

**STANDING COMMITTEE ON EXTERNAL AFFAIRS  
(2000-2001)  
(THIRTEENTH LOK SABHA)  
MINISTRY OF EXTERNAL AFFAIRS  
Haj Committee Bill, 2000**

**Seventh Report**

*Presented to Lok Sabha on 23.08.2001*

*Laid in Rajya Sabha on 23.08.2001.*

**LOK SABHA SECRETARIAT  
NEW DELHI  
*April, 2001/Sravana, 1923 (Saka)***

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**Shrimati Krishna Bose - Chairperson**

**MEMBERS**

**LOK SABHA**

2. Shri E. Ahamed
3. Shri R.L. Bhatia
4. Shri Satyavrat Chaturvedi
5. Shri Bhim Dahal
6. Shri Mohan S. Delkar
7. Shri Bikram Keshari Deo
8. Shri Gurcharan Singh Galib
9. Shri K. Francis George
10. Adv. George Eden
11. Dr. S. Jagathrakshakan
12. Shri P. Kumarasamy
13. Shri Suresh Kurup
14. Dr. D. Rama Naidu
15. Dr. Prasanna Kumar Patasani
16. Shri Amarsinh Vasantryao Patil
17. Shrimati Prabha Rau
18. Shri Saiduzzaman
19. Shri Dileep Sanghani
20. Shrimati Minati sen
21. Shri Sushil Kumar Shinde

22. Shri Chandara Bhushan Singh
23. Shri Thirunavukarasu
24. Shri Dinesh Chandra Yadav
25. Shri Saleem Iqbal Sherwani
26. Shri Kolur Basavanagoud
27. Shri Kirti Jha Azad
28. Shri Chandra Vijay Singh
29. Shri Ganta Sreenivasa Rao
30. Dr. (Smt.) Beatrix DSouza

Rajya Sabha

31. Shri Ranganath Misra
32. Ms. Mabel Rebello
33. Dr. Mahesh Chandra Sharma
34. Shri Triloki Nath Chaturvedi
35. Dr. L. M. Singhvi
36. Shrimati Sarla Maheswari
37. Shrimati Jayaparada Nahata
38. Shri P.G. Narayanan\*
39. Shri Swaraj Kaushal
40. Dr. Arun Kumar Sarma
41. Dr. Karan Singh
42. Shri Mahendra Prasad
43. Shri Arjun Singh

44. Shri Manoj Bhattacharya

45. Vacant \*\*

### **SECRETARIAT**

- |    |                     |   |                    |
|----|---------------------|---|--------------------|
| 1. | Shri Harnam Singh   | - | Joint Secretary    |
| 2. | Shri A.K. Singh     | - | Deputy Secretary   |
| 3. | Shri R.K. Saxena    | - | Under Secretary    |
| 4. | Smt. Anita B. Panda | - | Assistant Director |

\* Nominated to the Committee w.e.f. 14.8.2001 vice Shri N. Thalavai Sundaram who ceased to be Member of the Committee consequent upon his resignation from the Seat in Rajya Sabha on 18.5.2001

\*\* Shri Prithvi Nandi ceased to be Member of the Committee w.e.f. 3.8.2001 consequent upon change of his nomination from Standing Committee on External Affairs to Standing Committee on Home Affairs by Honble Chairman, Rajya Sabha

### **INTRODUCTION**

I, the Chairperson, Standing Committee on External Affairs having been authorised by the Committee to submit the report on their behalf, present this Seventh Report on Haj Committee Bill, 2000.

The Haj Committee Bill, 2000 was introduced in Rajya Sabha on 15<sup>th</sup> December, 2000. One of the functions of the Standing Committee as laid down in Rule 331E(1)(b) of the Rules of Procedure and Conduct of Business in Lok Sabha is to examine such Bills pertaining to the concerned Ministries/Departments as are referred to the Committee by the

Chairman, Rajya Sabha or the Speaker, as the case may be, and make report thereon. In pursuance of this rule Honble Speaker referred this Bill to the Committee on 21<sup>st</sup> December, 2000 for examination and report.

