Central Government shall, in consultation with the Committee, appoint a person to be the Executive Officer thereof who shall also be the Secretary to the Committee.

(2) The Committee shall, subject to the approval of the Central Government, appoint such other employees as it may consider necessary for the efficient discharge of its duties under this Act.

13. Sub-committees and inspection of pilgrim ships :-

(1) The Committee shall appoint one or more sub-committees consisting of such number of its members as it thinks fit for 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 S.151 of the Indian Merchant Shipping Act, 1923, or by the Surveyor of the ship or other person deputed by the certifying officer.

(3) The Executive Officer of the 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 of Bombay.

(4) A master or any officer of a pilgrim ship who fails to render reasonable facilities 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 Magistrate shall take cognizance of such offence only on written complaint by the Chairman of the Committee,

(6) The Committee may also appoint other sub-committees for such purposes it may think fit and any such sub-committee shall consist of such number of members and other persons as may be determined by bye-laws made in this behalf by the Committee.

14. Haj Fund :-

The Committee shall have its own Fund to be called the Haj Fund, and there shall be placed to the credit thereof the following sums namely :-

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

(b) the fees charged for the registration of pilgrim passes in pursuance of any rule made under S.213 of the Indian Merchant Shipping Act, 1923;

(c) the 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 the Government;

(d) 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;

(e) the amount standing at the commencement of this Act 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;

(f) any sums received by the Haj Fund from private sources; and

(g) any sums allotted by the Central Government or any State Government to the Haj Fund.

15. Vesting of property in the Committee :-

All property, assets and funds owned or acquired, before the establishment of the Committee under this Act, by the Port Haj Committee of Calcutta and the Port Haj Committee of Bombay

constituted under the Port Haj Committees Act, 1932, shall, on such establishment, vest in the Committee and form part of the Haj Fund referred to in section 14 .

16. Application of the Haj Fund :-

The Haj Fund shall, subject to any rules that may be made under this Act, be under the control and management of the Committee, and shall be applied to the following purposes, namely :-

- (a) pay and allowances of the Executive Officer and other employees of the Committee;
- (b) payment of charges and expenses incidental to the objects specified in section 9 ;
- (c) any other objects specified in the rules made under section 17 .

17. Power to make rules :-

(1) The Central Government may, by notification in the Official Gazette, make rules to carry out the purposes of this Act.

(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely :-

- (a) the manner of nomination and co-option of members of the Committee;
- (b) the disqualifications for being chosen as, or for being members of the Committee;
- (c) the manner in which doubts and disputes relating to co-option of members may be determined;
- (d) the filling up of casual vacancies in the office of the Chairman and other members of the Committee;
- (e) the removal of the Chairman and other members of the Committee and their resignation from office;
- (f) the term of office of the Chairman and his powers and duties;
- (g) the duties which maybe entrusted to the Committee;
- (h) the powers and duties of the Executive Officer and the conditions of service of the Executive Officer and other employees of the Committee;

- (i) the custody of Haj Fund and the investment of balances therein;
- (j) the objects for which the Haj Fund may be applied;
- (k) the limit of expenditure which may be incurred by the Committee without sanction of the Central Government;
- (l) the accounts to be kept by the Committee and the audit of such accounts;
- (m) the preparation, submission and approval of the budget of the Committee;
- (n) the returns, statements and reports to be submitted by the Committee;
- (o) any other matter which is to be, or may be, prescribed.

(3) Every rule made under this section shall be laid as soon as may be after it is made before each House of Parliament while it is in session for a total period of thirty days which may be comprised in one session or ¹ [in two or more successive sessions, and if, before the expiry of the session immediately following, the session or the successive sessions aforesaid], both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

1. Substituted for the words "in two successive sessions, and if, before the expiry of the session in which it is so laid or the session immediately following" by the Delegated Legislation Provisions (Amendment) Act (4 of 1986), S. 3, Sch. (15-5-86).

18. Power to make bye-laws :-

(1) The Committee may make bye-laws not inconsistent with this Act or the Rules made thereunder -

- (a) prescribing the manner of election of the Vice-Chairman;
- (b) prescribing the term of office and the powers and duties of the Vice-Chairman;
- (c) regulating the removal or resignation of a Vice-Chairman and the filling up of casual vacancies in the office of Vice-Chairman;
- (d) regulating the convening of the meetings of the Committee and

the conduct of business thereat;

(e) prescribing the registers and records to be maintained;

(f) providing for the publication of its proceedings and any matter of interest to pilgrims; and

(g) providing for any other matter which the Committee deems necessary for giving effect to the provisions of this Act.

(2) Bye-laws made by the Committee under this section shall be submitted to the Central Government and shall not take effect until they have been confirmed by the Central Government.

(3) Bye-laws which have been confirmed by the Central Government shall be published in the Official Gazette.

1 [(4) Every bye-law made under this section shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the bye-law or both Houses agree that the bye-law should not be made, the bye-law shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that bye-law.]

1. Inserted by the Delegated Legislation Provisions (Amendment) Act (4 of 1986), S. 3, Sch. (15-5-86).

19. Repeal and savings :-

(1) The Port Haj Committees Act, 1932, is hereby repealed.

(2) Notwithstanding such repeal, Port Haj Committees Act, 1932 of Bombay constituted under the said Act shall, until the establishment of the Committee under this Act, continue to function as if this Act had not been passed and on such establishment of the Committee, the Port Haj Committee of Bombay shall stand dissolved.