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Ministry of Home Affairs NOTIFICATION

NEW DELHI,

the 16th October, 1958

G.S.R. 984- The following bye-laws made by the Dargah Committee, Ajmer, in exercise of the powers conferred by Section 20 of the Dargah Khwaja Saheb Act, 1955 (36 of 1955), are hereby published for general information, the same having been approved and confirmed by Central Government as required by sub-section (3) of the said section,

THE DARGAH KHWAJA SAHEB BYE LAWS, 1958

1. **Short title :**
 - (1) These bye-laws may be called the Dargah Khwaja Saheb bye-laws, 1958.
 - (2) They shall come into force on the date of their publication in the Official Gazette.
2. **Definitions :** In these bye-laws, unless the context otherwise requires :-
 - (a) "Act" means the Dargah Khwaja Saheb Act, 1955 (36 of 1955)
 - (b) "Advisory Committee" means the Advisory Committee constituted under Section 10 of the Act.
 - (c) "Committee" means the Dargah Committee, Ajmer.
 - (d) "Nazim" means the Nazim of the Dargah appointed under section 9 of the Act,
 - (e) "President" means the President of the Committee.
 - (f) "Vice-President" means the Vice- President of the "Committee".
3. **Seal of the Committee :**
 - (1) The seal prescribed by the Committee shall remain in the custody of the Nazim.
 - (2) The Nazim shall not use the seal except by the authority of the Committee or the President.
4. **Appeals by Nazim for funds :** The Committee may authorise the Nazim to issue appeals on its behalf for funds to repair and improve the existing buildings and acquire or construct new buildings for providing better amenities to the visiting public.
5. **Alteration of existing buildings :** For the purpose of keeping all buildings, houses and shops comprised in the Dargah Endowment in proper order and

in a state of good repair, the Committee may make such alterations to such buildings, houses and shops as it thinks fit. (*Amendment on 10.10.1987*)

6. **Power to dispose of uneconomic properties :** (I) The committee may sell such of the properties of the Dargah endowment as are, in the opinion of the Committee, uneconomic and the sale proceeds thereof shall be invested in sound investments including the purchase of immovable properties,

The power conferred on the Committee under this bye-law shall not be exercised except by the authority of resolution of the Committee passed at a meeting in which at least two-thirds of the total number of members of Committee are present.

7. **Power of appointment, etc., of the Committee :** The Committee shall have power except in the case of Nazim.

- (a) to appoint servants for the Dargah; and
(b) to remove, dismiss, suspend, reduce in pay, or fine any servant of the Dargah.

Provided that no such power of removal, dismissal, suspension reduction in pay, or imposition of fine shall be exercised unless opportunity of hearing has been given to the person concerned.

8. **Meetings of the Committee:** There shall be two kinds of meetings, namely:-

- (i) **Ordinary meetings :** There shall be at least three ordinary meetings every year. One such meeting shall be held in or about the month of March at which the Nazim shall present his annual report and the budget. The Committee shall then consider the report and pass the budget.
- (ii) A second meeting shall be held at the time of annual Urs unless it coincides with the budget meeting.
- (iii) **Extraordinary meetings:** An extraordinary meeting may be convened by the Nazim on instructions of the President or on a written requisition by at least three members of the Committee.

9. **Notice of meetings :** The Nazim shall give notice of every meeting of the Committee. In the case of an ordinary meeting, a notice of at least one month shall be given, while in the case of an extraordinary meeting a notice of two weeks shall be sufficient. The period of notice shall commence from the date of its dispatch under certificate of posting.

