

## **HAJ COMMITTEE RULES, 1963**

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### **HAJ COMMITTEE RULES, 1963**

In exercise of the powers conferred by subsection (1) of Sec. 17 of the Haj Committee Act, 1959 (51 of 1959), the Central Government hereby makes the following rules, namely :

PART 1

RULES RELATING TO MEMBERSHIP

#### **1. Title :-**

These rules may be called the Haj Committee Rules, 1963.

#### **2. Definitions :-**

In these rules, unless the context otherwise requires.

(1) "The Act" means the Haj Committee Act, 1959 (51 of 1959);

(2) "Section" means a section of the Act.

#### **3. Location of the Committee :-**

The Haj Committee will be located in Bombay.

#### **4. Manner of nomination and co-option of members of the committee :-**

(1) The Central Government shall be responsible for the conduct of all nominations and co-option of members of the Committee in accordance with these rules.

(2) Within fifteen days after the publication of the notification regarding the nomination of the members of the Committee under sub-section (2) of Section 4 , the Central Government shall fix a date for meeting at Bombay, of the members referred to in Cls. (a) to (k) of sub-section (1) of the said section. At such meeting, the members shall co-opt three members to the Committee in accordance with the provisions of clause (1) of sub-section (1) of the said section.

#### **5. Disqualifications for being nominated or co-opted as**

**members of the Committee :-**

A person shall be disqualified for being nominated or co-opted as a member of the Committee:

- (i) if he is not a citizen of India;
- (ii) if he is not a Muslim;
- (iii) if he is an undischarged insolvent;
- (iv) if he is a member of any public body or association which has been declared illegal by the Central Government or any State Government:
- (v) if he holds any office of profit under the Committee: or
- (vi) if he takes part in the management or direction of any business which has interests in pilgrims traffic:

Provided that nothing in this rule shall apply to any official or other representative of any Shipping Company engaged in the transport of pilgrims to the Hedjaz.

**6. Grounds on which a member nominated or co-opted may be removed :-**

(1) Any member, except an official member, nominated or co-opted to the Committee, who

- (a) becomes disqualified for being a member under rule 5; or
- (b) remains absent from three consecutive meetings of the Committee, except for reasons of temporary illness or any other cause to be approved by the Central Government. shall cease to be a member of the Committee and his officer shall thereupon be declared to be vacant by the Central Government.

<sup>1</sup>[(1 A) A person nominated as a member of the Committee under C\\.(h),C\\.(j)orCl. (k) of sub-section (1) of Section 4 shall, upon his ceasing to be a member of the body from among whose members he was nominated, cease to be a member of the Committee and his officer shall thereupon be declared vacant by the Central Government.]

(2) Any member who is aggrieved by a declaration under <sup>2</sup> [sub-rule (1) or sub-rule (1A)] may represent to the Central Government for the restoration of his membership. The Central Government

may, after giving him an opportunity to be heard, decide the question and the decision of the Central Government thereon shall be final.

(3) The Central Government may remove a member whose activities are found undesirable in the interest of pilgrim affairs from his membership on the Committee, after giving him an opportunity to be heard.

1. Ins. by G.S.R. 573, dated 3rd April, 1964.
2. Subs, by G.S.R. 573, dated 3rd April, 1964.

#### **7. Resignation of members nominated or co-opted :-**

(1) A member nominated to the Committee may resign his membership on the Chairman of the Committee, who shall forthwith cause a copy of such notice to be sent to the Central Government.

(2) A member co-opted to the Committee may resign his membership on the Committee by giving one month's notice of his intention to resign to the Committee by giving fifteen days notice of his intention to resign to the Chairman of the Committee who shall forthwith cause a copy of such notice to be sent to the Central Government.

#### **8. Filling of casual vacancies and term of office of such members :-**

(1) Any casual vacancy by resignation or otherwise which may arise, shall be filled up by the same category of member, to which the former member, belonged.

(2) A member filling a casual vacancy shall remain in office for the unexpired portion of the term of the member in whose place he is nominated or co-opted.

#### **PART 2**

#### **RULES RELATING TO CHAIRMANSHIP**

#### **9. Chairmans term of office :-**

The Chairman of the Committee shall hold office for one year from the date he assumes charge as Chairman, but shall be eligible for re-election.

