

# **J&K State Haj Committee Rules, 2013**

JAMMU & KASHMIR

India

## **J&K State Haj Committee Rules, 2013**

### **Rule J-K-STATE-HAJ-COMMITTEE-RULES-2013 of 2013**

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J&K State Haj Committee Rules, 2013 Published vide Notification No. SRO-29, dated 30.1.2013 SRO-29. - In exercise of the powers conferred by section 47 of the Haj Committee Act, 2002 (35 of 2002). the Government of Jammu and Kashmir in consultation with the Central Government, hereby makes the following rules, namely :-

## **Chapter I Preliminary**

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

(1) These rules may be called the J&K State Haj Committee Rules, 2013. (2) They shall come into force on their publications in Government 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 J&K State Haj Committee ;(c) "Committee" or "State Haj Committee" means the Jammu and Kashmir State Haj Committee constituted under section 17 of the Act ;(d) "State" means the Jammu and Kashmir State ;(e) "Government" means the Government of Jammu and Kashmir ;(f) "Haj Fund" means the Jammu and Kashmir State Haj Fund ;(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.

## **Chapter II Nomination of Members of the Committee**

### **3. Manner of nomination of members of the Committee.**

(1)The Government (in the Revenue Department), shall constitute/reconstitute the Committee in accordance with the provisions of section 18 of the Act, from the following categories of persons, at least on e month before the expiry of the term of the Committee in office :-(a)One Muslim Member of Parliament from the J&K State ;(b)Two Muslim Members-One of the Legislative Council and one of the Legislative Assembly of J&K State ;(c)Three Muslim Members representing the Local Bodies of the J&K State ;(d)Three Muslim Members having experience in Muslim Theology and Law including one Shia Muslim ;(e)Five Muslim Members from Muslim voluntary organizations in the field of public administration, finance, education, culture or social work ; provided that if any member ceases to be a Member of the Parliament or the Legislative Council/ Assembly or the Local Body or becomes subject to any of the disqualification specified in section 23 of the Act, the Government shall fill the vacancy within a period of one month ;(f)Executive Officer of the State Haj Committee, who shall be the Ex Officio Member of the State Committee ;(g)The Chairperson of the J&K State Wakf Council, (Ex Officio) ; Member-Secretary of the Committee ;(2)Appointment of the members shall be notified under section 19 of the Act and published in the Government Gazette.(3)Term of office. - The term of office of the members of the State Committee (Other than the ex officio members and members filling casual vacancies) shall be three years, commencing on the day following of the publication of list of members under section 19 of the Act.

### **4. Election of the Chairperson.**

(1)After the appointment of the members of the newly constituted Committee, notified under section 19 of the Act, the Government shall notify the first meeting of the Committee, for election of Chairperson. In the said notification the date , place and time of election of Chairperson shall also be specified giving the members one week's clear notice.(2)The meeting shall be presided over by Secretary to Government, Revenue Department, who shall conduct the proceedings for the election of the Chairperson.(3)The name of a candidate to the post of Chairperson shall be proposed by a member, which shall be seconded by another member. The voting shall be by secret ballot.(4)Each member shall have only one vote. The candidate securing highest number of votes shall be declared to have been elected as Chairperson.(5)In case of a tie, the Chairperson shall be selected by draw of lot.(6)Where a dispute arises as to the validity of election of Chairperson, any person interested may within fifteen days of the declaration of the result represent to the Government and the decision of the Government in that regard shall be final.(7)Vice-Chairman of the Committee shall be nominated by the Chairperson or the Government who shall be an expert in administration. management finance and necessarily be of a good reputation and man of integrity and has worked as Member/Chairman of the Committee constituted by the Government for all specific purpose.An ex officio member shall not take part in the election of Chairperson.

### **5. Allowances payable to Chairperson and other member.**

(1)The Chairperson and members of the Committee shall be entitled to Travel Allowances and Daily Allowances for attending the meetings of the Committee and undertaking tours whether in India or abroad at the rates admissible to Grade-A Officers of the Government.(2)The Vice-Chairman shall

he a full time paid Officer of the Committee in case the Chairman of the Committee is Chief Minister of the State or any Cabinet Member. However, the Vice-Chairperson shall not draw less than that he was drawing as a member of any other Committee or an officer in the Government as the case may be :Provided that the members of the Parliament or Legislative Council/ Assembly or Local Bodies, who are members of the Committee shall be entitled to the aforesaid allowances at the rates respectively admissible to them under the rules of Parliament/Legislature/Local Bodies, as the case may be. Provided further that the proposed travel abroad by the Chairpersons or any Member of the Committee is duly approved by the Central Government in the Ministry of External Affairs in advance :Provided also that in connection with the assignment abroad not more than two members of the Committee including Chairperson shall travel abroad at the same time.