10. Procedure at meetings-Quorum :

- (1) The quorum for a meeting shall be four.
- (2) **Agenda:** There shall be an agenda for every meeting which shall, be prepared by the Nazim with the approval of the President and place before the meetings. The Committee shall deal with the items mentioned in it, but it will be permissible for any member to raise any matter not included in the agenda with the permission of the Chairman of the meeting. A member may also send in any motion for inclusion in the agenda for consideration of the Committee. The agenda shall be circulated to the members along with the notice of the meeting.
- (3) **Chairman of meeting:** The President or in his absence, the Vice-President or in the absence of both any member chosen by the members present from among themselves shall preside at a meeting of the Committee.
- (4) **Minutes :** Minutes of the meeting of the Committee shall be recorded by the Nazim and circulated to the members as early as possible. At every meeting of the Committee, the minutes of the previous meeting shall be read and confirmed.
- (5) **Venue:** All meetings of the Committee shall ordinarily be held at Ajmer unless President fixes any other venue for any particular meeting.
- (6) **Decisions:** Any decision taken by the Committee shall be final, but it may be altered by itself if considered necessary in the interest of the Dargah provided that at least three months have elapsed after such decision is taken.

11. Election, tenure and resignation of President and Vice-President :

- (1) The President and Vice-President shall, on election, hold office for one year and they shall be eligible for re-election to the said offices.
- (2) The President or Vice-President shall, notwithstanding the expiration of his term, continue to hold office until his successor enters upon his office.
- (3) The election of the President and the Vice-President shall be held at the budget meeting of the Committee.
- (4) The President may, by writing under his hand addressed to the Vice-President, resign his office.
- (5) The Vice-President may, by writing under his hand addressed to the President, resign his office.

12. Functions and Powers of President and Vice-President.

- (1) The functions and powers of the President shall be as follows :
 - (a) to fix the date and venue of all meetings of the Committee;
 - (b) to preside over meetings of the Committee and give a second or casting vote in the event of a tie;
 - (c) to guide the Nazim in the discharge of his duties in accordance with the policies laid down by the Committee;
 - (d) to exercise such other functions as the Committee may entrust to him.
- (2) In the absence of the President, the powers and functions of the President shall be exercisable by the Vice-President.

13. Functions and duties of Nazim :

- (a) The Nazim shall be the Chief Executive Officer of the Dargah administration. He shall look after the Dargah properties (both movable and immovable) and shall exercise powers of control, supervision and management over the Dargah Endowment under the directions of the Committee and the President.

Provided that he shall first obtain the sanction of the President, in writing if he lets out any immovable property for more than two years or reduce the existing rent of any immovable property of the Dargah.

- (b) The Nazim shall devise ways and means for the uplift of the indigent descendant of Khwaja Moinuddin Chishti and their families and the indigent Khadims and their families residing in India by providing educational facilities and creating opportunities so as to remove unemployment amongst them. The Nazim shall start cooperative societies and undertake other projects with a view to improving the economic conditions of the descendants of Khwaja Moinuddin Chishti and their families and the Khadims and their families and to raise their standard of living.

Provided that any scheme involving financial commitments shall be placed before the Committee for sanction.

- (c) The Nazim shall be incharge of the Dargah Office and all employees shall be answerable to him for their acts.

- (d) The Nazim shall give effect to the orders and instructions that may from time to time be issued by the Committee or the President.
- (e) All necessary matters and proposals for preservation improvement and development of the Dargah and its properties shall be put up by the Nazim before the Committee for orders and he shall give effect to those orders.
- (f) The Nazim shall not incur or permit to be incurred any expenditure not included in the budget except with the previous sanction of the Committee. But in an emergency, he may incur any expenditure not included in the budget with the previous sanction of the President and inform the Committee accordingly.
- (g) The control over the Darul Uloom Moinia Usmania, Langar Khana, Naqqar Khana, Sama Khana and allied institutions of the Dargah shall be in the hands of the Nazim.
- (h) The Nazim shall have powers to accord permission for religious discourses within the Dargah. No one shall address a congregation at the Dargah without the previous sanction of the Nazim.
- (i) The Nazim shall prosecute and defend all suits, prosecutions and other proceedings by or against the Dargah or the Committee and for this purpose he may engage any counsel.
- (j) The Nazim shall maintain a register of Khadims and the members of their families.
- (k) Without prejudice to the provisions of bye-law 7, the Nazim shall have power to appoint any person to a post under the Dargah, the basic pay of which does not exceed rupees eight hundred fifty per mensem, and to remove, dismiss, suspend, reduce in pay, or fine any, employee of the Dargah drawing a basic pay not exceeding the said amount per mensem ;

*Auth: Rs.650/- substituted vide G.S.R. No.895 dated. 09.18.1985.
Amendment on 19-10-1987.*

Provided that no power of removal, dismissal, suspension reduction in pay or / imposition of fine shall be exercised unless an opportunity of hearing has been given to the person concerned ;

Provided further that the appointment of Sadar Mudarris Darul Uloom, Asstt. Nazim shall be made by a Sub-Committee appointed by the Committee.

