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**ആധികാരികമായി
 പ്രസിദ്ധപ്പെടുത്തുന്നത**
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GOVERNMENT OF KERALA

General Administration (Minority Welfare) Department

NOTIFICATION

G.O. (P) No.17/2020/GAD

S. R. O. No. 808/2020

Dated, Thiruvananthapuram, 23rd October 2020.

In exercise of the powers conferred by section 47 of the Haj Committee Act, 2002 (Central Act 35 of 2002), the Government of Kerala, in consultation with the Central Government hereby make the following rules namely:-

CHAPTER I

1. *Short title and commencements.*—(1) These rules may be called the Kerala State Haj Committee Rules, 2020.
 (2) They shall come into force at once.
2. *Definitions.* (1) In these rules, unless the context otherwise requires,-
 - (a) “Act” means the Haj Committee Act, 2002 (Central Act 35 of 2002);
 - (b) “Chairperson” means Chairperson of the Kerala State Haj Committee elected or appointed under section 21 of the Act;
 - (c) “Committee” means the Kerala State Haj Committee established under section 17 of the Act;
 - (d) “Executive Officer” means the Executive Officer of the Committee appointed under sub-section (1) of section 29 of the Act ;
 - (e) “Government” means the Government of Kerala ;
 - (f) “Member” means a member of the State Haj Committee nominated under section 18 of the Act and includes the Chairperson;
 - Government of Kerala;
 - (h) “Section” means a section of the act;
 - (i) “State” means the state of Kerala;
 - (j) “Prescribed” means prescribed by rules issued under the act;

- (k) "word & expression" used in these rules and not defined, but defined in the act shall have the respective meanings as assigned in the act.

CHAPTER II

Establishment of Committee, Nomination of Members and Election of Chairperson

3. *Composition of the Kerala State Haj Committee.*—(1) The Kerala State Haj Committee shall consist of the following members nominated by the Government of Kerala namely:

- (a) One member from among the Muslim Members of the Parliament
- (b) representing the State ;

Two members from the Muslim Members of the State legislative Assembly;

- (c) Three Muslim Members from the Local Bodies in Kerala State;
- (d) Three members having expertise in Muslim theology and law including one who shall be a Shiya Muslim;
- (e)
- (f) Five members from Muslim Voluntary Organizations working in the
- (g) fields of Public Administration, Finance, Education, Culture or Social work.

The Chairperson of the Kerala State Wakaf Board ; and

(2) In case where there is no Muslim member in any of the categories mentioned in clauses (a), (b) and (c) of sub-rule(1), the ex-members of Parliament or the State Legislature or local bodies in the State belonging to Muslim Community, as the case may be nominated.

(3) The Head Quarters of the State Committee shall be at Karippur in Malappuram District.

4. *Election of Chairperson.*—(1) After the publication of the names of members of the State Committee under section 19, the State Government shall convene; within forty five days, by giving to the members not less than ten clear days notice, a date for the first meeting of the committee which shall be for the election of the Chairperson. The notice shall state the time and place of the meeting as well as the fact that at the meeting the Chairperson would be elected: Provided that the *ex officio* members shall not take part in the election of the Chairperson.

- (2) The meeting shall be presided over by an Officer not below the rank of Deputy Secretary to the Government authorised by the Government who shall conduct the proceedings for the election of the Chairperson;
- (3) The name of the 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 the highest

number of votes shall be declared to have been elected as Chairperson.

In case of tie, the Chairman shall be selected by drawing of lot.

(5) If the State Committee fails to elect a chairperson, the State Government may appoint a member of the State Committee to be the Chairperson thereof.

(7) The term of the office of the Chairperson shall be three years and no person shall hold the office for more than two consecutive terms.

(8) If the vacancy of Chairperson of the committee arises due to resignation, removal, death or otherwise, the procedure for election of Chairperson as prescribed in sub rule (1) above shall be followed and shall be filled up preferably within two months from the date of occurrence.