3. The Committee considered the letters/memoranda containing the views and suggestions for amendment in the Bill received from the general public/organisations/associations etc. The Committee also received valuable suggestions for amendment in the Bill from Shri Syed Shahabuddin, Ex.-MP. The Committee also held a briefing meeting on 27<sup>th</sup> January, 2001 with the representatives of the Ministry of External Affairs. Non-official experts on Haj matters viz. Shri M.O.H. Farook, MP & Shri Mohd. Afzal, Ex.-MP and Shri Mohd. Hamid Ansari, Vice Chancellor of Aligarh Muslim University also tendered their views on the Bill before the Committee on 21<sup>st</sup> March and 3<sup>rd</sup> August, 2001 respectively. Two Study Groups of the Committee also visited Kozhikode, Mumbai, Kolkata and Hyderabad during June, 2001 and interacted with the Members of State Haj Committees and representatives of various Muslim Voluntary Organisations there. The Committee also took evidence of the representatives of the Ministries of External Affairs and Law, Justice & Company Affairs on 6<sup>th</sup> August, 2001 and then considered the Bill, clause-by-clause.

4. The Committee wish to express their thanks to the non-official experts, Members of the State Haj Committees, representatives of various Muslim Voluntary Organisations and officers of the Ministries of External Affairs and Law, Justice & Company Affairs for placing before the Committee the material and information which they desired in connection with the examination of the Bill and for giving evidence before the Committee.

5. The Committee considered and adopted the report at their sitting held on 21<sup>st</sup> August, 2001.

**KRISHNA BOSE,**  
**Chairperson, Standing Committee on External Affairs**

**NEW DELHI;**  
**August 21, 2001, Sravana 30,1923 (Saka)**

**R E P O R T**

The Haj Committee Bill, 2000, introduced in Rajya Sabha on the 15<sup>th</sup> December, 2000 seeks to repeal and re-enact the Haj Committee Act, 1959.

2. The Bill proposes to establish a Haj Committee of India and State Haj Committees for making arrangements for the pilgrimage of Muslims for Haj and for various matters connected therewith. The Bill defines the authority of the Central and State Governments in the area of Haj Policy and Management besides providing for a reformed and representative Haj Committee, with an effective mechanism to ensure financial propriety, and above all to eliminate ambiguities relating to jurisdictional matters.

[Copy of the Bill is appended as Annexure]

### Background of the Bill

3. While tracing the legislative history of the Bill, the Ministry of External Affairs had informed that in 1932, the Indian Government enacted a new Central Law, the Port Haj Committee Act, which withdrew Haj management from private hands and placed it in the hands of representative Committees : Port Haj Committees were set up in Bombay, Calcutta and Karachi, whose composition was provided for in the Act. The Act empowered the Central Government to make rules under the Act, though the Port Committees could make their own bye-laws within the framework of the rules made by the Central Government.

4. After independence, the Parliament enacted Haj Committee Act, 1959, which replaced the Haj Committee Act of 1932. However, the central position given to Bombay in the Act, and the composition and the relatively limited powers of the Haj Committee, as established under the Act, was primarily intended to regulate the selection of Indian pilgrims, and their safe transportation, by ships, from Bombay to Jeddah. The said Act, thus established a Central executive authority to regulate sea, and later air travel between Indian points and Jeddah. In Saudi Arabia, the Indian Embassy in Jeddah, which was replaced by the Indian Consulate General from 1984, continued to have full responsibility for all aspects of Haj management. The Government of India, through the Ministry of External Affairs, were, in consequence responsible for all aspects of Haj management in India and Saudi Arabia.

5. The Ministry further informed that uptill mid-1960s, all Indian pilgrims going for Haj travelled by sea from the Port of Bombay. After that, the number of pilgrims travelling by air gradually increased until, in 1995, travel of pilgrims by sea was discontinued, and all Haj pilgrims began to go by air on chartered flights. During the year 1999, these flights embarked from five points in India, *i.e.*, Mumbai, Calcutta, Delhi, Chennai and Bangalore; and efforts were made at that time to add other points as soon as additional facilities for handling international passengers become available. Thus, for the Haj-2000, Cochin and Ahmedabad and from Haj

2001, Hyderabad have also been added as embarkation points for Haj Pilgrims.

6. Uptill the year 1981, all intending pilgrims were required to send their applications to the Haj Committee, Bombay, which selected the pilgrims by a draw of lots, also called Qurrah. Subsequently, this selection was decentralised, and State Haj Committees were asked to conduct their respective Qurrah. They were also given greater participation in Haj management in such areas as pre-embarkation arrangements, transportation to embarkation points and provision for camp facilities at such points. Thus, from the year 2000, the primary responsibility for training and orientation of pilgrims has also been entrusted to State Haj Committees.