- (l) The Nazim shall fix the meetings of the Committee in accordance with these bye-laws and the instructions of the President or the Committee.
- (m) The Nazim shall operate on the bank account of the Dargah. All payments exceeding rupees five hundred shall ordinarily be made by him by cheques but may also be made in cash when necessary.
- (n) The Nazim shall keep in safe custody the seal of the Committee.

14. **Presentation of budget:-** The Nazim shall present a report of the administration of the Dargah and its properties at every meeting of the Committee and shall prepare a budget every year showing an estimate of income and expenditure for the ensuing year.

The budget proposals shall be circulated amongst the members of the Committee at least two weeks before the budget meeting.

15. Functions of Advisory Committee :

- (a) The functions of the Advisory Committee shall be to help and advise the Nazim in the discharge of his official duties under the Act and these bye-laws and also regarding arrangements relating to the annual and other Urses (Aras) held in the Dargah. The advice rendered by the Advisory Committee on matters referred to it by the Nazim shall be only recommendatory in future and shall not be binding on the Nazim.

Provided that where the advice of the Advisory Committee is not accepted by the Nazim on any matter, it shall be brought to the notice of the Committee at its next meeting.

(Auth. Added vide G.S.R.No.1606 dated 15th September, 1971.)

- (b) (i) All meetings of the Advisory Committee shall be held at least once in every three month and one such meeting shall be held at least fifteen days before the annual Urs for finalising the arrangements for it.
- (ii) The meeting of the Advisory Committee shall be presided over by the Nazim who shall exercise a second or casting vote in the event of a tie.
Amendment on 19.10.1987.
- (iii) The Nazim shall prepare an agenda for every meeting at which he seeks the advice of the members of the Advisory Committee.

Provided that it shall be open to the members to raise any matter not included in the agenda.

- (iv) The Nazim shall keep a record of the minutes of the meeting which shall be put up for confirmation at the next meeting.

16. Rights and Duties of Khadims :

- (a) The Khadims shall continue to perform such duties at the Dargah as they have been traditionally performing.
- (b) They shall not harass any, visitor or pilgrim visiting the Dargah.
- (c) They shall neither solicit nor receive any nazars or offerings from any person on behalf of the Dargah or in the name of Khwaja Saheb.
- (d) They shall abide by such other rules of conduct in the Dargah as the Committee may prescribe.

17. Penalty on Khadims contravening provisions of the Act of these Bye-Laws-

The Nazim may, by order in writing prohibit any Khadim from entering the Dargah for such period not exceeding seven days as the Nazim thinks fit, if such Khadim on enquiry held by the Nazim is found guilty of violation of any provisions of the Act or these bye-laws or of any rules of conduct in the Dargah prescribed by a Committee from time to time.

Provided that no such order shall be made except after affording an opportunity of hearing to the Khadim.

Provided that an order passed by the Nazim under Bye-Law 17 or under clause (2) of bye-law 24 shall remain suspended from the date of filing an appeal to the date of the order of the President on such appeal.

Auth. Added vide G.S.R. No.1606 dated 15th September 1971.

18. Nazars and offering :

- (a) All nazars and offerings, whether in cash or in kind, made by the pilgrims or others to the Dargah shall be earmarked for the purpose indicated by the donor. In the absence of such indication, such nazars or offerings will be presumed to have been made for the maintenance of the Dargah and accordingly credited to its funds.

Amendment on 19.10.1987.

- (b) The Nazim or any person authorized by him in this behalf shall collect the nazars or offerings from the different receptacles in the Dargah

including the Galla (pit) in the shrine and all offerings dropped in the Degs and credit the same to the Dargah funds.

