

**UNION OF INDIA AND ORS. v. RAFIQUE SHAIKH BHIKAN AND ORS.**

**Special Leave Petition (Civil) No. 28609/2011**

**Final Submissions of the Amicus Curiae**

**1. PREFACE**

By order dated 23.07.2012 this Hon'ble Court was pleased to appoint amicus curiae in the aforementioned matter stating *inter alia* as follows:

*“So far as the affairs of the State Haj Committees and the Haj Committee of India are concerned, we would like Mr. Huzefa Ahmadi, assisted by Mr. Ejaz Maqbool, to assist us as Amicus Curiae.”*

The present submissions seek to formulate certain suggestions to meet the said end.

**2. THE HAJ COMMITTEE OF INDIA AND ITS FUNCTIONS**

A. Statutory Framework

The Haj Committee of India ( hereinafter “HCol”) is a statutory body under the administrative control of the Ministry of External Affairs, Government of India and was constituted under an Act of Parliament being the Haj Committee Act of 1959 (No. 51 of 1959) which was subsequently repealed by the Haj Committee Act of 2002 ( Act 35 of 2002).

HCol is entrusted the task of making arrangements for the pilgrimage of Muslims for Haj to the Kingdom of Saudi Arabia and is also responsible for implementing the scheme for performing Haj in accordance with the annual

bilateral agreement signed between the Government of India and the Kingdom of Saudi Arabia.

As a nodal agency, the HCol coordinates with various agencies so as to ensure the smooth performance of the Haj.

Section 9 of the Act lays down the duties of the HCol and is primarily concerned with the management of entire Haj operations and to ensure the welfare of the pilgrims.

HCol is under administrative control of the Ministry of External Affairs, Government of India and the Central Government in exercise of its powers under Section 51 of the Act has the power to issue directions to the HCol and State/Union Territory Haj Committees which are binding on the HCol and State/Union Territory Haj Committees.

Following are the duties of the Haj committee of India as per Section 9 of the Act- :

- i. It invites and processes applications of intending Haj Pilgrims
- ii. It collects and disseminates information useful to pilgrims
- iii. It advises and assists pilgrims during their stay at the embarkation points in India
- iv. It gives relief to pilgrims in distress
- v. It finalizes the annual Haj plan with the approval of the Central Government and executes the same.
- vi. It approves the budget estimate of the committee and submits it to the Central Govt.
- vii. To look after the general welfare of the pilgrims.

- viii. It coordinates with the Central Government, Railways and travel agencies for the purpose of securing travelling facilities for pilgrims.
- ix. It publishes such proceeding of the Committee and such matters of interest of pilgrims.

#### B. Policy for Haj Committee of India Pilgrims

##### i. Background

Haj Policy is made every year by the Ministry of External Affairs (MEA). While the pilgrims who perform the Haj pilgrimage and the officers and others who manage the Haj operations do change every year, basic provisions of the Haj Policy remain the same. Accordingly, there is no need to work on a new policy each time, resulting in duplication of work.

##### ii. Suggestions of the Amicus Curiae:

Haj Policy framework may be made once in 5 years. The tenure clause can be introduced in the Haj 2013 Policy which can be called Haj 2013-2017 Policy. The proposed Haj Policy can be posted on the website for a period of two months prior to its approval and leaving it open for any party to make suggestions or file objections within one month of the policy being posted which would be considered before its finalization. Thereafter it can be sealed for the fixed tenure of five years leaving it open to the authorities to amend or modify the same depending upon contingencies in the like manner. Improvements and innovations encountered during the tenure of the Policy that are genuine, technologically better and significantly add to the content and quality of the Policy may be incorporated in the ensuing Haj

Policy 2017-22 with the approval of competent authority in the Government of India.

C. Policy for Private Tour Operators (PTOs)

Presently, the Haj Committee of India on the directions of the Ministry of External Affairs deals with the PTOs on the basis of the policy formulated by the Ministry regarding annually fixing the criteria for eligibility, etc. HCol is neither the policy maker nor a deciding authority for PTOs. Work of scrutinizing the PTOs' files and providing transportation stickers to them has been given to the HCol. Services of a Chartered Accountant were hired with the approval of MEA to scrutinize the applications/files. It is observed that this function has to be performed when the HCol is in any event hard pressed for time as the month of Haj is fast approaching. It is suggested that the task of dealing with the PTOs and framing an appropriate policy be left to the discretion of the Ministry of External Affairs and the Haj Committee of India should be divested from any duties with regard to the same.

D. Time bound conduct of Haj Process

It is suggested that the entire Haj Process be completed in a time bound manner with permissible grace period where practicable. The time limits prescribed at every stage of the Haj process should be treated as sacrosanct and no leniency should be granted once the grace period is over. The schedule for making applications, scrutiny, etc. be published in advance with sacrosanct cut off dates in the policy itself so that the public at large is notified well in advance about the same.

*Per HCol : The policy declared for a Haj period must be followed without any changes in the entire Haj season/that year.*

### **3. STATE HAJ COMMITTEES AND THEIR FUNCTIONS**

#### Statutory Framework

State Haj Committees (hereinafter “SHCs”) are created under Section 17 of the Haj Committee Act, 2002 and are under the control of the State Government. However the working and functioning of SHCs are guided to a great extent by the policy, guidelines and circulars issued by the Ministry of External Affairs and Haj Committee of India as far as the same pertains to Haj management.

The SHCs have a limited functional relationship with the HCol and through it with the Ministry of External Affairs and as such all agencies work together so as to send the pilgrims for Haj every year.

### **4. PROCEDURE INVOLVED IN UNDERTAKING HAJ**

The procedure involved in the entire Haj process is as follows:

- i. After the completion of previous year’s Haj, the HCol holds a full committee meeting and after a consultative procedure with the SHCs the Annual Haj Plan is drafted and finalized with the approval of the Central Government.
- ii. The HCol does the printing and supply of Haj Application forms, and the guidelines of Haj to all State/ Union territory Haj committees before the Haj announcement and Haj Guide thereafter.
- iii. The HCol then makes the announcement for Haj through leading newspapers all over the country thereby inviting applications from all the intending pilgrims.

- iv. Thereafter, the pilgrims fill the HAF in Duplicate and deposit the amount of Rs. 200/- towards non-refundable processing fee in nearest SBI branch.
- v. After scrutinizing and acceptance of the HAF, the SHCs conduct data entry work so as to generate and allot cover numbers to the HAFs.
- vi. In cases where the number of applications received by a particular SHC is more than the quota allotted to it then a computerized draw of lots called "Qurrah" is conducted by the concerned SHCs.
- vii. The order of priority stipulated in Clause 6 of the Haj guidelines for Haj-2012, while allotting seats of each State is-
  - a. 70 + Category
  - b. Fourth Time Applicants
  - c. General category
- viii. The qurrah is conducted after deducting the reserved categories "a" and "b" from the final quota of the State.
- ix. In cases of SHCs which receive less Haj Applications than their allotted Quota, their remaining seats are allotted to the HCoI.
- x. The surrendered quota is re-distributed amongst the SHCs where excess Haj applications have been received than their allotted Haj Quota.
- xi. Haj Pilgrims provisionally selected after Qurrah are asked to deposit advance Haj amount and other miscellaneous dues (for Haj 2012 – Rs.51,000/-).
- xii. A two step medical screening has been introduced since 2012 and the pilgrims are trained in Haj Training camps.

