

## **Haj Committee Rules, 2002**

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### **Haj Committee Rules, 2002**

In exercise of the powers conferred by Sec. 44 of the Haj Committee Act, 2002, the Central Government hereby makes the following rules, namely:

#### PART 1

#### NOMINATION OR ELECTION OF MEMBERS OF THE COMMITTEE

##### **1. Short title and commencement :-**

- (1) These rules may be called the Haj Committee Rules, 2002.
- (2) They shall come into force on their publication in the Official Gazette.

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

In these rules, unless the context otherwise requires,

- (a) "Act" means the Haj Committee Act, 2002;
- (b) "Chairperson" means the Chairperson of the Committee;
- (c) "Committee" means the Haj Committee of India constituted under Sec. 3;
- (d) "section" means a section of the Act;
- (e) "Schedule" means the Schedule to the Act;
- (f) "zone" means a zone specified in the Schedule;
- (g) words and expressions used in these rules and not defined but

defined in the Act shall have the respective meanings assigned to them in the Act.

**3. Headquarters of the Committee :-**

The Committee shall have its Headquarters at Mumbai.

**4. Manner of nomination or election of members of the Committee :-**

The Central Government shall be responsible for procuring or making nomination of members of the Committee and the conduct of their election in accordance with the provisions of Sec. 4.

**5. Inviting nomination of members from Parliament :-**

(3) The State Haj Committee concerned shall pay the travelling and daily allowances to its members for attending the meetings for electing members under sub-rule (2).

(5) The Central Government shall nominate seven Muslim members from among the category of persons specified in sub-clauses (a), (b), and (c) of clause (iv) of Sec. 4;

(6) The Central Government shall endeavour to complete the process of elections and nominations under Sec. 4 at least one month before the constitution or reconstitution of the Committee;

(7) The Central Government shall fix, within a period of forty five days of the publication of the names of the members of the Committee under Sec. 5, a date for the first meeting of the Committee, whose members shall, subject to the conditions specified in the proviso to sub-sec. (1) of Sec. 7, elect the Chairperson and two Vice-Chairpersons.

**PART 2**

**POWERS AND DUTIES OF CHAIRPERSON AND OTHER MATTERS RELATING TO THAT OFFICE**

**6. Convening of meetings of the Committee :-**

(1) The meeting of the Committee, after the election or appointment of the Chairperson under Sec. 7, shall be held on such day, time and place as may be fixed by the Chairperson.

(2) (i) If for any reasons such meeting is not held on the day fixed under sub-rule (1), it shall be held on any other day to be fixed by the Chairperson. (ii) The meetings of the Committee thereafter may, subject to the provisions of sub-sec. (1) of Sec. 10, be held

as and when considered necessary by the Chairperson to make arrangements for Haj or to review the said arrangements made by the Committee: Provided that the Chairperson may, whenever he thinks fit call a special meeting of the Committee on any day fixed by him and he shall, on the written requisition of not less than one-third of the members of the Committee, call an extraordinary meeting on a date not later than 4 days after such requisition.

(3) If at any time during the meeting of the Committee it is brought to the notice of the Chairperson that the number of members present falls short of the number required to make a quorum under sub-sec. (3) of Sec. 10, the Chairperson shall adjourn the meeting to some other day, at such time and place as he deems proper.

### **7. Powers and duties of Chairperson :-**

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

(4) The Chairperson may, with the consent of the members present at a meeting, allow any member to introduce any motion not mentioned in the agenda for such meeting.

(5) The Chairperson can invite any officer of the Central Government dealing with Haj activities to attend any meeting of the Committee as a "Special Invitee" and such officer may be allowed to participate in the discussions at the meeting.

### **8. Resignation of Chairperson, Vice-Chairpersons and Members :-**

The Chairperson, the Vice-Chairperson or any other member of the Committee may resign his office by giving a notice in writing under his hand to the Central Government and the resignation shall be effective from the date of such notice.

### **9. Removal of Chairperson, Vice-Chairperson and members :-**

The Chairperson, the Vice-Chairperson or any other member of the Committee may be removed from office in accordance with the provisions of Sec. 14.

**10. Filling up of casual vacancies in the office of Chairperson :-**

(1) A casual vacancy in the office of Chairperson shall be filled in accordance with the provisions of Sec. 15, read with the provisions of sub-sec. (2) of Sec. 7.

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

**11. Allowances payable and other terms and conditions relating to office of Chairperson, Vice-Chairpersons and members :-**

(2) The ex-officio members of the Committee shall be entitled to receive travelling allowance and daily allowance at the rates admissible to Group A officers of their rank from the Union Ministries whom they represent on the Committee.