5. *Renomination of the Members.* The renomination of the members provided in Section 22 of the Act shall be regulated as follows, namely:-

- (a) The Government shall take or forced to be taken all necessary steps for the reconstitution of the new State Committee at least 4 months before the expiry of the term of the committee.
- (b) An outgoing member shall be eligible for renomination of the committee for not more than two terms: Provided that fifty percent of the nominees may be renominated for a second term in such manner as may prescribed.
- (c) The Member of Parliament and one of the two members from the State Legislative Assembly may be renominated in the first instance.
- (d) At least one member each may be renominated from the categories of members presenting local bodies in the State, members being expertise in Muslim theology and law, and members representing Muslim voluntary organizations working in the fields of public administration, finance, education, culture or Social work.

6. *Disqualification for being nominated, or for continuing as a member of the committee.*—A person shall be disqualified for being nominated, or for continuing, as a member of the committee, if he, -

- i. is not a citizen of India;
- ii. is not a resident of the state;
- iii. is not a Muslim, except for one executive officer as provided in clause (g) of section 3;
- iv. is less than twenty five years of age;
- v. is of unsound mind and stands so declared by a competent court;
- vi. is an undischarged insolvent;
- vii. has been convicted of an offence which, in the opinion of the state government, involves a moral turpitude;
- viii. has been on an previous occasion, -
 - a) removed from his office as member; or

- b) removed by an order of a competent authority either for not acting in the interest of the pilgrims or for corruption.

CHAPTER-III

Powers and Duties of Chairperson and other matters relating to the Office

7. 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 places as may be fixed by Chairperson

- (2) If for any reasons such meeting is not held on the day fixed under sub rule (1) of Rule,8 it shall be held on any other day to be fixed by the Chairperson. The meetings of the Committee thereafter may, subject to the provisions of sub section (1) of section 28 of the Act, 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 considers necessary meetings of the Committee on any day fixed by him 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 then four 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 the members present falls short of the member 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, at such time and place as he deems proper.

8. 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 grossly offensive to

be omitted from the minutes of the proceedings of the meeting

- (2) The Chairperson shall disallow,

(i) 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 pilgrims traffic or in which any one of them is professionally interested on behalf of a person engaged in such business;

(ii) any motion containing a statement, the accuracy of which cannot be substantiated by the mover of the motion.

- (3) 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. 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.
- (5) The Chairperson can invite any officer appointed by the Government to deal 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. But such special invitees will not have the right for voting.

9. Allowance payable and other terms and conditions of the Chairperson and members.—~~(1)~~ The Chairperson and members, other than the Executive Officer shall be entitled to Traveling allowance and Daily allowance for attending, the meetings of the Committee and for undertaking tours at the rates admissible to Class 1 Officers of the State;

Provided that a member who is a member of Parliament or a Member of the State Legislature shall be entitled to the aforesaid allowance at the rates respectively admissible to them under the rules of the House of the people or as the case may be the Legislative Assembly of the State:

Provided further that the proposed travel abroad and domestic air travel by the Chairperson, Executive officer or any member of the Committee shall be approved in advance by the State Government:

Provided also that in connection with one assignment abroad, not more than three members of the Committee, including Chairperson and Executive Officer shall abroad travel at a time.

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CHAPTER IV

EXECUTIVE OFFICER

10. Terms and conditions of Services of Executive Officers. (1) The Government shall appoint a person, from amongst its officers not below the rank of Deputy Secretary, to the executive officer of the state committee; Provided that the person so appointed shall preferably be a Muslim.

- (2) The Government shall pay the Executive Officer such salary and allowances as that of his parent Department or as be fixed by the Government from time to time and shall make such contributions towards his leave allowances, pension and provident fund as may be required by the conditions of the service.
 - i. The Terms and Conditions of Executive Officers and Employees of the Committee and General Condition of Recruitment, Appointment, Retirement Benefits, Leave Rules, Conduct Punishment and Appeals etc.

as mentioned in Chapter V may be as per State Government Service Rules;

ii. There should not be any financial liability on Haj Committee of India on account of above developments.

(3) When disciplinary proceedings have to be initiated against the Executive Officer, the Secretary to the Government shall make an enquiry against such officer and report to the Government and the Government shall have the power to impose any penalty as contemplated under the Kerala Civil Services (Classification Control and Appeal) Rules, 1960.