- xiii. Once the pilgrims embark on their pilgrimage for the embarkation points and upon reaching Jeddah/ Medina Airport they are under the care of the Indian Consulate stationed at Jeddah.

## **5. ADMINISTRATIVE AND OTHER DIFFICULTIES**

### BROAD OUTLINE

#### A. Haj Committee of India

- (i) Haj Cell of the Ministry of External Affairs is looking after the whole affairs of Indian Haj Pilgrims, around 1.7 lacs in numbers, proceeding for Haj under the auspices of Haj Committee of India and through Private Tour Operators
- (ii) Only one officer of the rank of Joint Secretary is looking after the Haj Affairs in the Ministry of External Affairs, who is also looking after the affairs of entire Gulf region.
- (iii) Only one Under Secretary and 2-3 Attache / Administrative Officers are there in the Haj Cell.

It is submitted that for smooth conduct of Haj affairs, it is essential to have an officer of the rank of Joint Secretary fully devoted to Haj affairs only so that he is dedicated entirely for the operation.

The other problems of the Committee are being dealt with separately in a latter part of these submissions.

#### B. State Haj Committees

- i. Quota - Cases where State Haj Committees habitually accept Haj applications from adjoining states instead of surrendering the excess quota should be discouraged. State/ U.T. Haj Committees should not entertain Haj applications received from outside their State/ Union

territory in any case. Also, special quota from the Government Quota should be done away along with other discretionary quota.

- ii. Infrastructure- Each State/ Union Territory Haj Committee must have proper and user friendly Information Technology set-up in their offices. SHCs suffer also for the want of adequate peripheral equipment like printers, scanners, furniture, etc. which should be made available.
- iii. There are cases where certain State/Union Territory Haj Committees either do not have or have an Executive Officer/ Secretary for very short span of time. In some States/Union Territories Executive Officer / Secretary have authorized the lower cadre officials like UDCs / Assistants to look after the Haj affairs of their State / Union Territory Pilgrims, which is not desirable. Many of these low-cadre staff does not have proper knowledge even about their own office systems.
- iv. Understaffing - There is also dearth of dedicated officials for Haj and in certain State / Union Territory the Officer / Secretary has other onerous work and are thus unable to spare much time for Haj affairs.

The other problems of the State/Union Territory Haj Committees are being dealt with in the latter part of these submissions.

## **6. ACCOMMODATION**

Every year, the Ministry of External Affairs constitutes a Building Selection Team and Building Selection Committee, who make an official visit to the Kingdom of Saudi Arabia for procurement of accommodation for the pilgrims of the ensuing Haj. However, there is no proper mechanism for

selection of buildings since the BST / BSC visit is limited to one – two weeks only. This does not provide sufficient time to the Members of BST / BSC to visit and inspect each and every building.

It is thus imperative that proper mechanisms should be put in place to oversee and manage the hiring process of accommodation for the Indian Haj pilgrims on a longterm basis; say atleast for a minimum period of five years, but preferably even for longer (10 years or more) so as to eschew the repetition of this exercise every year.

#### I. Stand of the Ministry of External Affairs on Accommodation

With respect to the problem of accommodation in Saudi Arabia and the steps being undertaken to overcome them, the Ministry of External Affairs has filed its affidavit dated November 5, 2012. As per the said affidavit, hiring of accommodation is undertaken by the Consulate General of India (“CGI”), Jeddah (Saudi Arabia) through a scheme called “Reserved Accommodation Scheme” introduced in 1987. There is an annual Haj Review Meeting chaired by the Secretary (East), Ministry of External Affairs, Government of India, in Jeddah wherein the rates and categories of accommodation in Jeddah are decided, in accordance with the prevailing market prices. Once the rates are decided the CGI issues an advertisement in the local newspapers asking building owners/agents to submit documents of their buildings. Upon the receipt of applications, the Building Selection Committee (“BSC”) visits the buildings on “first come first serve” basis. After inspection the BSC approves a building, upon which the owner is asked to submit original documents. An agreement is thereafter entered into with each qualified/approved building owner and

advance payment is made to him in accordance with the stipulation of the Ministry of Haj Affairs, Saudi Arabia.

The criteria adopted for selection is the distance from the Holy Mosque in Mecca, with the highest prices given to buildings located near the periphery of “Haram Shareef”. The number of pilgrims to be accommodated in a building is decided by the space criteria fixed by the Saudi Government which is currently 4 sqm. per pilgrim. For Haj 2012, the distance, category and rates are as follows:

|    | <b>Distance</b> | <b>Category</b> | <b>Rate/unit</b> |
|----|-----------------|-----------------|------------------|
| 1. | 1-1500 m        | Green           | 4450 SR          |
| 2. | 1500 m onwards  | Azizia          | 2450 SR          |

The MEA states that the rates offered by the HCol are competitive and as compared to several other countries, the minimum that can be offered, as seen from the chart hereunder.

|    | <b>Country</b> | <b>Number of pilgrims</b> | <b>Distance</b> | <b>Rates/pilgrim</b> |
|----|----------------|---------------------------|-----------------|----------------------|
| 1. | Indonesia      | 2,20,000 (2011)           | Within 2 kms    | 3500-5000 SR         |
| 2. | Pakistan       | ~1,80,000 (2012)          | Within 2 kms    | 4200 SR              |
| 3. | Bangladesh     | NA                        | Within 1 km     | 5000 SR              |
| 4. | Malaysia       | NA                        | Within 1 km     | 6000-7000 SR         |

It is further stated that in order to provide better buildings in the future, the Saudi Authorities are undertaking demolition of buildings close to the “Haram Shareef” which has caused resentment amongst pilgrims.

## II. Long Term Accommodation Arrangement

The proposal with regard to future long term accommodation arrangement dated 17.10.2011 was sent to the MEA by the CGI, Jeddah. Offers received from interested parties, viz., M/S Al Hojrat Company and M/S Integrated Consultants was also sent alongwith the proposal, based on fixed pre-decided rates. The Haj Committee in its meeting dated 20.12.2011 had discussed the proposal and approved it unanimously and requested the MEA for further processing on priority basis. By its letter dated 20.1.2012 the MEA asked the HCol to initiate the work to finalize the proposed long term contract under the guidance and approval of the Ministry. Subsequently, the Chairperson of the HCol proposed that a committee be constituted for the purpose, and a committee came to be constituted consisting of the following:

- A. Chairperson, HCol as the Chairperson of the Committee.
- B. Vice-chairperson, HCol, Member
- C. Vice-chairperson, HCol, Member
- D. JS (Gulf/Haj), MEA, Member
- E. CEO, HCol, Member Secretary
- F. CGI, Jeddah, Member

The same was endorsed by the MEA vide its letter dated 27.4.2012.