Need to replace the Haj Committee Act

7. The Ministry stated that since the Haj Committee Act, 1959 was more than forty years old, and since important changes in matters relating to Haj, including those mentioned above, had made the Act obsolete, it no longer served current needs. Some additional and important developments in this regard were :

(i) The number of Indian pilgrims who performed Haj through the Committee had increased from about 24,000 in the year 1992 to 72,000 in the year 2000. This had presented new management challenges to the Haj Committee.

(ii) The composition of the Haj Committee, as provided in the Act, was unrepresentative in nature. It gave primary importance to Maharashtra, and specifically to Mumbai in the areas of Haj management; this was no longer tenable. Further, Haj sailings were reduced to three in 1984, and were finally ended in 1995. Now, the movement of all Haj pilgrims is by air from different points in India.

(iii) Over the last forty years, from time to time questions had been raised in different quarters regarding the respective powers and responsibilities of the Central and State Governments and of the Haj Committee. Again, over the last few years, complaints had been received by the Central Government regarding the mismanagement of its finances by the Haj Committee. These developments had emphasised the importance of ensuring that the new legislation relating to Haj should clearly define the authority of the Central and State Governments in the area of Haj policy and management, as also provide for a reformed and representative Haj Committee, with an effective mechanism to ensure financial propriety, and above all, eliminate ambiguities relating to jurisdictional matters.

8. In 1997, the then Minister of State for External Affairs appointed a sub-committee under the chairmanship of Shri M.O.H. Farooq, MP, with six sitting and two ex-MPs to prepare a draft Haj Bill, which the sub-committee submitted to the Ministry in September, 1997.

9. This Bill was circulated to the Legal and Treaties Division of the Ministry of External Affairs, the Ministry of Law & Justice, the Ministries of Civil Aviation, Home and Finance, and to all the State Governments. Almost all the recommendations of the Central Ministries were incorporated in the new Bill, as also those recommendations of State Governments that were reasonable and in conformity with the advice of the Central Ministries.

10. In the light of the Ministry's experience in the recent Supreme Court and High Court cases filed against the Ministry by the former Haj Committee, which had, inter alia, raised questions about the respective powers and responsibilities of the Government and the Haj Committee, the Bill proposed by the Committee of MPs and ex-MPs in September, 1997, and modified following consultations with the Central Ministries and State Governments, was further examined and reviewed. As a result of this review, some further modifications were effected in the Bill. These modifications had not brought about any fundamental changes in the Haj management structures proposed in the 1997 Bill prepared by the sub-committee of nine MPs and ex-MPs.

### Salient features of the Haj Committee Bill

#### Arrangement for Haj management

11. In its practical application, a two-tier arrangement for Haj management is envisaged by Government :

(i) Haj Policy : This would primarily be Government's responsibility. For this, it would be in Government's interest to consult widely. The main mechanism for this is the Central Haj Advisory Board which functioned reasonably well from 1948 to 1987/88 and whose revival has already been approved by the Prime Minister.

(ii) Haj arrangements : Government's responsibility in this regard would be largely supervisory rather than executive, with the Haj Committee primarily looking after arrangements in India and the Consulate General of India, Jeddah, supervised by the Ambassador, doing so in Saudi Arabia.

### Composition of Haj Committee

12. In the composition of the Haj Committee, the Bill provides wider all-India representation, including representation to Haj Committees, as well as to Central Ministries, i.e., Ministries of External Affairs, Finance, Civil Aviation and Home. The composition of Haj Committee is as follows :

(i) Three Members of Parliament of whom two are to be nominated by the Speaker of the House of the People from among its Muslim members, and one by the Chairman of the Council



of States from among its Muslim members ;

(ii) Six Muslim members of the Committee shall be elected one from each zone, in such manner as may be prescribed.

(iii) Four persons not below the rank of Joint Secretary to the Government of India nominated by the Government to represent the Ministries of External Affairs, Home, Finance and Civil Aviation, as, ex-officio members ;

(iv) Six Muslim members shall be nominated by the Central Government from among the following categories of persons, namely :-

(a) Two members who have special knowledge of public administration, finance, education, culture or social work and out of whom one shall be a Shia Muslim ;

(b) a woman member ;

(c) three members who have special knowledge of Muslim theology and law, out of them one shall be a Shia Muslim.