#### **10. Convening of meetings :-**

(1) The first meeting of the Committee after the election or

appointment of the Chairman under Section 6 shall be held on a day and at a time and place to be fixed by the Chairman. If such meeting is not held on the day so fixed, it shall be held on a subsequent day to be fixed by the Chairman. Thereafter the Committee may, subject to the provisions of sub-section (1) of Sec. 10, meet and adjourn as it thinks proper : Provided that the Chairman may whenever he thinks fit and shall, on the written requisition of not less than four members of the Committee, call a special meeting of the Committee on any day or when a special meeting is to be called on a written requisition, on a date not later than four days after such requisition.

(2) If at any time during the meeting of the Committee it is brought to the notice of the Chairman that the number of members present falls short of the number required to make a quorum prescribed by sub-section (2) of Sec. 10 of the Act, the Chairman shall adjourn the meeting to some other day, fixing such time and place as he shall think convenient.

### **11. Chairmans powers and duties :-**

(1) The Chairman shall be at liberty to omit from a notice of motion any matter which he may consider to be libellous or grossly offensive and, if he deems proper, may disallow a motion altogether on the said grounds. The Chairman may also, with the approval of the Committee, direct any matter which in his opinion is libellous or grossly offensive to be omitted from the minutes of the proceedings of the meeting.

(2) The Chairman shall disallow

(a) any proposition concerning any matter in which the member moving it has directly or indirectly by himself or his partner any share or interest in the management or direction of any business which has interests in pilgrim traffic or in which he is professionally interested on behalf of a person engaged in pilgrim traffic;

(b) any motion which contains a statement the accuracy of which the mover is not able to substantiate.

(3) The Chairman shall decide summarily all points of order or procedure, but an appeal against his decision shall be permissible at any subsequent meeting of the Committee. Such appeal, addressed to the Committee shall take the form of a substantive proposition directly calling such decision into question and notice of

such proposition shall be given at least three clear days before the day fixed for the meeting.

(4) The Chairman may allow, with the consent of the members present at a meeting, any member to introduce in that meeting any motion, urgent or otherwise, not mentioned in the agenda to be discussed at such meeting.

## **12. Resignation and removal of the Chairman :-**

(1) If a no-confidence motion or a vote of censure against the Chairman of the Committee, or a resolution for his removal from the Chairman is passed by not less than two-thirds of the total membership of the Committee, such a motion, or resolution shall have the effect of removing the Chairman from his office as from the date on which the motion/ resolution is so passed.

(2) The Chairman shall be removed from office if he becomes disqualified under these rules for being a member of the Committee.

(3) The Chairman may resign on giving one month's notice in writing to the Central Government of his intention so to do.

## **13. Filling up of casual vacancies in the office of Chairman and term of office of persons filling them :-**

(1) Any casual vacancy in the office of Chairman shall be filled in accordance with sub-section (1) or sub-section (2) of Section 6 as the case may be.

(2) Any person filling such vacancy shall remain in office only so long as the Chairman, in whose place he is elected or appointed, would have held the office, if the vacancy had not occurred.

### PART 3

#### OFFICER AND SERVANTS

## **14. Executive officer to be under the control of the Central Government :-**

<sup>1</sup> The Executive Officer appointed under sub-section (1) of Section 12 shall be responsible to the Central Government and shall be under its administrative control. He shall, however, carry out the directions given by the Committee in the day to day performance of his duties.

1. Subs, by S.O. 4407, dated 22nd August, 1975.

**15. Subordinate employees :-**

(1) All other employees of the Committee appointed under sub-section (2) of Section 12 shall be subordinate to the Executive Officer and shall act according to his instructions.

(2) The Executive Officer shall be directly responsible to the Committee for the work done by the said employees.

**16. Conditions of service of the Executive Officer and other employees :-**

(1) The services of the Executive Officer and other employees of the Committee shall ordinarily be temporary unless made permanent under specific orders of the authority competent to do so, and shall be terminable at three months' notice on either side : Provided that the Executive Officer or any such other employee may be removed from his office for neglect or misconduct in the discharge of his duties or incapacity to hold the office by a resolution of the Committee passed by not less than half of the total membership of the Committee and with the approval of the Central Government.

(2) The Executive Officer and other employees of the Committee shall receive such pay, allowances and other emoluments as may be fixed from time to time by the Committee with the approval of the Central Government.

(3) The Executive Officer and other employees of the Committee shall be granted leave at rates approved by the Central Government at the discretion of the Chairman, who shall also fill the casual vacancies caused thereby.

(4) Casual leave, ordinarily not exceeding 8 days at a time or 12 days in all during the course of a year, may be granted to the Executive Officer by the Chairman and to the other employees of the Committee by the Executive Officer at their discretion.