- (c) The Nazim alone shall receive all cheques, money orders and other articles on behalf of the Dargah and he shall credit the same to the Dargah Endowment.
- (d) No one shall collect within the Dargah any fund on behalf of any individual or institution without the permission in writing of the Nazim.

19. Use of Dargah Premises:

- (a) The Nazim may, on being authorised by the Committee in this behalf, notify in such manner as he thinks fit that no beggar shall be allowed to loiter about or solicit alms within the Dargah compound. The Nazim shall have full powers to exclude any such beggar at all times. He may allot a special space for beggars to assemble and collect alms.
- (b) No person suffering from any contagious disease shall be allowed to remain within the Dargah.

20. Hujras (small rooms):

- (1) All Hujras standing on Dargah land and within the Dargah Compound may be repaired from Dargah funds.
- (2) The Nazim may make rules for the use of such Hujras.

21. Maintenance of books and accounts:

- (a) The Nazim shall maintain and keep the following books and registers at the office of the Dargah:-
 - (i) A book detailing all the immovable properties of the Dargah.
 - (ii) A book containing a list of the movable properties of the Dargah.
 - (iii) A day-book in which the day to day expenses are recorded.
 - (iv) A ledger in which the expenses according to the different items in the budget are entered.
 - (v) A register of tenants of the Dargah properties.
 - (vi) A register of files relating to litigation,
 - (vii) A register showing the names of the employees of the Dargah their salaries, attendance, leave and the like.

- (b) The Nazim shall also maintain such other registers and books as the President or Committee may require for efficient functioning of administration.

22. Details in the Budget: The budget shall contain the following details:-

- (i) The amount budgeted for in the previous year.
- (ii) The amount actually received or spent in the previous year.
- (iii) The estimate of income and expenditure for the budget year.

23. Grant of Receipts for Money Paid to the Committee: All receipts for money paid to the Committee shall be issued by the Nazim or by such other person as may be authorised by him in this behalf. The receipts shall be issued from printed books with counterfoils and the person receiving payment shall sign both the original receipt as also its duplicate leaf.

24. Maintenance of Peace and Order within the Dargah:

- (1) The Nazim shall be responsible for the maintenance of peace and order within the Dargah compound and for regulating the conduct of persons within the Dargah.
- (2) In particular the Nazim may expel any pilgrim or visitor and may prohibit him from entering the Dargah for such period not exceeding seven days as he may consider necessary on the ground of violation of the provisions of the Act or these bye-laws or of any objectionable behaviour including rowdyism.

Auth: Para 2 reconstructed vide G.S.R. No.1606 dated. 15th September, 1971.

Provided that an order passed by the Nazim under Bye Law 17 or under clause (2) of bye law 24 shall remain suspended from the date of filling an appeal to the date of the order of the President on such appeal.

Auth: added vide G.S.R. No.1606 dated. 15th September, 1971. Amendment on 19.10.1987.

- (3) The Nazim may regulate the vehicular and pedestrian traffic to and from the Dargah particularly on days of large gatherings and may pass such orders as he may consider necessary for the maintenance of peaceful atmosphere in the Dargah.
- (4) For the proper maintenance of peace and order within the Dargah the Nazim may raise a volunteer corps and allot to it such duties as he may consider necessary.

25. **Duties of the Employers of the Dargah:** The Committee shall fix the cadre and specify the duties of the employees of the Dargah. The Nazim may, with the sanction of the Committee, prescribe distinguishing dress or emblem for the employees of the Dargah to be used particularly during the annual Urs or other days of large gathering.

26. **Security from certain employees of the Committee:** The following categories of employees of the Committee shall furnish either in cash or in such other form as may be approved by the Committee, securities as mentioned below for due performance of their duties.

(a) Treasurer: Rupees ten thousand (b) Storekeeper Dargah Sharif, Rupees five thousand (c) Receptionist Khwaja Gharib Nawaz Guest House Complex- Rupees Five thousand (d) Care Taker (store keeper Gharib Nawaz Guest House Complex, Rupees ten thousand.