13. Thus, the total strength of the Haj Committee as proposed in the Haj Bill, 2000 is of 19 members, which is the same as the strength of the Committee in the 1959 Act. This would ensure that the Committee would be representative without being unwieldy.

14. **The State Haj Committees** have been given legislative recognition for the first time : this is in response to their increasing role in Haj affairs. Their composition has been provided for and duties specified, *i.e.*, receiving applications providing services to pilgrims at embarkation points, and organising training/orientation programmes for the pilgrims.

### Financial management

15. The Ministry of External Affairs also stated that to ensure better financial management and probity, it has been provided that the accounts of the Haj Committee and State Haj Committees would be audited annually by such auditors as the Central Government or, as the case may be, the State Government may approve.

16. For the first time, Parliamentary scrutiny of the functioning of the Haj Committee has also been provided for : the Annual Report and audited accounts of the Haj Committee, as well as of State Haj Committees, will now be placed before Parliament and the legislatures of the State concerned, respectively.

17. The Ministry informed the Committee that the headquarters of the Haj Committee would be in New Delhi, with the existing office in Mumbai continuing as a regional office. To strengthen the administrative support of the Haj Committee, the post of Executive Officer has been re-designated as Chief Executive Officer and upgraded to that of Deputy Secretary to the Government of India.

18. The 1959 Act had no provision for the supersession of the Haj Committee. The proposed Bill provides for the supersession of the Committee by the Central Government and the performance of the duties of the superseded committee by a Government official appointed by the Central Government.

19. The Ministry also intimated the Committee that the Government of India had not been funding the Haj Committee or State Haj Committees. In this context, the proposed legislation introduces no change. The Haj Committee will have its own fund called the **Central Haj Fund** raised through contributions/ registration fees collected from the pilgrims. Similarly, the State Committees shall have their own fund called the State Haj Fund raised through grants from the Haj Committee and contributions and donations that may be made by the State Government or private bodies or individuals. However, the Government meets certain items of expenditure on account of Haj, as detailed below, and no changes are proposed in this regard :

(i) The airfare of Haj Committee pilgrims is subsidised : the subsidy for Haj-2000 was Rs.137 crores. Since 1992, Government has been meeting the difference between Rs.12,000 and the actual fare negotiated with the Haj air charter company. (The Cabinet has decided that proposal to reduce the subsidy in a phased manner for Haj 2002 and beyond be brought up immediately after Haj 2001).

(ii) Government of India sends about 400 deputationists to Saudi Arabia for two-three months during the Haj season, including a 250-member Medical Mission, for rendering general and medical assistance to Indian pilgrims. Under these arrangements, 13 branch offices and dispensaries are set up in Makkah for the duration of Haj, in addition to the main dispensary. The expenditure on these facilities is met from the budget of the Consulate General of India, Jeddah.

(iii) Additional local staff is also provided to the Consulate General of India, Jeddah, for the Haj season for the assistance of pilgrims. The expenditure is met from the budget of the Consulate General.

(iv) A Haj Goodwill Delegation, generally headed by a Central Minister or a prominent personality, is sent by the Central Government to Saudi Arabia for three weeks. The expenditure is met from Ministry of External Affairs budget.

20. Over the last forty years, from time to time questions have been raised in different quarters regarding the respective powers and responsibilities of the Central and State Governments and of the Haj Committee. Various developments have emphasised the importance of ensuring that the new legislation relating to Haj should clearly define the authority of the Central and State Governments in the area of Haj policy and management, as also provide for a reformed and representative Haj Committee, with an effective mechanism to ensure financial propriety, and above all, eliminate ambiguities relating to jurisdictional matters.

21. The Government had accordingly introduced the Haj Committee Bill, 2000 in Rajya Sabha on the 15<sup>th</sup> December, 2000. The Bill, as introduced in Rajya Sabha was referred to the Standing Committee on External Affairs on 21.12.2000 for examination and report.

22. During the course of oral evidence before the Committee on 27.1.2001, the Foreign Secretary stated that :

The powers and responsibilities of the Central and State Governments and of the Central and State Haj Committees have required definition and clarity to ensure more effective management and eliminate ambiguities relating to jurisdictional matters.

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The Haj Committee Bill, 2000 was formulated after comprehensive consultation with a wider cross-section of the community by the sub-committee under the Chairmanship of Shri M.O.H. Farook, M.P. Thereafter, the views of the concerned Ministries and State Governments were obtained and the Haj Committee Bill, 2000 incorporates all the elements that would contribute to a more representative Central Haj Committee as well as State Haj Committees, better management, greater financial probity and the direct accountability to Parliament and State Legislatures.