The Long Term Accommodation Committee ("LTAC") has already had two discussions on May 21, 2012 and August 26, 2012. The process of selecting a Legal and Technical Advisor in Saudi Arabia to assist the LTAC is underway. Work on the detailed proposal and plan of action will be prepared thereafter and placed before the LTAC to study and examine all the aspects of proposal and implementation.

Insofar as accommodation at Madinah is concerned, the same is required for only eight days and Saudi Agents and firms are entrusted with the task of providing accommodation near the Holy Mosque in Madinah. Since most of the buildings are new, accommodation is of good quality and there are no complaints.

It has been pointed out in IA No. 12 of 2012 in SLP (C) No. 28609/2011 that the accommodation provided by the HCoI is at the rate of 2620 Saudi Riyals per bed per person for 30 days in Azizia category, whereas, for identical accommodation, the rates provided by a PTO is between 800-1500 Saudi Riyals (see p.8, IA No.12/2012). One sample agreement with a PTO and a landlord in Saudi is produced with a view to highlight the aforementioned point (*supra*). The aforesaid also further highlights the need for a permanent accommodation for longer duration so as to minimize the cost.

### III. Suggestions of the Amicus Curiae

In the light of the foregoing, the suggestions of the Amicus Curiae are that this Hon'ble Court may appoint a committee to finalize the selection of buildings for accommodation of Hajjis on a longterm basis, atleast for a minimum period of 5 years and preferably for a longer period, that is, ten years or more. This step may be undertaken forthwith, not later than three months from today so that the proposal for longterm accommodation can be implemented starting with Haj-2013. It is also suggested that such buildings may have a community kitchen for the benefit of Hajjis.

## **7. AIRFARE**

The Ministry of Civil Aviation, Government of India is responsible for airlifting Haj Pilgrims to and fro and their baggage to Jeddah / Madinah in the Kingdom of Saudi Arabia from various embarkations in India.

The Chief Executive Officer, Haj Committee of India's role is limited as Member of the Tender Committee.

The Ministry of External Affairs should take-up the matter appropriately with the Kingdom of Saudi Arabia, GACA for proper international bidding. It is also necessary in the larger interest of Indian Haj Pilgrims to have a long term arrangement, say for 4-5 years with the concerned airlines as the present quota for the country is likely to be maintained.

### I. Stand of the Ministry of Civil Aviation on Air Travel during Haj

The Ministry of Civil Aviation has stated in its affidavit dated 6.11.2012 that the air fare has consistently increased over the years alongwith the Government subsidy. For the year 2011, the fare per pilgrim was Rs.71,000/-, out of which only Rs.16,000/- was payable by the pilgrim. The balance Rs.55,000/- was covered by the Government subsidy. The total cost of air travel was Rs.890 Cr. and the Government subsidy was upto Rs.690 Cr. (approx.).

The cost of air travel through HCoI appears to be more than what is charged by most airlines, there are various factors which contribute to the same. They are as follows:

- i. On account of the seasonal increase in traffic, airlines have to take aircrafts on lease on a short term basis. This automatically escalates the prices as compared to long term lease.
- ii. The Haj traffic is unidirectional. Therefore, at the beginning of Haj, aircrafts return empty to India, and at the conclusion, they return empty to Saudi Arabia. This increases the cost of operation twofold.
- iii. The airlines operate scheduled flights from bigger airports which have traffic all the year round, whereas, during Haj, flights have to be operated from 21 different embarkation points which are much smaller airports in remote areas where bigger aircrafts don't operate. This, therefore, increases the cost of operation.
- iv. Exclusive facilities provided to Haj pilgrims such as increased baggage limit (55-65kgs as opposed to 20kgs), extra meals, exclusive handling, etc. increases the running costs.

## II. Steps undertaken to reduce the costs

For reduction of cost of air travel, the Ministry has undertaken a number of steps. Earlier, the national carriers of India and Saudi Arabia used to negotiate the fare between them. Since 2010 it was decided to engage the airlines through a competitive bidding process. A committee was constituted to complete the tendering process inviting tenders from designated airlines from the two countries. Three Saudi airlines, SV, NAS Air and Al-wafeer Air were engaged to carry the pilgrims. The competitive bidding process reduced the subsidy from Rs.854 Cr. to Rs. 650 Cr.

(approx.) in 2010 despite larger number of pilgrims and more embarkation points.

For the year 2011, another committee was constituted which called for global tenders on the basis of a Haj circular issued by the Saudi Arabian authorities, as it was felt that the larger number of participants would further push the prices down. M/S Hellenic Imperial Airways from Greece emerged L1 from all the 21 embarkation points. However, the General Authority of Civil Aviation of KSA in supersession of the earlier circular issued another circular stating that only the designated carriers from India and Saudi Arabia were permitted to carry the pilgrims. This stance of Saudi Arabia was unchanged and hence a tender was reissued for the eligible designated airlines. SV and NAS Air were engaged to carry pilgrims. In spite of the best efforts, the Government was not able to reduce the fare further though the subsidy outgo could be maintained at Rs.690 Cr. (approx.).

For Haj 2012, Air India and SV have been selected through the tendering process. The affidavit further states that the Government has succeeded in keeping the air fare within a reasonable limit in spite of increase in costs all around.

For reducing the subsidy, the Government has decided to gradually increase the share of fare paid by the pilgrims. From Rs.16,000/- in 2011, it has been increased to Rs.20,000/- in 2012. However, due to simultaneous increase in charter cost, the total cost and subsidy has still increased. For reducing the subsidy further, it is imperative that the Hajjis' share be increased.

It is further stated in the affidavit that it may not be possible to get charter fares lower than what the airlines have already been charged in previous years on account of factors like inflation, increased cost of operation due to increase in manpower costs, ATF cost, leasing cost, etc. and depreciation of the INR against the US Dollar. Other ways to lower the fares is to reduce the number of embarkation points so that the pilgrims bear their own costs in traveling to larger embarkation points, withdrawal of extra facilities like allowing excess baggage, extra meals and special handling.

The Ministry states that it is erroneous to say that HCoI quota is expensive. In spite of increased costs, pilgrims travelling through Haj quota are paying much less towards air fare than what is being paid by the general passengers or pilgrims traveling through PTOs. These high costs are incurred by the Government purely for the benefit of Hajjis so that they can undertake the pilgrimage with the minimum burden.