## **Chapter III**

### **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 section 21 of the Act, shall be held on such day, time and may be fixed by the Chairperson.(2)If for any reason such meeting is not held on the day fixed under sub-rule (1) , it shall be held on any other day, not later than fifteen days to be fixed by the Chairperson.(3)The meetings of the Committee thereafter may, subject to the provisions of sub-section (I) of section 28 of the Act be held as and when considered necessary by the Chairperson, to make arrangement for or to review the arrangements for Haj :Provided that the Chairperson of the Committee 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 four days after such requisition.(4)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-section (2) of section 28 of the Act, the Chairperson shall adjourn the meeting to some other day.(5)If Chairman of the Committee is not present in the meeting or abstains from the meeting for any reasons, the meeting convened shall be presided over by the Vice-Chairman of the Committee. The Chairman of the Committee shall be made aware of the proceedings of the meeting by the Vice-Chairperson in writing within 5 days of such meeting or meetings.

#### **7. Powers and duties of the 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 ground. The Chairperson may also direct any matter which, in his opinion is libellous or grossly offensive, to be omitted from the minutes of the proceeding of the meeting.(2)The Chairperson shall disallow-(a)a proposal moved by any member, where the member or his partner or any other

associate is directly or indirectly interested in the management or direction of any business relating to the Pilgrim Traffic or in which any one of them is professionally interested on behalf of a person engaged in such business : (b) any motion containing statement, the accuracy of which cannot be substantiated by the mover of the motion. (3) (a) The Chairperson shall decide summarily all points of order or procedure, but a review of his decision shall be permissible at a subsequent meeting of the Committee. (b) the proposal for such review shall be addressed to the Committee in the form of a substantive motion directly calling such decision into question, and notice of such motion shall be given, at least, three clear days before the day fixed for 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.

## **8. Resignation of Chairperson and Members.**

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

## **9. Removal of Chairperson and Members.**

- The Chairperson or any Members of the Committee may be removed from office in accordance with the provisions of section 25 of the Act.

## **10. Filling up of casual vacancy in the office of Chairperson.**

(1) A casual vacancy in the office of Chairperson shall be filled in accordance with the provisions of section 15 read with the provisions of sub-section (2) of section 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 had office, if the vacancy had not occurred.

# **Chapter IV**

## **Appointment and Functions of Executive officer and Employees**

### **11. Terms and conditions of services of the Executive Officer of the Committee.**

(1) The appointment to the post of Executive Officer under sub-section (1) of section 29 of the Act may be made by the Government by transfer or on deputation from amongst its officers. (2) To be eligible for appointment to the post of Executive Officer, a candidate- (a) must be a citizen of India : (b) must be a Muslim ; (c) must hold a Bachelor's degree from any of the recognized Indian Universities or hold any diploma or degree of any Foreign University, which in the opinion of the Government is equivalent to, or higher than, the aforesaid Bachelor's degree ; (d) must preferably have the knowledge of Urdu. (3) The Executive officer shall not be below the rank of a Deputy

Secretary to the Government.(4)The Executive Officer, if appointed by transfer/on deputation, shall be allowed to draw pay in his own pay scale along with other allowances admissible to him plus. Deputation allowance as admissible under the Government rules. The period of deputation shall ordinarily be three years subject to extension up to five years, for a period not exceed in gone year at a time.(5)The travelling allowance rules for the time being in force shall apply to the Executive Officer.(6)Leave to the State Government Employee's Rules applicable to the Government employees shall apply to the employees of the Committee.