PART 3

RENOMINATION OF MEMBERS

**12. Renomination of members under Sec. 8 :-**

**13. Renomination of members of a Joint State Committee :-**

The renomination of members of a Joint State Committee up to fifty per cent may be made, so far as may be, in accordance with the provisions of the rules framed under Sec. 47 by the participating State Governments or as the case may be, the participating Governments of Union Territories: Provided that in case of difference of opinion between the participating State Government or Governments of Union Territories regarding renomination of members of the Joint State Committee, the matter may be decided by the Central Government whose decision shall prevail.

PART 4

TERMS AND CONDITIONS OF CHIEF EXECUTIVE OFFICER AND EMPLOYEES OF THE COMMITTEE

**14. Functions of Chief Executive Officer :-**

The Chief Executive Officer appointed under sub-sec. (1) of Sec. 16 shall execute the decisions of the Committee and carry out its directions relating to implementation of such decisions in the day-to-day performance of his duties.

**15. Functions of officers and other employees of the Committee :-**

(1) All the officers and other employees of the Committee appointed under sub-sec. (5) of Sec. 16 shall be responsible to the Chief Executive Officer and shall act according to his instructions.

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

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

(1) Subject to the provisions of sub-sec. (3) of Sec. 16, the Chief Executive Officer and other officers and employees of the Committee shall ordinarily be appointed on temporary basis.

(2) With effect from such date, as the Central Government may appoint, the posts of officers and other employees of the Committee may be made permanent and thereupon the Central Government may appoint the officers and other employees already working for the Committee against such posts.

(4) The Chief Executive Officer and other officers and 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 prior approval of the Central Government.

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

(2) The Chief Executive Officer shall, subject to the provisions of Rule 14, perform such other functions as the Committee may, with the approval of the Central Government, direct.

(4) The Committee may approve the schedules referred to in sub-rule (3) or make such modifications therein, as it may, deem proper, subject to the previous sanction of the Central Government.

**18. Terms and conditions of appointment of officers and other employees of the Committee :-**

(1) Subject to the provisions of sub-rules (3) and (4) of Rule 17, the Committee may, appoint such officers and other employees as it deems necessary in accordance with the procedure of recruitment sanctioned by the Central Government.

(2) All establishment matters relating to the Committee shall be decided on the basis of the Fundamental Rules and Supplementary Rules of the Government of India.

(3) The officers and other employees of the Committee shall be eligible for allowances at such rates as are admissible to the employees of the corresponding rank in the Central Government depending upon the station of their posting.

(4) The officers and other employees of the Committee shall also be eligible for the benefits of honoraria, contributory provident fund, gratuity, LTC and any other allowance sanctioned by the Committee, from time to time, with the approval of the Central Government.

(5) The normal hours of work for the offices of the committee in any city shall be the same as for Central Government offices situated in that city.

(6) The Committee may declare a list of the holidays to be observed by its offices and it may generally observe the holidays declared by the Government of India for its offices.

#### PART 5

#### MEMBERSHIP OF JOINT STATE COMMITTEES AND OF HAJ COMMITTEES FOR UNION TERRITORIES

### **19. Manner of nomination of members of the Joint State Committees :-**

(1) The number of members to be nominated by the Governments concerned to a Joint State Committee, including the Executive Officer, shall be sixteen, i.e., the same as for a State Committee under Sec. 18.

(2) The number of members to represent various categories and the members to be nominated by the Governments constituting the Joint State Committee, including the Executive Officer, shall be determined by the Central Government in consultation with the Governments concerned and in case of difference of opinion, the views of the Central Government shall prevail.

### **20. Manner of nomination of members of the Haj Committee for a Union Territory :-**

(1) The number of members to be nominated by the Governments concerned, to the Haj Committee for a Union Territory, including

the executive Officer .who shall be ex-officio member of the Committee, shall be seven.

(3) In case Muslim members are not available in any of the categories mentioned in clause: (a) and (c) of sub-rule (2), the Government concerned, in its discretion, may appoint a non-Muslim member, who shall hold office till a Muslim member in the relevant category becomes available and where a Muslim member from the relevant category does not become available, the term of the non-Muslim members shall be the same as of the Muslim member.

#### PART 6

#### CENTRAL HAJ FUND

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

(1) Subject to the provisions of the Act and the rules made thereunder, all sums placed to the credit of the Central Haj Fund under Sec. 30 shall be held by the Committee in trust and shall be applied for the purposes mentioned in Sec. 31 of the Act.

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

Provided that full details of the transactions entered into by the members shall be placed before the Chairperson for his written approval.