### III. Suggestions of the Amicus Curiae

In the light of the foregoing, the suggestions of the Amicus Curiae are that the Ministry should follow the route of global tendering as far as practicable. However, if the situation as stated in the affidavit of the Ministry of Civil Aviation arises on account of any regulation by the Saudi authorities which prohibits such a course, it is suggested that a tender be floated between the Indian and Saudi Arabian airlines and the lowest bid be accepted. It is also suggested that it would seem cost effective to have a long term arrangement, say for 4-5 years with the concerned airlines as the quota for the country is likely to be maintained if not increased in the

future. The cut-off date prescribed in the Haj Policy for the declaration of the flight schedule must be strictly adhered to.

## **8. ANALYSIS QUA WORKING OF THE HAJ COMMITTEES**

The following seeks to highlight the myriad issues faced in the entire process followed during the annual Haj Pilgrimage. The pilgrimage is beset with a plethora of problems starting with the very first stage, that is, submission of the Haj Application Forms, to the last stage, that is return of the pilgrims. Other issues involve the problems relating to administration of Haj Committees at the State and Union Territory level as well as their logistics. It has also been alleged that pilgrims have raised medical issues complaining that no help was forthcoming. The most significant problems involve the issues of prohibitive cost of air travel to Saudi Arabia and accommodation of the pilgrims which have been dealt with separately hereinabove.

The present submissions seek to highlight not only the various issues plaguing the Haj Pilgrimage, but also suggestions to address them, so that the entire process of the pilgrimage is streamlined and causes minimum trouble to the pilgrims.

These submissions deal with the problems highlighted herein in the Union Territories and States as distinct from one another. While the Union Territories fare well on various fronts such as processing of application forms to sending the pilgrims to the embarkation points, the States have fared badly and have made several suggestions in this regard.

## A. UNION TERRITORY HAJ COMMITTEES

The response of the Union Territories uniformly suggests that they do not face the problems that the States face during the implementation of the Haj program or that they deal with those problems better than the States. It appears from the responses that they do not face problems with regard to shortage of manpower, shortage of funds, the general processing of Haj Application Forms, or the lack of space for conducting the Haj process.

Responses from the following Union Territories have been received:

- i. Andaman and Nicobar
- ii. Chandigarh
- iii. Dadra and Nagar Haveli
- iv. Lakshwadweep
- v. Puducherry

Some of the major hurdles faced by the Union Territory Haj Committees are listed hereinbelow alongwith the suggestions made by the UT Haj Committees and the observations made by the Haj Committee of India in block form:

### i. Organizational problems

All the Union Territories uniformly state that they have executive officer/person in charge/secretary, which is appointed either on deputation or is given an additional/honorary charge of the Haj Committee temporarily. The suggestion in this regard is forthcoming only from the UT of Lakshadweep which seeks an officer to helm the Haj Committee with a fixed or permanent tenure. The benefit of a permanent officer for conducting the affairs of the Haj Committee cannot be overemphasized.

ii. Financial problems

All the UTs are funded by the UT Administration and the HCol. Most of the UTs do not suffer from shortage of funds and have stated in their response that the budget allocated to them was sufficient. However, their problem is that they did not receive anything from the budget allocation by the HCol.

It is suggested that the HCol may release the funds to the UT Committees for efficient functioning.

Note per HCol: The HCol does not receive any grant/aid from Government. The HCol collects Rs.200/- from each applicant as non-refundable amount and Rs.1000/- from each selected Pilgrim.

The HCol makes the following payments to State Haj Committee/UT Haj Committee.

|   |            |
|---|------------|
| (i) Processing fees                             | = Rs.100/- |
| (ii) State/UT Haj Committees (Handling Charges) | = Rs.150/- |
| (ii) Supporting Arrangements                    | = Rs.200/- |
| (iv) Training support                           | = Rs.100/- |

If any further funds are required to be paid to SHC/UTHC, the same are to be collected from the Pilgrims.

iii. Problems at various stages

The various problems faced by the UTs generally relate to poor or outdated Information Technology equipment such as computers and computer peripherals, slow internet speed, data entry, transmission of material to the HCol.

It is suggested that strengthening facilities relating to computers and computer peripherals and providing office infrastructure is needed for effective and seamless processing of the forms and so on.

iv. Measures to improve the Haj process

The reasons for errors in data entry have been attributed to poor/slow internet connectivity and insufficient data. It is suggested that such errors can be minimized by improving the software used.

*The UT of Puducherry has made some concrete suggestions insofar as serving the pilgrims and grievance redress is concerned, which would serve the other Union Territories well too. The same with the comments of the HCoI in block form are as follows:*

- a. *Cancellation by the head of a cover causes the entire cover to lose their Haj. This should be rectified by accommodating them in another group/head.*

*Per HCoI: Only in case of pilgrims of Reserved Category, who have been selected without holding qurrah. Reserved category "a" (if 70+ Pilgrims is cancelled, the companion is automatically cancelled) & "b" for 3 years pilgrims if Male Pilgrim is cancelled, the Mehram lady Pilgrim will also be cancelled, the individual Male pilgrim can be cancelled (without lady Mehram).*

- b. *The present rules do not provide for change in Mehram. Incase the Mehram is unable to go for any reason the applicant attached to the Mehram automatically does not go. Therefore, change of Mehram should be allowed.*

*Change of Mehram is allowed for some exceptional cases. (Circular already issued).*

- c. *The government depot has denied supply of meningitis medicine to the Committee saying that it is not governed by the Haj Committee of India. As per health directorate, it is used to health department of State/UT.*

- d. *The UT Haj Committee ought to have the power to confirm a waitlisted pilgrim against a cancellation rather than wait for the confirmation from the Haj Committee of India.*

Per HCol : *HCol has to follow an entire system for smooth functioning of Haj movement. A circulating process keeps vigil for the quota of the State/UT & waiting list is confirmed against vacant seat. However, State/UT is directed to collect passports in advance as per policy decision.*

- e. *Allotment of Haj seats should be made as per the 2011 census and not 2001 census.*

Per HCol : *Since the Census of 2011 has not been released by the Director of Census as yet, HCol follows the figures as indicated in the Census 2001.*

## B. STATE HAJ COMMITTEES

The following State Haj Committees have responded to the questionnaire.

- a. Andhra Pradesh (AP)
- b. Chhattisgarh (CG)
- c. Delhi (Del)
- d. Haryana (HAR)
- e. Himachal Pradesh (HP)
- f. Jammu and Kashmir (J & K)
- g. Karnataka (KAR)
- h. Kerala (KER)
- i. Madhya Pradesh (MP)
- j. Maharashtra (MAH)
- k. Rajasthan (RAJ)

- I. Tamil Nadu (TN)
- m. West Bengal (WB)

The responses of the State Haj Committees of the abovenoted States shows that they face major hurdles in the implementation of the Haj program ranging from collection of HAF to the embarkation of pilgrims. Most States have managed to adhere to the timeline for the Haj-2012 and have not faced major problems with regard to processing of the HAFs. The problems of the SHCs have been dealt with hereunder alongwith respective suggestions.