**17. Powers and duties of Executive Officer :-**

(1) The Executive Officer shall issue notice of meetings of the Committee to the members. He shall record the proceedings of all meetings of the Committee.

(2) The Executive Officer shall conduct all correspondence affecting the Committee.

**1** [ (3) The Executive Officer shall, subject to the provisions of rule 14, exercise powers as the Committee may direct.]

(4) (a) The Executive Officer shall from time to time prepare and bring before Committee a schedule setting forth:

(i) the designations and grades of other employees of the committee who, in opinion, should be maintained; and

(ii) the salaries, fees and allowances, which in his opinion, should be paid each of such employees.

(b) The Committee may, subject to the approval of the Central Government, amend such schedule or make such modifications as it deems proper:

Provided that no new office aggregate emoluments of which exceed Rs. 100 mensem shall be created without the previous sanction of the Central Government.

1. Subs, by S.O. 4407, dated 22nd August, 1975.

#### PART 4

#### THE HAJ FUND

### **18. Provision for the custody of the Haj Fund :-**

(1) All sums placed to the credit of the Haj Fund shall be held by the Committee in trust and shall, subject to the provisions of the Act and the rules, be applied for the purposes mentioned in the Act.

(2) All money transactions to which any member of the Committee or any officer or employee of the Committee is a party in his official capacity shall, immediately and without any reservation, be brought to account in the books of the Committee and all moneys received other than money withdrawn from the bank to meet current expenditure shall be paid in full into the bank for credit to the Haj Fund on the day following the day of receipt or, if that be a bank holiday, on the next day on which the Bank is open.

(3) The Haj Fund shall be kept in the State Bank of India or such other scheduled Bank as the Central Government may from time to time direct.

(4) No payment shall be made by the Bank out of the Haj Fund, except upon a cheque signed by the Chairman and the Executive Officer, or in the event of the illness or absence from the Port of

Bombay of the Chairman or the Executive Officer by any two members duly authorised by the Committee Payments by the Committee shall ordinarily be made by cheques, but sums of less than fifty rupees may be paid from permanent advance.

(5) Every item of expenditure shall be entered in a bill in the form prescribed. Bills and other papers presented for payment shall be examined by the Executive Officer and if the claim is admissible, the authority is proper and the signature is true and in order, the Executive Officer shall make an order to pay on the bill and sign it. The Executive Officer shall be personally responsible that the bill is complete and affords sufficient information as to the nature of the payment and that the payee actually receives the sum passed and gives a legal acquittance.

**19. Investment of balances of Haj Fund :-**

Notwithstanding anything contained in sub-rule (3) of Rule 18, the Committee, with the previous sanction of the Central Government, may place in fixed deposit with any Bank or may invest the same in Government or any other public securities and may likewise dispose of such securities as may be necessary. The income resulting from any fixed deposit or from any such security or from the sale proceeds of any such security, shall be credited to the Haj Fund.

**20. The objects to which Haj Fund shall be applied :-**

(1) The moneys credited to the Haj Fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in Sees. 9 and 16 of the Act inclusive of

(i) the salaries, joining time allowances and other allowances of the Executive Officer and of other employees of the Committee and of any other employee whose services may, at the request of the Committee be placed at their disposal by the Central Government;

(ii) the contributions to provident funds, pensions, gratuities, leave and compassionate allowances payable under the provisions of the Act or the rules made thereunder;

(iii) any other sum which may be legally payable by the Committee;

(iv) payment of travelling allowance and daily allowance to members of the Committee not resident in Bombay at rates admissible to Grade I officers of the Government of India; and

(v) payment of subsidy to any Haj Committee established in any State of India which shall not be more than one-third of the amount collected as registration fee of pilgrim passes of the pilgrims belonging to the State concerned.

**21. Contracts and expenditure which may be entered into or incurred by the Committee :-**

(1) The Committee shall be competent to enter into or perform any contract or incur any expenditure necessary for the performance of its duties under the Act and these rules.

(2) Every contract or expenditure

(i) of a value or amount exceeding Rs. <sup>1</sup>[ 100] but not exceeding Rs. <sup>1</sup>[200] shall require the previous sanction of the Chairman on behalf of the Committee;

(ii) of a value or amount exceeding Rs. <sup>1</sup>[200] but not exceeding Rs. <sup>1</sup>[1000] shall require the previous sanction of the Committee;

(iii) of a value or amount exceeding Rs. <sup>1</sup> [1000] shall require previous sanction of the Central Government:

Provided that nothing in this sub-rule shall apply to any expenditure relating to any of the following items, namely :

(a) refunds of passage deposits and passage moneys;

(b) refunds of fees levied for pilgrims passes and visitors' passes where such passes have not been used;

(c) payments of sale proceeds of effects of pilgrims;

(d) refunds of any deposits received from or on behalf of pilgrims;

(e) payments to shipping companies of deposits made by the pilgrims for return steamer fares; and

(f) payments in respect of relief or repatriation of indigent pilgrims stranded in the city of Bombay, not exceeding Rs.50 in each individual case.