(4) State Haj Committee can propose to State Government to remove the Executive Officer by a resolution with 2/3 attendance of members and majority of the committee voting on valid reasons like misappropriation, dereliction of duty or action against the interest of pilgrims. Decision of State Government shall be final in these cases.

(5) The Government Servant Conduct Rules for the time being in force shall apply to the Executive Officer.

(6) The Confidential Report on the work and conduct of the Executive Officer shall be prepared and forwarded by the Chairperson.

11. *Additional Charge of office of Executive Officer.*—(1) Notwithstanding anything contained in this rules it shall be competent for the Government to appoint an officer of the Government not below the rank of Deputy Secretary to be in additional charge of the Office of the Executive Officer.

(2) An officer appointed to be in additional charge of the Office of the Executive Officer under sub-rule (1) above shall be paid such allowances as provided in Kerala Service Rules.

12. *Leave and Traveling Allowance etc of Executive Officer.*—(1) the rules relating to casual leave for Government servants and the leave rules applicable to Government servants shall apply to the Executive Officer. Casual leave shall be sanctioned by the Chairperson of the committee and leave other than casual leave by an officer authorised by the Government in this behalf.

(2) Rules relating to Traveling Allowances as laid down in Kerala Service Rules shall apply to the Executive Officer.

13. *Functions of the Executive Officer.*—Subject to the provisions of the Act and the rules, the Executive Officer shall,-

- (a) discharge all the duties and exercise all the powers specifically imposed or conferred by or under the Act and Rules;
- (b) execute the decisions of the Committee and carry out its directions relating to the implementation of such decisions in the day to day performance of his duties;
- (c) control of officers and employees working under the Committee;
- (d) initiate disciplinary action against officers and employees of the Committee;
- (e) issue notice of the meetings of the Committee to its members and record the

minutes of meetings; and

(f) such other functions as may be delegated by the Committee.

CHAPTER V

OFFICERS AND OTHER EMPLOYEES OF THE COMMITTEE

14. *Appointment of Officers and other employees of the Committee.* (1) the Executive Officer shall prepare the cadre strength and staff pattern of its employees required for the working of the office of the committee, whose pay and allowances are debited to the Haj Fund Account indicating name of the Post, Scale of pay and other allowances, total number of posts required, number of temporary posts required during Haj season, qualifications and eligibility for the post, method of appointment, terms and conditions of appointment etc. soon after the publication of the notification of these rules and place it before the Committee.
- (2) The Committee shall submit the cadre strength in duplicate to the Government for approval together with that statement of financial position.
- (3) The Committee shall not make any changes in the cadre strength of the employees or in the approved cadre strength unless prior approval of Government is obtained.
- (4) The Government shall after due examination of the proposals in sub-rule (1) and (2) communicate the approved cadre strength of employees and staff pattern of employees, methods of appointment etc immediately to the Committee.
- (5) Committee may appoint such officers and employees by direct recruitment or on deputation or on contract basis as approved by the Government under sub rule (4) above in accordance with the procedure of recruitment sanctioned by the Government.
- (6) The provision contained in the Kerala Service Rules, the Kerala Civil Services (Classification, Control and Appeal) Rules 1960, the Government Servants Conduct Rules, 1960 and the Kerala State and Subordinate Services Rules, 1958, as amended from time to time, shall apply mutatis mutandis to the Officers and other employees

CHAPTER VI

BUDGET OF THE COMMITTEE

15. *Preparation and finalization of the Budget of the Committee.* (1) The Executive officer shall every year prepare a budget in respect of the ensuing financial year showing the estimated receipts and expenditure during the next financial year and place before the committee at least sixty days before the beginning of the financial year.
- (2) The Committee shall scrutinize the Budget proposal and make suitable modifications if necessary and forward a copy of the same to the Government in advance during the first week of September.
- (3) On receipt of the Budget forwarded to it, the Government shall examine the same and suggest such alteration, corrections or modifications to be

made therein as it may think fit and forward such suggestions to the Committee for its consideration.