1. Manpower and Staffing

Insofar as the issues relating to manpower and staffing are concerned, it is seen that the State Haj Committees have few permanent staff who derive pay as per the Government scale but are not entitled to other benefits such as pension, etc. The State Haj Committees also employ a large number of seasonal staff during the Haj period for the purpose of data entry when applications are received. It is observed that the data entry work is outsourced to companies engaged in computer work. It is further seen that the number of qualified IT personnel available with the various Haj Committees is miniscule and inadequate where large number of applications are received. Some of the suggestions which have been given by the State Haj Committees are as follows:

- a. The State of Chhattisgarh has highlighted that each State Haj Committee has a different staffing pattern and the same should be made homogenous so that work can be synchronized in the same manner across the country. Central Haj Rules 2002 in Section 16 and State Haj Rules in Section 22 have provisions of regularizing

experienced staff against sanctioned posts and State Governments need directions in this regard.

Please read Haj Committee Act, Section 22 instead of Haj Rules Section 22.

- b. Permanency of staff in the Haj Committees appears to be a bone of contention with almost all the State Haj Committees agreeing that there ought to be permanent staff in the Haj Committee. They have to be appointed as per rules by the State Government.
- c. The staff strength needs to be defined clearly, especially for States where the embarkation points handle thousands of pilgrims at one go, for example, Delhi. This will also help in absorption of temporary employees into permanent posts.
- d. More funds need to be provided for better conduct of the process.

## 2. Organizational Problems

It is seen from the responses of the State Haj Committees that they are plagued with problems relating to the organizational setup of the Committees. It is seen that the Executive Officer is mostly occupying the rank of a Deputy Secretary to the state government. However, the tenure of the executive officer is not fixed or seldom fixed. It is further stated that the number of trainers for the Haj Committee is also not fixed. A major aspect of the problem is multiplicity of authorities handling the Haj process which leads to a lack of coordination and confusion, ultimately resulting in loss of valuable time and funds. The following suggestions have been given by the State Committees:

- a. Posts be created for Executive Officer and permanent Executive Officer since the work load increases every year (WB).

- b. Open District Haj Committees in each District Headquarters in each District Head.

Per HCol : This suggestion pertains to the concerned State/UT.

- c. State Haj Committees should be provided with infrastructural support for carrying out the training of Hajjis effectively (MP).
- d. Intensive training should be provided to the Master Trainers for training the pilgrims (TN).
- e. TA/DA of Master Trainers and District Trainers may be reimbursed by the Haj Committee of India (TN).

Per HCol : HCol already provides TA/DA to the Master Trainers and District Trainers (Circular No.4).

- f. The expenditure on training should be increased from Rs.100/- per pilgrim to Rs.300/- per pilgrim (MH).

Any increase in amount regarding expenditure on training will be borne by Pilgrims after discussion in HCol meeting, if any.

- g. Increasing the number of Trainers-ratio from 1:250 to 1:200 (Ker).

Per HCol : HCol has already followed the trainer-pilgrim ratio of 1: 200.

- h. A mechanism is required for bringing about greater coordination amongst the various authorities handling the Haj process (Del).

### 3. Financial Problems

A reading of the responses of the various State Haj Committees shows that they receive grants-in-aid from the State Governments as well as

some amount from the Haj Committee of India. Barring a few exceptions, the State Haj Committees are in agreement that the funds they receive are not adequate for meeting the various requirements during the Haj process.

Some of the suggestions by the various State Committees are as follows:

- a. The amount spent on each pilgrim be increased to Rs. 900/- to be paid by the Haj Committee of India (TN).

Per HCol : After discussion in the meeting of HCol, the increased/additional amount, if any, will be collected from the Pilgrims.

- b. The processing fee charged from each pilgrim be also increased from Rs.200/- to Rs.300/- (TN)

Per HCol : After discussion in the meeting of HCol, the increased/additional amount, if any, will be collected from the Pilgrims.

- c. Some of activities should be taken up by the HCol thus financing one slot of activity completely, thus lowering the burden on the SHCs (TN).
- d. All application money, advance air-fare, and foreign exchange be deposited with the SHCs as was the case upto Haj-2006 (MH).

Per HCol : Since the signing of the agreement by the High Level delegation, Govt. of India is made at a much earlier stage, the advance amount has to be paid to the concerned agency towards hiring of the accommodation. The pilgrims are advised to transmit the payment to HCol directly in the Centralized Haj Bank Account.

- e. Grants in aid should be properly apportioned activity-wise so that it's easier to monitor expenditure for utilizing it to implement the scheme

properly, without undue delay, hassles and to finish the activities in a time bound manner (Delhi).

#### 4. Infrastructure Problems

Most of the State Haj Committees are not operating out of a Haj House and as such have to make do with temporary arrangements. Consequently, the State Haj Committees either rely upon open public grounds to house the Hajjis (in makeshift structures such as tents) or utilize the space provided by mosques. Neither is found to be adequate. Furthermore, most of the respondent State Haj Committees have said that the infrastructure in terms of computers and peripherals, office furniture, etc. is inadequate/outdated.

The suggestion in this regard is that a separate Haj House be made available or funds be provided to acquire land and construct a Haj House for carrying out the process. Better facilities or adequate funds to acquire such facilities as updated and sufficient numbers of computer systems, furniture, etc. must be provided to the State Haj Committees.

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| Per HCol: Relates to the concerned State/UT. |
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#### 5. Problems at various stages

*The response under this head shows that while some of the State Haj Committees have no issues at all with the present process (HP, Haryana, Rajasthan, Delhi, and Kerala), the problems faced by the others at the various stages of the Haj process are different. Some of the problems and their proposed solutions as suggested by the SHCs alongwith the comments of the HCol are as follows:*

- i. Collection of data entry forms:*

- a. *Recruitment of district level staff for this purpose will ensure collection at the district level itself, thereby making it convenient for the pilgrims (AP).*
- b. *SHCs maybe allowed to issue the forms in regional languages (TN).*

Per HCol : *Since the data of the Pilgrims is uploaded in the computer and same is required to be passed on to various agencies including Ministry of Foreign Affairs, obtaining Visa No./ Moassassa etc. the data entry of Pilgrims made in regional languages will not suffice. Data once fed are to be forwarded to various agencies, CGI, Ministry of Haj Affairs, Saudi Embassy, so it needs to be in international language i.e. English.*

- c. *Two stage application may be introduced since single application system makes it difficult to call for medical certificates in the latter system itself. In the two stage application, a single page application can be taken up first and a primary selection conducted, thereafter a detailed application with medical certificate can be called for from the successful pilgrims (TN).*

Per HCol : *During Haj-2010, two stage application was introduced since single application system made it difficult to call for medical certificates even from the unsuccessful pilgrims during draw of lots. However, it was found that introduction of two stage application to facilitate the intending Pilgrims created confusion amongst the confirmed Pilgrims, as most of the Pilgrims had the impression that the initial application submitted by them was sufficient. Thus, a sizable number of pilgrims could not submit the requisite form within the stipulated time, inspite of repeated requests made to them. The applications were not received and ultimately they were*