### **22. Bills expenditure and payment thereof :-**

(1) Every item of expenditure pertaining to the Committee shall be entered in a bill in the form as prescribed for offices of the Central Government.

### **23. Investment of remainder of moneys in Central Haj Fund :-**

(1) Notwithstanding anything contained in sub-rule (3) of Rule 21, the committee may, with the previous sanction of the Central Government, place the remainder of the moneys (including donations, income from property, etc.) in the Central Haj Fund in fixed deposit with any nationalised bank or may invest the same in Central Government securities guaranteed by the Government of India and may likewise dispose off such securities as may be necessary.

(2) The income resulting from any deposit or from any security referred to in sub-rule (1) shall be credited to the Central Haj Fund.

**24. Application of Central Haj Fund :-**

The monies credited to the Central Haj Fund shall be applied in payment of all sums, charges and costs necessary for the purposes specified in the Act, including payment of,

(a) the salaries and allowances of the Chief Executive Officer and of other officers and employees of the Committee, and of any other employee whose services may, at the request of the Committee, be placed at its disposal by the Central Government;

(b) the contribution to provident funds, pensions, gratuities, leave and compassionate allowances payable under these rules;

(c) travelling allowance and daily allowance to members of the Committee not resident in Mumbai as provided in Rule 11;

(d) travelling allowance and daily allowance to not more than twenty per cent of the regular employees of the Committee who may be permitted to visit Saudi Arabia during a Haj season;

(e) subsidy to any State Haj Committee constituted or reconstituted under the Act: Provided that such subsidy shall not be more than one-third of the amount collected as miscellaneous charges including registration fee of pilgrims and issue of travel passes to the pilgrims belonging to the State concerned; and

(f) any other sum which may be legally payable by the Committee.

**25. Entering into contracts and incurring of expenditure by the Committee :-**

(1) Subject to the other provisions of this rule, the Chief Executive Officer shall be competent to enter into any contract or to incur any expenditure necessary for the performance of the duties of the Committee as laid down under Sec. 9 and these rules.

(3) Every contract referred to in sub-rule (1) shall be in writing and shall be signed by the Chief Executive Officer on behalf of the Committee and counter-signed by the Chairperson or Vice-Chairperson and one other member of the Committee duly authorised in this behalf, and be sealed with the common seal of the Committee.

**26. Preparation, submission and approval of the budget of**

### **the Committee :-**

(2) In preparing the annual and supplementary estimates of the Committee's ways and means and expenses to be incurred during the course of the year, the principles laid down in the Government of India Financial Rules shall be followed.

(3) The Committee shall consider the estimate submitted to it under sub-rule (1) and shall sanction such estimate either unaltered or subject to such alteration as it may think fit,

(4) 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.

(6) 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 and specific sanction, wherever it is necessary in accordance with Rule 25, shall be obtained for any expenditure before it is incurred.

### **27. Maintenance of accounts, auditing and publication :-**

(1) The accounts of the Committee and the Joint State Committee shall be maintained in such manner and form as prescribed in Volume 1 of the Accounts Code specified by the Central Government on the advice of the Comptroller and Auditor General of India

(4) A copy of the audit note and the replies of the aforesaid Committees shall be submitted to the Central Government for its consideration.

(5) The accounts of the aforesaid Committees as certified by the auditor together with the audit report thereon, shall be forwarded annually by the said Committees to the Central Government for being laid before each House of Parliament.

(6) An abstract of the audited accounts shall be published by the aforesaid Committees annually in the Official Gazette and in such local newspapers as may be specified by the Central Government.

### **28. Returns, Statements and Reports to be submitted, by the Committee :-**

(1) The Chief Executive Officer shall, within three months from the close of each financial year, cause to be prepared and submitted to

the Central Government, a detailed report of the Committee's Administration during the preceding financial year together with a statement showing the amount of receipts credited and disbursements debited to the Central Haj Fund during such year and the balance at the credit of the Central Haj Fund at the close of such year.

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

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(1) The Central Government may, at any time, appoint an auditor for the purpose of making special audit of the accounts of the Central Haj Fund and submitting a report thereon to that Government.

(2) The costs of such audit as may be determined by the Central Government shall be met from the Central Haj Fund.

PART 7

PILGRIM PASSES AND FEES THEREFOR

**30. Powers of the Committee to issue pilgrim passes and levy fees :-**

The Committee may issue pilgrim passes under Sec. 35 to the Haj Pilgrims for their departure from India as bona fide pilgrims to Saudi Arabia and it may levy fees for issue of such pilgrim passes, which shall not be more than the fees prescribed for issue of passport under the Passports Act, 1967 (15 of 1967).