

THE HIMACHAL PRADESH HINDU
MARRIAGE REGISTRATION RULES, 1959

THE DEPUTY MINISTER OF REHABILITATION (SHRI P. S. NASKAR): Sir, on behalf of Shri R. M. Hajar-navis, I beg to lay on the Table, under sub-section (3) of section 8 of the Hindu Marriage Act, 1955, a copy of Notification No. LR.1-77/55, dated the 16th July, 1959, publishing the Himachal Pradesh Hindu Marriage Registration Rules, 1959, issued by the Himachal Pradesh Administration. [Placed in Library. See No. LT-1746/59.]

THE HAJ COMMITTEE BILL, 1959—
continued.

SHRI AMOLAKH CHAND (Uttar Pradesh): Mr. Chairman, Sir, yesterday, while speaking on the Bill, I wanted to make two or three points. The first was about the composition of the Committee. According to me an important member, the Director General of Shipping, does not find any place on the Committee, although the Committee consists of nineteen persons. One of the works to be entrusted to it is:

"9. (d) to negotiate and co-operate with railways, shipping companies, airways and travel agencies for the purpose of securing travelling facilities for pilgrims;"

From Railways also we do not find any member in this Committee. What we find is that they will—

"appoint a pilgrim as 'Amirul-Haj' on board a pilgrim ship to represent the grievances of the pilgrims to the . . ."

I do not know whether this "Amirul-Haj" would be a Member of the Committee or he will be one of the Hajis going for Haj.

Again, Sir, Clause 9(2) says:

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

I am not aware, probably the hon. Deputy Minister would give us an idea of the type of assistance, financial or otherwise that would be available to the Committee. These are the two points with which, I am sure, the hon. Deputy Minister will deal.

In clause 13(5) I could not understand one thing. It says:

"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."

As far as I understand, it is usually the duty of an Executive Officer to file a complaint. What we find is that here the Chairman is an elected Chairman and likely to be a non-official Chairman. But under the scheme of this Bill I find that the Chairman, who is only concerned with presiding over the meeting, is also going to have the executive function. Sir, we know that under clause 12(1) of the Bill.

"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."

Sir, in so many legislations with which we have to deal, we always find that when some power is given to a particular officer to file a complaint, in the absence of which the court has got jurisdiction to entertain the complaint or proceed with it. I feel that it would have been much better if the Executive Officer would have got this power and not the Chairman, because the business of the Chairman is quite different from that of an Executive Officer. Here in the scheme of affairs we find that the Executive Officer would not have the power to file a complaint in a criminal court, but the Chairman may be in charge thereof. Sir, I do not know whether it would be necessary for the Chairman to appear as a prosecution witness in