*treated as FNR (Form Not Received), causing confusion and debarring them from the pilgrimage due to non-fulfillment of the requirement of submitting another form. Therefore, the abovesaid suggestion is impractical.*

- d. *Different color application forms maybe introduced for marking out the different categories of pilgrims with ease (TN).*

Per HCol : *Practically it is not possible to segregate as there are hardly two categories of accommodation for the pilgrims. If two colored application are provided to the pilgrims, in case of short fall under the umbrella of HCol, advantage will be taken by the interested Pilgrims.*

- e. *Wide publicity regarding filling of forms should be undertaken by the Haj Committee of India so that the problem of incomplete/incorrectly filled forms can be eliminated. Also, incomplete/incorrectly filled forms shall be liable for rejection. In this regard, trainers may be trained by the State Haj Committees. Furthermore, the practice of filling in forms from different states must be discouraged (MH).*
- f. *Online applications should be permitted. At least 30 days' time may be given for scrutinizing and updating of the records of the HAFs and a month's time be given for completing the Data Entry formalities. Fifteen days time may be given to set right the corrections if any, in the data entry. Atleast 40 days' time may be given to fix the date of Qurrah after the receipt of HAFs for correcting mistakes. Refund for cancelled applications should be done simultaneously with cancellations so that an applicant may try to go for Haj with a PTO if he is not a repeater (KAR).*

Per HCol : It is always the endeavor of the HCol to facilitate the Pilgrims by sorting out their issues. The HCol never delays the refund against cancellations. However, during peak Haj season it is not practically possible to refund all the cases. Staff is occupied with the routine Haj process for intending pilgrims and is also deputed at Embarkation Points. On a case by case basis, requests for refund are taken up during the Haj season otherwise, as declared in Guidelines, after the Haj season.

- g. Cancellations done for various reasons should be done at the initial stage itself after the Qurrah is done so that the applicant does not pay any amount and after cancellation the question of refund does not arise at all. This time in Haj 2012, cancellation was done after the entire amount was credited and no refund has been made till now (KAR).
- ii. Processing of forms:
- a. Homogeneity of processing or staffing pattern will ensure that the work gets done on time in the different states (CG).
  - b. Details of previous passport may be insisted upon to identify repeaters because many persons apply again with new passports within the block year (TN). Affidavits may be called for from those applying for the 4<sup>th</sup> time.
- iii. Making data entry:
- a. Medical screening and fitness forms maybe simplified as it's a lengthy process. Maximum 6 persons should be allowed in one cover instead of 5. This would also minimize the problem of Mehram (MH).

Per HCol : Due to practical difficulties faced by the Pilgrims in holding single cover of 10 pilgrims, it was decided to register

*five Pilgrims in one Cover to facilitate the Pilgrims accordingly. The said process is being adopted since long with changes in computer software.*

- b. Minimum 20 days should be given for making data entry. Editing of mistakes should be done at the SHC level in consultation with HCOI (WB).*
- c. Updated software should be used for data entry operations which can identify and autocorrect errors in the HAF. Data entry operators should be trained at the HCOI annually before the Haj process starts (CG).*
- d. A separate option for converting General Category to Reserved Category be provided if found eligible after the completion of data entry work.*

*iv. Generating cover number:*

- a. Addition of application in case of Mehram and family members should be allowed before the last date (WB).*
- b. Online acceptance of HAF would help the SHC rectify mistakes immediately (KAR).*
- c. HCOI should upgrade its system so as to be able to deal with main server failure which happens often due to heavy data burden (MH).*

*Per HCOI:* *New software for upgrading the computers is under process.*

*v. Qurrah:*

- a. Qurrah should be carried out on the basis of the state quota and the (number of applications received) X100. Then an*

*aggregate uniform percentage would be arrived at for number of applications received district wise.*

- a. *The surrendered quota of some of the State Haj Committees and the quota kept unutilized should be allotted to SHCs before holding Qurrah rather than after holding of Qurrah. Further, after selection of pilgrims through Qurrah based on the quota, waiting list may be prepared for 25% to 30% of the balance number of unselected pilgrims, instead of drawing waitlist of all the unselected applicants to avoid false hope/expectation among the applicants (TN).*

*vi. Post Qurrah:*

- a. *Waitlist should be generated district wise (AP)*

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| <i><u>Per HCol</u>: There are around 550 districts in India, it is practically not possible.</i> |
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- b. *Editing of pilgrim information after Qurrah should be incorporated into the software (MH, CG).*
- c. *Informing pilgrims post Qurrah is an issue as many do not understand the SMS sent in English and information should be sent well in advance (MP, KAR).*

*vii. Receipt of advance money and passport:*

- a. *Many a time, provisionally selected pilgrims (especially reserved category) fail to deposit their passports and advance payment to the SHC within the stipulated time. It is suggested that submission of passports of the reserved category at the time of submission of forms be made mandatory (MH).*

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| <i><u>Per HCol</u>: The HCol endorses this suggestion.</i> |
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- b. *The time fixed for receipt of money and passports is very short and more time should be allowed. Further, Haj Committee of India insists on production of original receipts of payment of advance Haj amount while submitting applications and passports. The staff deputed by Haj Committee of India during Haj flight operations also insists upon production of original receipts by the pilgrims due to which the Hajjis do not hold any proof of payment. Hence, Haj Committee of India may be asked to collect the original receipts of Haj amounts paid while issuing travel documents at embarkation points (TN).*
- c. *The collection of advance deposit should be with the SHCs as it facilitates refund. It was seen during Haj 2012 that most of the pilgrims who could not get their refund from the Haj Committee of India suffered the most and they complained that the HCOI did not respond to their correspondence (KAR, MP).*

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| <p><i>Per HCoI: Presently, the seats are reconfirmed 2 days before the departure of the flight.</i></p> |
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- viii. *Transmission of material to HCOI:*
- a. *The HCoI should bear the expenditure of transmitting applications and passports from the SHCs. The SHCs are over burdened with expenditure incurred on deputing staff to HCoI for verification of passports vis-à-vis visas stamped by Saudi Consulate (KAR).*
- b. *The HCoI may indicate the documents to be submitted with comprehensively and at one go rather than asking for*

documents at different points of time. This would help avoid duplication of work (TN).

Per HCol : All the directions are given in the guidelines. No separate instructions are issued afterwards.

ix. Return of passports:

- a. The camp officer should be made responsible for the return of passports so that the SHC/pilgrims do not face any problems (CG).

Per HCol : Since the Haj Visa is endorsed on the passport of the cancelled Pilgrims, it has to be re-submitted to the Saudi Consulate for endorsement of Haj Visa against cancellation.

