

The Orissa Haj Committee Rules, 2003

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Rule THE-ORISSA-HAJ-COMMITTEE-RULES-2003 of 2003

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The Orissa Haj Committee Rules, 2003 Published vide Notification No. 10677/-Wakf.-14/2003-L, 30th July 2003, Orissa Gazette No. 34 dated 22.8.2003 Law Department No. 10677/-Wakf.-14/2003-L dated 30th July 2003. - In exercise of the powers conferred by Section 47 of the Haj Committee Act, 2002, the State Government hereby makes the following rules, namely

1. Short title and Commencement.

(1) These rules may be called the Orissa Haj Committee Rules, 2003. (2) They shall come into force on the date of their publication in the Orissa Gazette.

2. Definition.

(1) In these rules, unless the context otherwise requires (a) "Act" means the Haj Committee Act, 2002; (b) "Chairperson" means the Chairperson of the Orissa Haj Committee; (c) "Committee" means the Orissa Haj Committee constituted under Section 17; (d) "member" means a member of the Orissa Haj Committee nominated under Section 18 and includes the Chairperson; (e) "notification" means a notification published in the Official Gazette of the State; (f) "pilgrim" means a muslim proceeding to, or returning from Haj; (g) "Section" means a Section of the Act; (2) words and expressions used in these rules and not defined but defined in the Act, unless the context otherwise requires, shall have the same meaning as respectively assigned to them in the Act.

3. Manner of nomination of member of the Committee.

- The State Government shall be responsible for procuring or making nomination of members of the Committee in accordance with the provisions of Section 18 : Provided that when no muslim member in any of the categories mentioned in clauses (i) and (ii) of Sub-section (1) of Section 18 is available, the State Government shall nominate such number of members, not exceeding three, from out of

eminent members of muslim community having no disqualification under Section 23 of the Act.

4. Terms and conditions of the Committee.

(1)The members of the Committee shall hold office for three years, commencing on the day following the publication of the list of members under Section 19 :Provided that a member, notwithstanding the expiration of his term of office, continue to hold office until the appointment of his successor is notified in Official Gazette of the State.(2)The membership of the Committee shall be honorary. The member shall be paid travelling allowances and dearness allowances as admissible to Grade I Officer of the State Government under the rules.

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An outgoing member shall be eligible for renomination in the Committee for not more than two terms :Provided that fifty per cent of the members may be renominated for a second term.

6. Convening of the meetings of the committee.

(1)The meeting of the committee shall be held on such day, time and place as may be fixed by the chairperson after his appointment.(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-section (1), of Section 28 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 the day fixed by him and shall, on 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.(3)The committee shall meet at least twice in a year before the Haj day and once after the Haj is over.(4)The number of members required to make a quorum at any meeting of the committee shall be five.(5)All matters shall be decided by a majority of votes of the members present and, in the event of an equality of votes, the chairperson or other person presiding shall have a casting vote.

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 meetings.(2)The chairperson shall disallow -(a)a proposal moved by any member, where the member is directly or indirectly interested in the management of any business relating to the pilgrims traffic;(b)any motion containing a statement, the accuracy of which cannot be substantiated by the mover of the motion.(3)(i)The chairperson shall decide summarily all points of order of procedure, but a review of his decision shall be permissible at a subsequent meeting of the committee.(ii)The proposal of

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

8. Resignation of Chairperson and members.

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

9. Removal of Chairperson and members.

- The Chairperson or any other member of the Committee may be removed from office in accordance with the provisions of Section 25.

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 Section 26 read with the provisions of Sub-section (2) of Section 21.(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 and members.

(1)The Chairperson and members of the Committee (other than ex officio member) shall be entitled to travelling allowance and daily allowance for attending the meeting of the Committee and undertaking tours within India at the rates admissible to Group 'A' Officers of the State Government :Provided that the proposed travel within India by the Chairperson, or any member of the Committee is duly approved in advance by the State Government.(2)The ex officio member of the committee shall be entitled to receive travelling allowance and daily allowance at the rates admissible to Group 'A' Officers of their rank in the State Government.