## **12. Functions of the Executive Officer.**

(1)The Executive officer 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.(2)The Executive Officer shall, subject to the provisions of these rules perform such other functions as the Committee may, with the approval of the Government, direct.(3)The Executive Officer shall directly be responsible to the Committee for the work done by the officials of the Committee.(4)Subject to the provisions of the Act and these rules, the Executive officer shall-(a)be the ex officio Secretary' of the Committee and discharge all the duties and exercise all the powers specifically imposed or conferred on the Executive officer by or under the Act and these rules ;(b)be responsible for (i) issuing the notices of the meetings of the Committee to its members ; (ii) recording the minutes of the meeting of the Committee ; (iii) conducting all correspondence between the pilgrims and the Committee ; the Government and the Committee and other authorities/ agencies ;(c)attend the meetings of the Committee and may take part in the discussions purely in an advisory capacity, but shall have no right to move any resolution or to vote ;(d)control the officials working under the Committee ;(e)carry into effect the decision of the Committee ;(f)perform such other functions as may be entrusted to him by the Committee ;(g)be drawing and disbursing officer of State Haj Committee Employees and members and other officers of the Committee :Provided that in case of any difference of opinion between the Executive Officer and the Committee, he shall bring the matter to the notice of the State Government, whose decision thereon shall be final.

## **13. Officers and employees of the Committee.**

(1)Committee may appoint such officers and other employees as it deems necessary in accordance with the procedure of recruitment sanctioned by the Government.(2)The Committee may engage such other employees on casual basis during Haj Season, as it deems necessary in accordance with the procedure of recruitment sanctioned by the Government.(3)All the Officers and other employees of the Committee appointed under sub-section (4) of section 29 shall be responsible to the Executive Officer and shall act according to his instructions.(4)Service rules applicable to the employees of the Government shall mutatis mutandis apply to employees of the Committee.

## **Chapter V**

### **Accounts**

## **14. Jammu and Kashmir State Haj Fund.**

(1)The Committee shall have its own fund to be called the " Jammu and Kashmir State Haj Fund"(2)Subject to the provisions of the Act and these rules all sums placed to the credit of the Jammu and Kashmir State Haj Fund under section 32 shall be held by the Committee in trust and shall be used for the purposes mentioned in section 33 of the Act.

## **15. Payment of moneys into Jammu and Kashmir State Haj Fund and investment of such moneys.**

(1)The Executive Officer of the Committee shall be authority to receive all payments to the Haj Fund and to issue receipts for the same and to make payments on behalf of the Committee.(2)The Executive Officer shall grant receipts for all moneys received by him to the credit of the Haj Fund. A counterfoil receipt bearing printed receipt numbers shall be maintained for the purpose.(3)All such moneys shall immediately be deposited in Jammu and Kashmir Bank or such other nationalized bank as the Committee 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 Executive Officer.(5)No money shall be withdrawn from the bank unless it is required for immediate payment for the purpose of the Committee.(6)The appropriation of receipts to expenditure, as a rule, shall not be made.(7)All payments of more than one hundred rupees, from the Haj Fund shall be made by cheque.(8)Any person having a claim against the Committee shall present a voucher duly verified and stamped. All vouchers shall be filed and signed in ink. The amount shall be written in figures as well as in words. All corrections and alterations in the vouchers shall be attested by the date initials of the persons signing the receipt.(9)An officer authorized to handle the money of the Haj Fund shall be responsible for its custody and also for reimbursement to the Committee in case of any loss by theft, fraud, fire or any other cause :Provided that if in any case, after such inquiry as the Committee may make, the Committee is satisfied that the loss was unavoidable and was not due to any negligence on the part of the officer responsible for the proper custody of the amount, the Committee may not insist on reimbursement of the amount of the loss by the officer concerned, but may write it off.(10)Amount not required for expenditure during the year shall be invested by the Committee-(a)In one or other of the following securities, namely :-(i)promissory notes, debentures, stocks or other securities of the Government or the Central Government ;(ii)Stock or debentures of, or shares in companies, the interest wherein shall have been guaranteed by the Government or the Central Government ;(iii)debentures or other securities for money issued by or on behalf of any municipal body under the authority of any Act ;Or(b)in fixed deposits for a period as deemed fit by the Committee in-(i)Jammu and Kashmir Bank ; or(ii)any nationalized bank.(11)The income resulting from any fixed deposit or from any investment shall be credited to the Jammu and Kashmir State Haj Fund.