- b. Haj Committee of India may inform the State Haj Committees atleast 10 days before the scheduled departure so that the State Haj Committee staff could go to Mumbai and collect the passports in time. Other materials such as bracelets, identity cards, Haj Guide in Regional Language, SIM cards, pouches for identity cards, etc., may also be delivered along with passports, etc., so that the staff could collect them in one go. Any left out passports may be dispatched later with due intimation to State Haj Committees for follow up action (TN).

Per HCol : Sufficient time in advance is always provided and all materials are dispatched to all Embarkation Points.

x. Embarkation Points:

- a. Allotment of flight to Hajis should be done on first come first serve basis, for example, the Haji selected to Qurrah/reserve category should be given priority (CG).

Per HCol : The procedure adopted towards accommodation, category-wise allotment of flight to the Pilgrims is suggested by the CGI, Jeddah in consultation with the South Asian Mossassa for smooth movement of the Pilgrims in the KSA.

- b. Issuance of Airport Entry Passes at Nagpur and Aurangabad should be regulated as the SHC faces difficulty since the same is motivated by dignitaries and local leaders (MH).
- c. Handing over of air ticket, passport and other documents to the pilgrims should be atleast 7 days in advance rather than a day prior to departure (WB).

Per HCol : Practically, it is not possible

- d. Smooth operation of airlines would ensure smooth transaction at embarkation point (KER).

xi. Return flights:

- a. Proper and timely information communication system should be developed with regard to the Return Flight Physical Movement Time Table to the respective Haj Committees. In case of cancellation of a particular return flight alternative arrangement must be ensured in advance to avoid unnecessary delay of the cancelled flight. The Airline must ensure the booking and loading of the luggage of the returning pilgrim on board to avoid missing and non delivery (MP).
- b. Remote check-in system may be continued and the pilgrims may be permitted to check-in two items of baggage each subject to maximum permissible weight (TN).

- c. *There always is an issue of lost baggage and Zam Zam. The agreement with the concerned airline carrier should emphasize this issue and a penalty clause should be inserted to compensate pilgrims in case of such problems (KAR).*
- d. *All the State Haj Committees have laid stress on the aspect of lost baggage and non-availability of Zam Zam.*

6. Measures to improve the Haj Process:

*It appears that on the aspect of online submission of forms, almost all the State Haj Committees agree that the same should be allowed. However, opinion is divided on whether the forms should also be in the vernacular language. Furthermore, the reasons for delay have been stated to be a combination of human error and inadequate use of technology. It is a common problem that the SHCs are understaffed and overburdened with the Haj process.*

*The solution for the same has been suggested to be an upgrading of software so that mistakes made at the time of data entry can be identified immediately and set right forthwith. More importantly, the Haj process being a year long process now, the Haj Committees must have permanent staff and not seasonal staff. Another way of avoiding errors is to have two levels of checking whereby scrutiny and counter checking of applications can be undertaken alongwith data entry. For resolution of individual grievances, a suggestion from the Haryana State Haj Committee is that the City Magistrate in each district should be appointed as the Coordinating Officer to look into the problems.*

Per HCol : In respect of the abovementioned, Circular Nos.3 and 4 dated 27.02.2012, Circular No.7 dated 20.03.2012 and Circular No.8 dated 27.03.2012 have already been issued by HCol.

7. How to better serve the pilgrims and redress grievances:

- i. *Better coordination between HCol and SHCs. One the ways in this can be achieved is to hold video conferencing twice a month so that problems can be resolved immediately. Communication gap can thus be minimized (CG).*

Per HCol : The HCol endorses this suggestion.

- ii. *“Common User Group” facility can be provided to a Cover when SIM cards are provided to the Hajis so that the members of that cover can talk to each other for free thus saving costs (CG).*

Per HCol : This suggestion will be explored with the SIM card agency.

- iii. *It is suggested to reform the active representation and involvement of the State Haj Committees at the HCOI level. The system of regional representative of a bunch of states should also be discontinued. The criteria of representation at the HCOI should be redefined to the extent of one State representative at the HCOI for a State having quota of at least 3,000 Haj seats (MP).*

Per HCol : The abovementioned suggestion pertains to MEA

- iv. *The building selection process and procedure should be reviewed and reformed. It is suggested that for states having*

*pilgrim quota of more than 3,000 seats, a Member or Chairman of the State Haj Committee should be nominated in the building selection committee/Team (MP).*

v. *Khadim-ul-Hujjaj*

- a. *The expense for Khadim-ul-Hujjaj is borne by the State Haj Committees and their services are utilized by the CGI, Jeddah irrespective of the State that they belong to. It is suggested that the expenses for the Khadim-ul-Hujjaj be borne by the Government of India or the Haj Committee of India (MP).*

*Per HCol : The abovementioned suggestion pertains to MEA.*

- b. *Either the Haj Committee of India should bear the burden or the concerned official should bear atleast 50% of the cost and the rest to be shared by HCol and the SHC. There is also a demand by the Members of the State Haj Committee that volunteers who are involved in Haj Camps should also be considered for Khadim-ul-Hujjaj. It is suggested that 50% of the Khadim-ul-hujjaj could be from NGO's and the rest from Government officials (KAR).*

*Per HCol : The HCol cannot bear the expenses of the Khadim-ul-Hujjaj. The policy is forwarded by the MEA, expenses are borne by respective States. HCol does not receive any grant/aid but States do.*

- c. *There is a need to issue directions to the State Government from the Ministry of External Affairs, New Delhi and Haj Committee of India to provide budget for*

*deputation of Khadim ul Hujjaj as per norms and guidelines and to meet the quantum of budget. The cost should be borne by the Central Government. Executive Officer must be given permission to go to Kingdom of Saudi Arabia for effective supervision over Khadim-ul-Hujjaj. At least one Executive Officer for every twenty Khadim-ul-Hujjaj (AP).*

*Per HCol : MEA sends AHO's, Haj Coordinators to support them.*

- d. For states having a smaller quota, 15% seats earmarked for Khadim-ul-Hujjaj is too much as vacancies cannot be created. Therefore, it should be ensured that atleast one candidate each from the State Haj Committee and State Wakf Board should be entitled to avail the chance every year. It should be clarified whether the Khadim-ul-Hujjaj would be on temporary deputation or not for the purpose of NOC. Further, the Khadim-ul-Hujjaj may obtain NOC from his department / organization even after completion of his training under unavoidable circumstances and training may also be taken after selection as Khadim-ul-Hujjaj. Before applying for Khadim-ul-Hujjaj it is not possible to get training, as training programmes are organized by Haj Committee of India / State Haj Committees later. Training and submission of NOC must be compulsory before departure or just after selection. Khadim-ul-Hujjaj should be debarred from applying 3<sup>rd</sup> time for this job. Preference*

*should be given to those who have performed Haj recently (Delhi).*

- vi. *There is a need for creation of post of Assistant Executive Officer, amongst the senior Staff whose post is equivalent to Superintendent, in order to brief the Executive Officer of the State Committees of the Haj matters as is in case of Haj Committee of India, Dy. CEO to CEO. A uniform "Central Haj Secretariat" must be established under the control of Central Government (with CEO as head) in which all the employees of Central Haj Committee and all State Haj Committees must be brought under, as a single entity under a single umbrella giving them Central Government Pay Scale and associated benefits to boost the morale of all Haj employees and for proper and effective administrative control and for smooth functioning of the system (AP).*