12. Renomination of members under Section 22.

(1)(a)The restriction relating to renomination of not more than fifty percent of the members of the Committee specified in the proviso to Sub-section (2) of Section 22 shall not apply to ex officio member representing State Government referred to in clause (vi) of Sub-section (1) of Section 18.(b)Out of the remaining fifteen members, not more than seven members shall be eligible for

renomination.(2)The renomination of seven members shall be regulated as follows :-(a)out of the three members of the Parliament and State Legislature, one may be renominated in the first instance and subsequent renomination of such members shall be regulated accordingly.(b)out of eleven members nominated by the State Government under clauses (ii), (iii) and (iv) of Sub-section (1) of Section 18, not more than five members, one from each category specified in that clauses, shall be renominated by the State Government.

13. Functions of Executive Officer.

(1)The Executive Officer appointed under Sub-section (1) of Section 29 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 be the ex officio Secretary of the Committee.

14. Functions of officers and other employees of the Committee.

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

15. Conditions of service of the Executive Officer and other employees.

(1)Subject to the provisions of Sub-sections (1) and (4) of Section 29, the Executive Officer and other employees of the Committee shall ordinarily be appointed on temporary basis.(2)The services of this Executive Officer and other employees appointed on deputation to the Committee shall be terminable at any time by giving a notice on either side in accordance with the rules governing such appointment on deputation :Provided that a notice under this clause shall be given by the Committee with the prior approval of the State Government.(3)The Executive Officer and either 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 State Government.(4)(a)The Chairperson may, with the approval of the State Government, grant leave, other than casual leave to the Executive Officer for a maximum period of three months.(5)Casual leave, ordinarily not exceeding four days at a time or fifteen days in all during a year, may be granted :-(a)by the Chairperson to the Executive Officer; and(b)by the Executive Officer to the employees of the Committee.

16. Power and duties of the Executive Officer.

(1)The Executive Officer shall be the ex officio Secretary of the Committee and shall be responsible for(a)issuing the notices of the meetings of the Committee to its members;(b)recording the minutes of the meetings of the Committee.(c)conducting all correspondences between -(i)the pilgrims and the Committee;(ii)the Committee and the State Government;(iii)the Committee and the Central

Government; and (iv) the Committee and various authorities mentioned in Section 27. (2) The Executive Officer shall, subject to the provisions of rule 13 perform such other functions as the Committee may, with the approval of the State Government, direct. (3) The Executive Officer shall execute the decision 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. (4) The Executive Officer shall, for carrying out the provisions of sub-rule (3) of rule 16, prepare and place before the Committee, from time to time, schedules setting forth (a) the designations and grades of employees of the Committee to be maintained, the procedure of their recruitment (including constitution of Departmental Promotion Committees) and the number of the employees who, in his opinion, should be appointed; and (b) the salaries, fees and allowances which in his opinion, should be paid to such employees. (5) The Committee may approve the schedules referred to in Sub-rule (4) or make such modifications therein, as it may deem proper, subject to the previous sanction of the State Government.

17. Terms and Conditions of appointment of other employees of the Committee.

(1) Subject to the provisions of sub-rules (4) and (5) of rule 16, the Committee may, appoint such other employees as it deems necessary in accordance with the procedure of recruitment sanctioned by the State Government. (2) All establishment matters relating to the Committee, shall be decided on the basis of the Fundamental Rules and Supplementary Rules of the State Government. (3) The employees of the Committee shall be eligible for allowances at such rates as are admissible to the employees of the corresponding rank in the State Government. (4) The normal hours of work for the offices of the Committee shall be the same as for State Government offices situated in that headquarters. (5) 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 State Government for its offices. (6) The employees of the Committee shall also be eligible for the benefits of honoraria, Contributory Provident Fund, gratuity, L.T.C. and any other allowances sanctioned by the Committee, from time to time with the approval of the State Government.

18. Provision for the custody of the State Haj Fund.

(1) Subject to the provisions of the Act and Rules made thereunder, all sums placed to the credit of the State Haj Fund under Section 32 shall be held by the Committee in trust and shall be applied for the purposes mentioned in Section 33 of the Act. (2) (i) All money transactions to which any member or any officer or employee of the Committee is a party in his official capacity shall, immediately and without any reservation, be accounted for and entered in the books of the Committee. (ii) All monies received, other than money withdrawn from the bank to meet current expenditure, shall be paid in full into the bank for credit to the State Haj Fund on the day following the date of receipt or, if that be a bank holiday, on the next day on which the bank is open. (3) The State Haj Fund shall be kept in the State Bank of India or such other nationalised bank as the State Government may, from time to time, direct. (4) No payment shall be made by the bank out of the State Haj Fund except upon a cheque signed (a) by the Executive Officer of the Committee; or (b) in the event of the illness or absence of the Executive Officer, any other officer duly authorised by the State Government in this

behalf.