(3) Every other contract or expenditure shall be sanctioned by the Executive Officer on behalf of the Committee.

(4) Every contract made by the Committee shall be in writing and shall be signed by the two members of the Committee of whom the

Chairman or a Vice-Chairman shall be one and be countersigned by the Executive Officer and be sealed with the common seal of the Committee.

(5) No article of dead stock of a book value of Rs. 25 and above shall be written off without the sanction of the Committee:

Provided that when the book value of such articles exceeds Rs. 250 the previous sanction of the Central Government shall be obtained.

1. Subs, by S.O. 4407, dated 22nd August, 1975.

## **22. Preparation, submission and approval of the budgets of the Committee :-**

(1) The Chairman shall, at a special meeting to be held in the month of August in each year, lay before the Committee an estimate of the income and of the expenditure of the Committee for the year commencing on the first day of April next ensuing in such detail and form as the Committee may from time to time direct. Such estimate shall be completed and printed and a copy thereof sent by post or otherwise, to each member at least ten clear days prior to the date of such special meeting.

(2) The Committee shall consider the estimate submitted to it and shall sanction such estimate either unaltered or subject to such alterations as it may think fit.

(3) The estimate, as sanctioned by the Committee shall be submitted to the Central Government for their approval on or before the first day of September in each year.

(4) The Committee may, at any time during the year for which any such estimate has been sanctioned, cause a supplementary estimate to be prepared. Every such supplementary estimate shall be considered and sanctioned by the Committee and submitted to Central Government in the same manner as if it were an original annual estimate.

(5) The inclusion of an item in the budget estimate which has been sanctioned shall not by itself, be deemed a sanction for the purpose of incurring expenditure. Specified sanction wherever it is necessary shall be obtained for any expenditure before it is incurred.

(6) The Committee shall have power to reappropriate grants from one sub-head to another sub-head under the same major head without the sanction of the Central Government, but the sanction of

Central Government shall be required for other reappropriations.

**23. Accounts to be maintained by the Committee and their audit and publication :-**

(1) The accounts of the receipts and expenditure of the Committee shall be kept in such manner and in such form as the Committee shall from time to time prescribe.

(2) The accounts shall be examined and audited half-yearly by such auditors as the Central Government may approve.

(3) For the purpose of auditing the auditors shall have access to all the accounts, records, and correspondence of the Committee. The objections raised by the auditors shall be settled by the Executive Officer with the least possible delay and replies to the note shall be supplied with the approval of the Committee.

(4) A copy of the audit note and the replies of the Committee shall be submitted to the Central Government by the Committee for Government's consideration.

(5) An abstract of the audited accounts shall be published by the Committee annually in the Official Gazette and in one Urdu local newspaper.

**24. Returns, statements and reports to be submitted by the committee :-**

(1) The Executive Officer shall, within three months of the first of April each year, cause to be prepared and submit a detailed report of the Committee's administration during the preceding year (1st April to 31st March) to the Central Government together with a Statement showing the amounts of the receipts and disbursements respectively credited and debited to the Haj Fund during such year and the balance at the credit of the Haj Fund at the close of such year.

(2) A copy of the administration report together with the statement appended thereto shall be forwarded to each member of the Committee at least eight days prior to the date of the ordinary meeting of the Committee in the month of July following the year of report. Copies of such report and statement shall be supplied to any person requiring the same on payment of such reasonable fee as the Executive Officer, with the approval of the Committee, may determine.

(3) The Central Government may, at any time, appoint an auditor for the purpose of making special audit of the Accounts of the Haj Fund and of reporting thereon to Central Government. The costs of such audit as may be determined by the Central Government, shall be met from the Haj Fund.

PART 5

DUTIES WHICH MAY BE TRUSTED TO THE COMMITTEE OTHER THAN THOSE SPECIFIED IN SEC. 9(1) OF THE ACT

**25. Control of the Committee in respect of financial matters**

:-

(1) The Committee shall act as an agent for the Indian Air Companies for the purpose of chartering Haj Air flights.

(2) The Committee shall undertake the distribution of foodgrain parcels by making suitable arrangements to the pilgrims in Arabia.