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| <p><i>Per HCol : The HCol endorses the abovementioned suggestion.</i></p> |
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- vii. *The entire system of Haj pilgrims arriving at the Haj camp three days prior to departure is a great stress and burden on the State Haj Committees particularly looking after them for boarding, lodging and sanitation since these facilities are free. Accompanying persons to the pilgrims also pose a big burden at the camp. The revenues are very scarce and are dependent on NGOs' and volunteers. Senior citizens and infirm pilgrims need constant medical attention and running a health unit at the camp is a costly affair. Drawing medical personnel from Govt. hospitals is a problem where there is shortage of staff.*

*The Haj Committee of India should bear the burden of Haj camps every year, otherwise, the pilgrims may directly report at the Airport without any liability of the State Haj Committee. The entire system of the Haj Camp needs to be rationalized and reduced to two days. This would be easy for outstation pilgrims to a great extent as well as to the SHC (KAR).*

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| <i>Per HCol : Practically, it is not possible.</i> |
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- viii. *Another issue is regarding extra charges for pilgrims in the waiting list travelling in additional flight. Pilgrims from Bangalore who travelled by flight No. AI-5234 from Delhi-Bangalore–Jeddah– Medina-Jeddah-Bangalore-Delhi on 19<sup>th</sup> October 2012 were charged Rs.1500/ each as extra travelling charges in Kingdom of Saudi Arabia while the pilgrims on 11<sup>th</sup> October 2012 with 101 passengers on an additional flight from Bhopal – Bangalore- Jeddah but these pilgrims were not charged any additional amount (KAR).*

#### 8. Peculiar Difficulties of Individual State/UT Haj Committees

*Many of the State/UT Haj Committees have their local issues to deal with which are peculiar to such State/UT Committee. They have been listed alongwith the response of the HCol in block form as under:*

- i. *Whereas, the conduct of Qurrah does not pose a problem to most of the UTs, the UT of Puducherry has stated that their Haj Committee is geographically situated in four enclaves, that is, Pondicherry, Karaikal (T.N.), Mahe (Kerala) and Yanam (A.P.) and Haj Applications are being received from all the four regions but, general Qurrah is conducted under the instructions of the Haj*

*Committee of India, and certain enclave gets more Haj seats than the others. Therefore, Qurrah should be conducted region-wise, giving representation to all regions. Furthermore, the UT of Puducherry has requested for a special quota of 300 seats similar to the UT of Lakshadweep, which was done since the islands are split into seven.*

- ii. The UT of Puducherry states that they don't have adequate space for training and embarkation. They do not have sufficient office space and operate out of a 15' X 15' room donated to them by a mosque nor do they have sufficient funds to obtain office space on rent/lease.*
- iii. An issue that is faced by the Haj Committee of the UT of Puducherry is that they don't have any trainer for Haj and they avail the services of the trainer from the Tamil Nadu State Haj Committee.*
- iv. The UT of Lakshadweep states that it requires some time exemption owing to its far off location for transmission of material to Haj Committee of India. It has been further stated that the advance money receipts and the passports can be obtained as soon as the provisional selection list comes out. Lakshadweep states that since it's a group of ten islands, hence allotment of seats be finalized well before 30 days of flight date so that collection of passports from pilgrims from different islands and submission to Haj Committee of India is done in time.*
- v. The outstation pilgrims and the pilgrims of Chennai and nearby districts may be allotted flights on alternate days so that the available accommodation may be utilized effectively. While allotting flights, one*

*flight a day with a capacity not exceeding 400 per flight may be adopted (TN).*

- vi. Another embarkation point at Bagdogara in North Bengal should be provided (WB).*
- vii. Chittoor district pilgrims may be allotted Bangalore embarkation point as per the APSHC resolution (AP).*
- viii. Embarkation point for Himachal Pradesh should be at Chandigarh and not New Delhi (HP).*

*Per HCoI : It is not possible to increase embarkation points due to obvious reasons*

- ix. The Tamil Nadu State Haj Committee receives four times more applications than the quota allotted and three fourth of the applicants do not get selected every year. Haj Committee of India may increase the quota for Tamil Nadu not only based on Muslim population in the State but also considering the number of applications received in the last five years, if necessary after carrying out amendment to the rules. Also, a large proportion of Hajjis from Tamil Nadu prefer Green category as compared to some other States. But when there is shortfall in Green Category, Haj Committee of India allots accommodation based on population instead of 'option'/preference. Pilgrims from Tamil Nadu get downgraded in large number while all the pilgrims from some other States get Green category. To rectify this issue, Haj Committee of India may adjust the shortfall units under Green category for each State Haj Committee based on the options for Green category.*

*Per HCol : Uniform policy of distribution of qurrah as per Census adopted. Quota as per application received will entail other problems alongwith the disparity and discrimination amongst the States.*

- x. *The State of Karnataka has 4 embarkation points. At some embarkation points the allotment of flights are made at the same date, due to which the SHCs face inconvenience in attending the embarkation points to look after their Hajjis. Before finalizing the flight allotments, the SHC should be informed so that the SHC has an option before finalizing the flights schedule. It is directed by the HCol that their Executive shall oversee Haj operations at all the embarkation points and it becomes humanly impossible for him to visit all the places (KAR). The Haj Committee of Madhya Pradesh faces a similar problem. It is necessary to space out the flights in such a manner that there is no overlap and pilgrims are served effectively.*

## 9. **SUMMATION**

In summation, the Amicus Curiae state as follows:

- i. The Haj Policy should be for a minimum period of five years and the schedules prescribed therein should be treated as sacrosanct (see para B(ii) at p.3).
- ii. Longterm accommodation should be arranged for by a Committee to be nominated by this Hon'ble Court (see para III at p.12).
- iii. The airline to be selected as far as practicable should be selected by global tendering. In the event such tendering cannot be undertaken, the same be done within the airline's eligible to participate in the same (see para III at p.16).

- iv. The Union of India may constitute a high level committee to look into all the suggestions or grievances made by the Haj Committee of India, State Haj Committees and the Union Territory Haj Committees.
- v. To ensure smooth functioning of Haj, the State/UT Haj Committees shall be bound by any directions or any circular, issued by the Haj Committee of India/Ministry of External Affairs.
- vi. The Haj Committee of India shall be divested of performing any functions/duties in relation to the Private Tour Operators (see para C at p. 4).

The present report is filed and this Hon'ble Court may pass appropriate orders in the interest of justice.

Huzefa Ahmadi, Sr. Advocate  
Amicus Curiae

Ejaz Maqbool, Advocate  
Amicus Curiae

Date: 3.12.2012