

HAJ COMMITTEE OF INDIA

(Constituted under the Act of Parliament No.35 of 2002)

Haj House,
7-A, M.R.A. Marg (Palton Road),
Mumbai – 400 001.

HC-165(II)/legal/SC2012

Date:5.7.2012

CIRCULAR

HAJ – 2012

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The Executive Officer / Secretary,
All State / Union Territory
Haj Committee.

Sub. : Haj – 2012. Registration of Left-out Haj Applications.

This office has received certain representations from State/UT Haj Committees and even from individuals to rectify such mistakes committed by State/UT Haj Committees.

2 This circular is brought in to clarify the right position of HCol indicating that the corrections cannot be done by HCol at this juncture for the mistake committed State/UT Haj Committees. As you are all aware the process of selection of Pilgrims for Haj-2012 is the subject matter of affidavit before the Hon'ble Supreme Court.

3. The relevant extract of the decision on 08.05.2012 by the Hon'ble Supreme Court is reproduced below.

“We would like to know in greater detail the procedure followed by the HCol and the State Haj Committees in making selection for sending Pilgrims for Hajj. We would specially like to examine the functioning of the Haj Committees of the States where the number of Applications exceed the quota allotted for the State. We direct the HCol to file a detailed affidavit giving full details of the process of selection of Pilgrims from the applications made to the State Haj Committees. The affidavit should also give details of the charges realized from the Pilgrims and the facilities made available to them. Haj Committees of the States of Maharashtra, Kerala and Karnataka are directed to be impleaded as respondents. Let notice go to them with a direction to file affidavits giving details of the selection process and stating stage – wise how selections are being made for sending Pilgrims for the Haj 2012 Hajj. What amounts are charged from each Pilgrim and what facilities are provided to

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them. The affidavits, as directed above, must be filed within two months from today. Put up on July 23, 2012, SLP(C) Nos.33190-33217 of 2011.

4. In terms of communication bearing No.M(Haj) 83/44/2012 dated 30th May, 2012 and 12th June, 2012 from the Under Secretary (Haj), Ministry of External Affairs, Government of India has instructed Haj Committee of India that :

- (i) every State / Union Territory Haj Committee (which received applications in excess of their allotted quota) shall obtain Passport from top Pilgrims on wait list numbering 15% of allocated quota of State / Union Territory for release against last minute cancellations. Applicants whose passports are so retained will be informed that their selection will only be against cancelled seats and that there is no guarantee that they will be selected.
- (ii) allocation against cancellations will only be from the wait-listed applications on ***“first cancelled seat to first wait-listed applicant”*** basis and no fresh cover applicant (outside Qurrah) will be entertained.

3. Accordingly, Haj Committee of India issued Circular No.23 bearing reference No. HC-II-ZONE/2012/1150 dated 14th June, 2012 asking all the concerned State / Union Territory Haj Committee (which received applications in excess of their allotted quota) to collect Passports of **20%** of total quota from Pilgrims on waiting list.

4. It is reiterated that the Quota for Haj – 2012 received from the Ministry of External Affairs has been distributed in terms of Muslim Population of that State / Union Territory as per Census – 2001. Similarly, the surrendered seats by the Under-Quota States have also been redistributed amongst the States / Union Territories as a uniform policy, where Haj Applications were received in excess of their allotted quota by uplifting the Waiting List on ***“first cancelled seat to first wait-listed applicant”*** basis.

5. It is also reiterated that as per decision taken in the meeting dated 6th February, 2012 followed by the Workshop conducted on 23rd February, 2012 and in terms of guidelines formulated, Haj Committee of India is working on the Computer software wherein no addition or modification is possible in the cover once generated. This software has been developed with the sole purpose of maintaining transparency and improvement in the Haj affairs. All State / Union Territory Haj Committees had given their

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consent for usage of this software. Any deviation from the already decided matters may seriously harm the entire process raising eyebrows on the functioning of Haj Committee of India.

6. In terms of this office Circular No.3 bearing No.HC-II-(49)-2012/CC/HAF/PRO dated 27th February, 2012 Haj Application Form (HAF) Processing Module alongwith flow chart and Check-list Proforma was forwarded to all State / Union Territory Haj Committees asking them to follow minimum standard procedure for HAF Processing.
7. The Qurrah system is an inviolable and sacrosanct process/procedure of selecting the Pilgrims in those States where there are excess applications than the allocated quota. The sanctity accorded to the qurrah system arises because of it being completely transparent and the absence of any manual interference in the process of selecting the applicants on a random computerized basis.
8. Circular No.11 bearing reference No.HC-II-(50)-2012/CC dated 13th April, 2012 regarding deployment of extra manpower in the last days before expiry of last date for receipt of Haj Applications by State / Union Territory Haj Committees was issued by this office. In the said Circular, it was also requested that State / Union Territory Haj Committees ensure that data entry is completed systematically and avoid mistakes. Likewise, vide Circular No.14 bearing reference No. HC-II-(53)-2012/CC/Qurrah/288 dated 27th April, 2012 where in State / Union Territory Haj Committees were asked to complete the entire task of data entry work, verification, editing, certification as per schedule and forward a Certificate (proforma was enclosed with Circular No.14) in this regard.
9. In the light of the abovementioned bare facts, the onus of mistakes committed by the State Haj Committee cannot be transferred to Haj Committee of India.
10. Haj Committee of India has, however, tried its level best and even sought Legal opinion to overcome this barrier. However, the legal opinion has been received against taking any remedial steps to rectify the mistakes committed.

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11. Since all the quota is distributed to State/UT Haj Committees and the responsibility of data entry is of State/UT Haj Committees. Hence, such type of mistakes cannot be rectified at this stage by HCol. The data should be corrected by the State/UT Haj Committees by the responsible officers, after availing all verifications before the qurrah.

12. Your request for processing the left-out Haj Application Forms or adding Haj Application Form into a cover or clubbing of covers or changing to Reserved Category of your State cannot be as such considered.

Yours faithfully,

Sd/-

Chief Executive Officer.

Copy to: The Under Secretary (Haj), Ministry of External Affairs, Government of India, Indian Society of International Law (ISIL) Building, Room No.305, 3rd Floor, Bhagwan Das Road, New Delhi-110001.

(Dr. Shaik Shakir Hussain) IRS,
Chief Executive Officer.