23. In this connection, the Committee decided to invite memoranda/comments/suggestions on the Haj Committee Bill, 2000 from the general public and organisations/associations/NGOs etc. A number of letters/ Memoranda containing the views/suggestions for amendment to the Bill from the general public, organisations etc. were received. Non-official experts on the subject, Shri M.O.H. Farook, M.P. & Shri Mohd. Afzal, ex.-MP and Shri Mohammed Hamid Ansari, Vice-Chancellor, Aligarh Muslim University were invited by the Committee on 21.3.2001 and 3.8.2001 respectively to express their views on various provisions of the Bill.

24. Two Study Groups of the Committee visited Kozhikode, Mumbai, Kolkata and Hyderabad and interacted with the Members of the State Haj Committees, muslim organisations

and others. During the visit too, many suggestions for amendment in the Haj Committee Bill, 2000 were received.

### Private Tour Operators

25. The Committee desired to be informed about the other agencies engaged in sending Indian pilgrims for Haj. The Ministry of External Affairs in their reply stated that theoretically, any Private Tour Operators (PTO) who, is able to obtain Haj Visa from the Saudi Consulate in Mumbai or the Saudi Embassy in New Delhi can send Pilgrims for Haj. In actual practice, these PTOs are generally registered with or formally approved by the Saudi Embassy or Consulate. Several of the PTOs function under a Mumbai based umbrella organization called All India Haj and Umrah Tour Organisation. However, there are also many who are not registered with the organization and function independently. However, they have to obtain the Haj Visas for their pilgrims through the registered PTOs. The figures for the Indian pilgrims who performed Haj through such private agencies (including those who came privately on their own) in the last five years is as under :

1996	25,000
1997	27,299
1998	31,534
1999	29,484
2000	38,091

(data not available for the period before 1996)

26. It may be noted that between 5000-15,000 Indian pilgrims also go for Haj from third countries such as from the Gulf, USA, UK etc. Their arrangements are made by local private agencies.

27. The Ministry further informed that PTOs normally function on their own and rarely have any reason to be in touch with the Government. Recently, the Saudi Government has specified that the number of pilgrims traveling through PTOs should be provided to them in advance in the form of an agreement to be signed by a Government of India representative. The Consulate General of India in Jeddah, therefore, gets in touch with the All India Haj Umrah Tour Organization Associations (AIHUTOA) and seeks from them a written commitment for the number of pilgrims that they are likely to take. The Saudi authorities are then informed of this.

28. Occasionally, these operators also approach the Ministry of External Affairs for assistance in obtaining Haj Visas. This happens usually after the last date prescribed by the Saudi Embassy/Consulate for Haj Visas has passed or the Visas being sought are beyond the sanctioned quota for Haj pilgrims for India.

29. For all Indian pilgrims, including those sent by PTOs, the Consulate General of India in Jeddah provides medical, welfare and consular services irrespective of the agency through they come for Haj. Such assistance is rendered at Jeddah, Makkah and Madinah.

30. In addition, the Consulate General of India, Jeddah also intervenes to assist the pilgrims stranded at the Haj Terminal in Jeddah when PTOs are not available to provide assistance to them. Further, in cases of emergencies involving Indian pilgrims, the local authorities seek the assistance of the Consulate General of India regardless of the agency through which they had come.

31. A non-official witness also informed that as a result of the relaxation of restrictions on foreign travel, a considerable number of our pilgrims go for Haj through private tour operators. The tour operators are a fact of life. But what we need to do is to make a framework without impeding their business to bring them into an information net. That information net has to be both at the Indian end and the Saudi end.

#### Central Haj Advisory Board

32. The Ministry have stated that Haj Policy is the primary responsibility of the Government for which the Government in its interest would consult widely. The main mechanism for this is the Central Haj Advisory Board which functioned reasonably well from 1948 to 1987/88 and whose revival has already been approved by the Prime Minister.

33. While presenting his views before the Committee, the non-official witness has stated that as far as the wider aspects are concerned, there used to be a body, which was constituted by a resolution of Government of India in 1948, called the Central Haj Advisory Board. It used to be a broad-based body of sections of the Muslim community who were going to be involved in any manner in Haj arrangements whether it is the scholars and religious people or representatives of social organisations who assist the pilgrims.