- (4) On receipt of the suggestions from the Government, if the Committee does not agree with any of the modifications, corrections or alterations made by the Government to the Budget, the Committee may forthwith make written representation to the Government with regard to the alterations, corrections or modifications suggested by the Government.
- (5) The Government shall consider the representation of the Committee and pass final orders in the matter and communicate its decisions within a period of three weeks from the date of receipt of such representation.
- (6) On receipt of the suggestions from the Government and where no representation has been made by the Committee to such suggestions or the Government have communicated its decision regarding the representation, if any, made by the Committee, the Committee shall incorporate in its budget all the alterations, corrections, modifications finally suggested by the Government and the budget, so altered, corrected or modified, shall be passed by the Committee. A copy of the Budget so passed shall be forwarded to the Government and the auditor.
- (7) If in the course of the year, the Committee finds it necessary to alter the figures shown in the budget with regard to the receipts or the distribution the amounts to be expended on different services undertaken by the Committee a supplemental or revised budget may be framed and got sanctioned in the manner provided in these rules and copies thereof forwarded to the Government and the auditor.
- (8) No sum shall be expended by the Committee unless such sum is included in the Budget estimates sanctioned by the Government.

CHAPTER VII

ACCOUNTS AND AUDIT OF ACCOUNTS

16. State Haj fund and its operation. (1) All moneys received or realized by the Committee under section 32 of the Act and the provisions of these rules shall from the fund to be called the State Haj Fund and shall be held by the State Committee.

- (2) All moneys received by the Committee, shall be deposited and accounted for under a separate head.
- (3) The Executive Officer of the Committee or any Officer authorised by him shall receive all payments on behalf of Haj Fund and make payments as authorised by the Committee.
- (4) All moneys and receipts specified in the foregoing provisions and forming part of the haj fund shall be deposited in-
 - (a) any Scheduled bank included in the Second Schedule to the Reserve Bank of India Act, 1934 (Central Act 2 of 1934) or
 - (b) The State Co-operative Bank

- (5) All such deposit in the Bank shall be made in the name of the Committee. The Executive Officer shall have the power to operate the bank account as per the direction of the Committee.
- (6) The Executive Officer or an officer, authorised by him may hold a recoupable permanent advance not exceeding rupees five thousand for meeting petty expenditure. But in special cases like Haj Camp period, this limit can be enhanced to actual requirements subject to the decision of the State Haj Committee.
- (7) The Appropriation of receipts to expenditure shall as a rule be avoided.
- (8) All payments above five thousand rupees from State Haj Fund shall be made by Cheque.
- (9) The Committee shall cause to maintain books of account and other books in relation to its accounts. The pages in the accounts books, registers, receipts etc, shall be serially numbered and each page affixed with a seal of the Committee. The number of pages that each book or register contains shall be noted on the first page after, actual verification by the Executive Officer.
- (10) All moneys received by any officer or employees of the Committee in their official capacity shall forthwith and without any reservation, be brought to the account in the appropriate register and the Bank Account. No portion of the collection shall be kept back or used for current expenditure.
- (11) It shall be responsibility of the Executive Officer to ensure the fees, rents and other amount due to the Committee are promptly demanded, realized and credited to the State Haj Fund.
 - (12) Government may appoint required technical experts and staff specially and delegate powers for execution or supervision of specific works considering the request of State Haj Committee.
- (13) All assets movable and immovable as on date of this rule shall be assessed and entered in the assets register. Updating and annual verification shall be conducted and statement furnished to the Government by 31st May every year.
- (14) Disposal of any immovable assets of the State Haj committee should be with the permission of State Government. In the case of movable assets it can be disposed off on usual procedures up to the book value Rs.10,000/- by the Committee and above Rs.10,000/- with the sanction from the State Government.
- (15) Special service on temporary basis to provide better service to pilgrims during haj season can be arranged by the State Haj Committee. Detailed estimate has to be prepared for the special arrangements in advance to Haj Pilgrims season under intimation to State Government.
17. *Audit of accounts of the Committee.*—(1) The Director of Local fund Audit of the Government and his nominees shall be the auditors of the Committee according to the powers conferred under section 16 of the Kerala Local Fund Audit Act, 1994 (Act 14 of 1994) and Rule, 20 of the Kerala Local Fund Audit Rules, 1996.