19. Bills of 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 State Government. (2) (i) The 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, he shall make an order to pay on the bill and sign it. (ii) The Executive Officer shall ensure that the bill is complete and affords sufficient information as to the nature of the payment and that payee actually receives the amount for which the bill has been passed and gives a legal acquittance.

20. Investment of remainder of monies in State Haj Fund.

(1) Notwithstanding anything contained in sub-rule (3) of Rule 18, the Committee may, with the previous sanction of the State Government place the remainder of the monies (including donation, income from property, etc.) in the State Haj Fund in fixed deposit with any nationalised bank. (2) The income resulting from any fixed deposit shall be credited to the State Haj Fund.

21. Application of State Haj Fund.

- The monies credited to the State 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 Executive Officer and employees of the Committee; (b) the contribution to provident funds, pensions, gratuities, leave and compassionate allowances payable under these rules; (c) travelling allowance and daily allowance to member of the Committee not resident in Cuttack as provided in rule 11; (d) any other sum which may be legally payable by the Committee;

22. Incurring of expenditure by the Committee.

(1) Subject to the other provisions of this rule, the Executive Officer shall be competent to incur any expenditure necessary for the performance of the duties of the Committee as laid down under Section 9 and these rules. (2) Every expenditure - (a) of an amount exceeding Rs.1,000 but not exceeding Rs.10,000 shall require the prior sanction of the Committee : Provided that the Chairperson may, if he considers it necessary to do so, grant such sanction and obtain ex post facto approval of the Committee; (b) of an amount exceeding Rs.10,000 shall require the prior approval of the State Government. (3) No articles of dead stock of a value of up to Rs.1,000/ shall be written off without the previous sanction of the Committee ; Provided that when the book value of such articles Rs.1,000 the previous sanction of the State Government shall be obtained.

23. Preparation, submission and approval of the budget of the 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 form, as the Committee, may from time to time direct.(b)The aforesaid estimate shall be completed and a copy thereof sent by registered post or speed post or through a courier agency to each member at the address last given by each such member, at least ten 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 Orissa Government 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 State Government for their approval on or before the first day of September each year.(5)The inclusion of an item in the budget estimate which has been sanctioned shall not be 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.

24. Maintenance of accounts auditing and publication.

(1)The accounts of the Committee shall be maintained in such manner and such form as prescribed in Volume 1 of the Accounts Code specified by the State Government on the advice of the Accountant-General, Orissa, Bhubaneswar.(2)(a)The Committee shall maintain proper accounts and other relevant records, a proper annual statement of Accounts, including an Income and Expenditure Statement and the Balance-sheet.(b)These Statements of Accounts shall be subjected to internal audit at least once in the financial year by the designated officers of the Office of the Accountant-General, Orissa, Bhubaneswar or State Local Fund Audit.(c)The accounts shall also be audited annually by the officials of the Accountant-General, Orissa.(3)(a)For the purpose of auditing, the auditors shall have access to all the accounts, records and correspondence of the Committee.(b)The objections raised by the auditors shall be settled by the Executive Officer with least possible delay and replies to the audit note shall be supplied with approval of the Committee.(4)A copy of the audit note and the replies of the Committees shall be submitted to the State Government for its consideration.(5)The accounts of the Committee as certified by the auditor together with the audit report thereon, shall be forwarded annually by the Committee to the State Government for being laid before the State Legislative Assembly.

25. Return Statements and Reports to be submitted by the Committee.

(1)The Executive Officer shall, within three months from the close of each financial year, cause to be prepared and submitted to the State Government, a detailed report of the Committee's Administration during the proceeding financial year together with a statement showing the amount of receipts credited and disbursements debited to the State Haj Fund during such year and balance at the credit of the State Haj Fund at the close of such year.(2)(a)A copy of the Administration Report, together with the aforesaid statement shall be forwarded to each member of the Committee

at the last known address of such member 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.(b)The copies of such report and statements shall be supplied to any person requiring the same on payment of such reasonable fee as the Executive Officer may, with the approval of the Committee so determine.

26. Control of the Committee in respect of financial matters.

(1)The State Government may, at any time, appoint an auditor for the purpose of making special audit of the accounts of the State Haj Fund and submitting a report thereon to the Government.(2)The costs of such audit as may be determined by the State Government shall be met from the State Haj Fund.