27. **Regulation of cooking of Degs and distribution of cooked food :**

(a) Before the Urs each year, the Nazim may announce the cost of the food to be cooked in the two degs (the big and small one) at the Dargah according to the size of its contents. He may also fix the remuneration for cooking and distributing the cooked food.

(b) The Nazim may arrange at the request of any donor, for the supply of all provisions required for the cooking of degs. The provisions shall be as far as possible purchased at the cheapest rates. The dry fruits may be cut before they, are mixed with other edibles.

(c) When cooked and ready, the contents of the degs shall be distributed according to the wish of the donor and if possible under his supervision. In the absence of an expression of wish on his part it shall be distributed under the supervision of the Nazim or the person deputed by him among the persons, present in the Dargah in general and the poor in particular. The quantity handed over to any individual at one time shall be sufficient for one meal and no more. No portion of the food so cooked shall be sold within the Dargah.

Provided that the looting of the contents of the Degs shall in no case be permissible and if any donor expresses with that this deg shall be looted, it shall be within the competence of the Nazim to prohibit the cooking of any deg by such donor.

Auth: Inserted vide G.S.R. 1606 dated. 15th September, 1971.

28. Contracts on behalf of the Committee :

(a) All transactions shall bear the seal of the Committee. All contracts shall be entered into by the Nazim in the manner specified below.

(i) Up to Rs. 2,000 on his own authority.

(ii) Above Rs. 2,000 and not above Rs. 1000/- on the advice of the Advisory Committee, and

(iii) Above Rs. 5,000/- with the previous approval of the President.

(b) The Nazim shall be entitled to execute and register deeds on behalf of the Committee.

29. Investment of Dargah funds : All money belonging to the Dargah shall be invested in Government securities as defined in the Public Debt Act, 1944 (18 of 1944), or deposited in the State Bank of India or such other scheduled bank as the Committee may decide in the name of the "Dargah Khwaja Saheb Fund".

30. Travelling Expenses :

(a) Members of the Committee the Advisory Committee and any Sub-Committee residing at places outside Ajmer, travelling for attending any meeting in connection with the Dargah shall be entitled to get one first class return railway fare or actual travelling expenses from the place of their residence and back, whichever is less. They shall also be entitled to get Rs. 15/- per day as halting allowance for each day spent on the work of the Dargah and one fourth of the first class railway fare as incidental charges for days spent in travelling, subject to a maximum of fifty Rupees for every single rail journey.

Auth: Substituted vide G.S.R. 60 dated, 8th January 1975. Auth: Substituted vide G.S.R. 864(4) 19.10.1987.

(b) The Nazim going out on work connected with the Dargah shall receive one first class return railway fare from Ajmer to such place as he may go to or actual expenses, whichever is less. He shall also be entitled to get Rs. 35/- per day as halting allowance for each day spent on the work connected with the Dargah and one fourth of the First Class railway fare as incidental charges for days spent in travelling subject to maximum of thirty five rupees for every single rail journey.

(c) Other persons travelling on work connected with the Dargah shall receive actual expenses or such amount as the Nazim may order.

31. **Copies of the resolutions etc. to bear the seal:** All contracts, resolutions and the like, copies of which are issued to the public and all orders of the Dargah Committee issued for enforcement shall bear the seal of the Committee.

32. **Appeals :**

(1) Any person aggrieved by an order of the Nazim may, within ten days of the passing of such order file an appeal, either direct with the President or with the Nazim who shall forward it with his own report to the President.

(2) The President may, after hearing the parties, pass such order as he thinks fit.

33. **Revision:** The Committee may on its own motion or on an application made to it within ten days by an aggrieved party, revise any order by the President and such order shall be final.

Provided that no such order which imposes or enhances penalty shall be made unless the person concerned has been given an opportunity of hearing.

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(No.58/4/56-Pall(I)

Sd/-
N. SAHGAL.
Joint Secretary,

Amendments:

GSR 1606 15.09.1971

GSR 60 08.01.1975

GSR 1246 29.09.1978

GSR 1145 21.11.1981

GSR 895 09.08.1984

GSR 864 19.10.1987