- (2) The Executive Officer shall forthwith rectify the defect or irregularity pointed out by the auditors and report the action taken to the Committee and the Government.
- (3) The Government shall examine the auditors report and may call for the explanation of any person in regard to any matter mentioned therein and shall pass such orders on the report as it thinks fit.
- (4) Every sum certified to be due from any person by an auditor in his report be paid by such person within sixty days after the service of a demand notice by the Committee upon such orders as specified in sub rule (7).
- (5) If such payment is not made in accordance with the demand notice, the sum payable may on a certificate issued by the Committee, be recovered as an arrear of land revenue.
- (6) The cost of audit as determined by the Government shall be paid by the Committee from the State Haj Fund.

CHAPTER VIII

GENERAL AND MISCELLANEOUS

18 . *Person competent to sign communications, deeds etc.*—(1)The Executive Officer or any officer authorised by him shall be competent to sign all communications and execute leases of immovable properties on behalf of the Committee .

(2) All documents evidencing sale or permanent transfers of any of the properties vested in the Committee shall be signed by the Chairperson and Executive Officer and two other members of the Committee specially authorised by the Committee in this behalf.

(3) Where the Committee propose to enter into any contract for the supply of material or for the execution of any work the committee shall:-

(a)Invite tenders by advertising them in at least two newspapers having wide circulation in the State if the estimated cost of such material or work exceeds Rs.25,000.

(b) Invite quotation publishing notice on the notice board of the office of the Committee if the estimated cost of such material or work does not exceeds Rs.25,000.

19. *Suit by or against the Committee.*—All suits or other legal proceedings by or against the Committee shall be by or against the Executive Officer.

20. *Channel of correspondence.*—(1) the Chairperson shall have full access to all records of the Committee.

(2) Save as otherwise provided in the Act all official correspondence from the Haj Committee to the Government or other authorities and vice versa shall be through the Executive Officer.

(3) Notification of Members.- As soon as may be after the nomination of the members of the committee under section 3. The State Government shall publish in the official gazette the names of all such members.

21 *Annual report.*—(1)The Executive Officer shall forward a report on its working and administration of the Committee for each year within thirty days after the close of

the financial year in such form, with such details to the Government with the approval of the Committee.

22. *Application for granting of minutes or records or documents or*

proceedings.(1)A Person requiring a copy of minutes, record or proceedings or any documents of the Committee shall present an application giving his full name and address and as accurate a description as possible of the record or proceedings of which he wants a copy.

2) The procedure and fees prescribed by the Government in consonance of the provisions of the Right to Information Act, 2005 shall be followed by the Executive Officer in granting certified copies to the applicants.

23. *Authenticated copies of minutes or record of document or proceedings.-*

(1)All authenticated copy of minutes or record or proceedings or document of the Committee shall be granted on payment of the fees specified.

(2) The applicant shall be informed by the Executive Officer or such other officer authorised by him of the date on which the copy will be ready for delivery.

(3) The Executive Officer or such other officer authorised by him shall immediately arrange for the preparation of the copy and have it ready on the date specified under sub-rule (2). The Executive Officer or the Officer authorised by him shall after the copy is compared with the original authenticate it by signing the same in token of correctness and affixing therein the seal of the committee.

(4) A receipt signed by the Executive officer or any person authorised by him on his behalf shall be furnished to every person depositing fees for certified copies.

24. *Register of issue of copies of records.*—The Executive Officer or an officers authorised

to issue copies of record and proceedings of the Committee shall keep a register to record the grant of copies of extracts of the records.

25. *The State government may exercise.*the same powers and duties in respect of the state committee as mentioned in sub-sections (1), (2) and (3) of section 36 of the act subject to the conditions mentioned therein and any directions issued by the Central Government in this regard.

26. In case of any provision of Kerala State Haj Committee rules are not in conformity with the provisions contained in the act, provisions of the act will prevail.

By order of the Governor,

A.SHAJAHAN,

Secretary to

Government.

Explanatory Note

(This does not form part of the notification, but is intended to indicate its general purport.)

Parliament enacted the Haj Committee Act, 2002 (Central Act 35 of 2002) and the said Act came into force with effect from 12th June, 2002. With the introduction of this Act the Haj Committee Act 1959 stands repealed with effect from the above date. Government have therefore, decided to frame rules under section 47 of the Haj Committee Act, 2002.

This notification is to achieve the above object.

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