## **16. Budget of Jammu and Kashmir State Haj Committee.**

(1)(a)The Chairperson shall at a special meeting to be held within three months before the end of the financial 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 from time to time prescribed.(b)The said details shall be examined and approved by the Executive Officer, before they are placed before the Committee.(c)The aforesaid estimate shall be completed and printed and a copy thereof sent by registered post or through a courier agency to each member at the address last given by such member, at least, seven clear days prior to the date of the special meeting.(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 Financial Rules of the Government 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.

## **17. Maintenance of accounts and its audit.**

(1)The Committee shall cause to be maintained such books of account and other books in relation to its accounts in such form and in such manner as may be prescribed.(2)The bills and other papers presented for payment shall be examined by the Executive Officer and if the claim is admissible. He shall make an order to pay the bill and sign it.(3)The Executive Officer shall ensure that the bill is complete and affords sufficient information as to the nature of the payment and that the payee actually receives the amount for which the bill has been passed and gives a legal acquaintance.(4)It shall be the responsibility of the Executive officer to ensure that the contributions, fees, rents and other amounts due to Committee are promptly demanded, realized and credited to the Haj Fund.(5)The Executive officer shall be incharge of the work relating to the finance budget and accounts of the Committee and shall cause the accounts audited by the auditors.(6)For the purpose of auditing, the auditors shall have access to all the accounts, records and correspondence of the Committee.(7)The objections raised by the auditors shall be settled by the Executive Officer with least possible delay.(8)The accounts of the Committee as certified by the auditors of the Controller of Accounts of the Government together with the report thereon shall be forwarded annually by the Committee to the Government for being laid before the Legislative Assembly.(9)The Executive officer of the State Haj Committee shall take into confidence the Chairman or Vice-Chairman as the case maybe, about the daily activities of the Committees and also seek approval in matters of information in connection with pilgrimage organized by the State Haj Committee.

## **18. Entering into contracts and incurring of expenditure by the Jammu and Kashmir State Haj Committee.**

(1)Subject to other provisions of this rule, the 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 section 27 of the Act and these rules .(2)Every contract or expenditure-(a)of a value or amount exceeding fifty thousand rupees but not exceeding one lakh rupees shall require sanction of the Chairperson.(b)of a value or amount exceeding one lakh rupees shall require the approval of the Committee:Provided that nothing contained in this sub-rule shall apply to any expenditure relating to any of the the following items, namely: -(i)refund of the amount deposited and passage monies or of any other deposit received from or on behalf of the pilgrims.(ii)payment of sale proceeds of affects of deceased pilgrims.(iii)payment to and refund from airlines and other travel

agencies on account of air fare of sea fare.(3)Every contract referred to in sub-rule (1) shall be in writing and shall be signed by the Executive Officer on behalf of the Committee.(4)No articles of dead stock of a book value exceeding ten thousand and up to twenty-five thousand rupees shall be written of without sanction of the Chairman :Provided that when the book value of such article exceeds twenty five thousand rupees, the sanction of the Committee shall be obtained

## **19. Returns statements and reports to be submitted by Committee.**

- The Executive Officer shall, within three months from the close of each financial year, cause to be prepared and submitted to the Government a detailed report of Committee's administration during preceding financial year together with a statement showing the amount of receipts, disbursement and balance at the credit of the Jammu and Kashmir State Haj Fund at the close of such year.

## **Chapter VI Miscellaneous**

### **20.**

(1)No suit prosecution or other legal proceedings shall lie against the Chairperson, Vice-Chairperson or any other member of the State Committee in respect of anything in good faith done or purporting to have been done under the Act, except with the prior permission of the State Government.(2)The Executive Officer shall be competent to-(a)sanction filing/defending of suit, writ, appeal or case connected with Haj matter before any Court or any other authority and to appoint an Advocate for the purpose ;(b)sign suit, writ, appeal, affidavit or counter reply in cases or proceedings connected with Haj matters before any Court or any other authority ;(c)authorize any employee of the Committee to tender evidence or produce record on their behalf or on behalf of the Committee before any Court or authority.(3)All suits/cases and proceedings filed or defended in courts before commencement of these rules shall be deemed to have been validly filed or defended.

### **21. Saving.**

- All acts done or action taken by the Committee and the State Government before the commencement of these rules shall be deemed to be acts done or actions taken under these rules.