#### Haj Fund Deposit Scheme

34. The Ministry have informed that the Government of India has not been funding the Haj Committee or State Haj Committees. The Haj Committee will have its own funds called Central Haj Fund raised through contributions/registration fees collected from pilgrims. Similarly, the State Committees shall have their own funds called the State Haj Fund raised through grants

from the Haj Committee and contributions and donations that may be made by the State Government or private bodies or individuals.

35. In a suggestion to the Committee, it was stated that in South East Asian countries, The Haj Fund Deposit Scheme has been introduced which gives opportunity to save from a persons income and deposit the amount in the Scheme to facilitate him to perform Haj after a substantial amount has been deposited in his account. It has been suggested that similar scheme should also be introduced in India to enable the poor people who intend to perform Haj after a substantial amount is deposited in his name.

36. The Committee took oral evidence of the representatives of the Ministry of External Affairs and Ministry of Law, Justice and Company Affairs and considered the Haj Committee bill, 2000, clause-by-clause, on 6th August, 2001.

37. **The Committee note that a large number of Indian pilgrims go for Haj through private tour operators. These Private Tour Operators are generally registered with or formally approved by the Saudi Embassy or Consulate General of India, Jeddah. Several of these operators function under a Mumbai based umbrella organisation called All India Haj and Umrah Tour Organisation. However, there are many operators who are not registered with the organisation and function independently. It is also informed that the Private Tour Operators normally function on their own and rarely have any reason to be in touch with the Government.**

38. **Considering that a large number of Indian pilgrims go for Haj through private tour operators, the Committee feel that Haj Tour Operators must be regulated. Without putting any restrictions, it should be ensured that private Haj Tour Operators register themselves with the Government/Haj Committee and furnish details of pilgrims, their passport number, address, exact place where the pilgrims would be staying to in Saudi Arabia etc. The Committee are of the view that the information about all Haj pilgrims, either going through Haj Committee or Private Tour Operators is absolutely necessary to enable the Government/Haj Committee to be fully geared up to meet any eventuality and render necessary assistance to the Haj pilgrims.**

39. **The Committee further note that the Central Haj Advisory Board, which rendered useful advice to the Central Government on Haj matters, functioned reasonably well from 1948 to 1988. However, the Committee are surprised to note that arrangement was discontinued though the body was not formally de-constituted. The Committee are unhappy at the indifference of the Ministry towards the Central Advisory Board which remained defunct since 1988 thus depriving the Government of valuable insight in Haj matters. The Committee feel that wider consultations with Muslim Community in regard to Haj matters is an absolute necessity.**

40. The Committee desire that the Central Haj Advisory Board should be revived with due representation of former Chairpersons of Haj Committees, ex.-Muslim MPs, former Ambassadors to Saudi Arabia/former Senior Officers of the Ministry of External Affairs who had dealt with Haj matters, Heads of Muslim Organisations of national eminence, Muslim Ulema, etc.

41. The Committee were informed that the Haj Committee would have its own fund called the Central Haj Fund raised through contributions/ registration fees collected from pilgrims. Similarly, the State Committees shall have their own funds called the State Haj Fund raised through grants from the Haj Committee and contributions and donations that may be made by the State Government or private bodies or individuals. However, the Committee note that there is no scheme in India where poorer sections of people, who wish to perform Haj at any point of time in his life, could start putting money into a fund and as and when a substantial amount has been deposited, he could go for Haj. The Committee find that such scheme already exist in Malaysia and in some South-East Asian countries.

42. The Committee are fully convinced of the desirability to introduce the Haj Fund Deposit Scheme under Central Haj Fund to facilitate the poorer people to perform Haj after a sufficient amount has been deposited in his account. This would facilitate and encourage savings for the Haj and would be of a particular benefit to the poorer sections of the society.

**43. The Committee recommend that the following amendments may be made in the Haj Committee Bill, 2000.**

Sl. No.	Chapter No.	Section/Sub Provision	in the Bill	Recommendation for Amendment	Reasons
		Section/ Section			
		S	Clause No.		
<hr/>					
1.	Chapter-II	Section 3(3)	The Committee shall have its	The Committee shall have its	Mumbai is the nearest
			headquarters at New Delhi and	headquarters at Mumbai and	embarkation point to Jeddah,
			the existing office of the Haj	regional offices of the Committee	centrally located, has good
			Committee at Mumbai consti-	at New Delhi, Calicut, Hyderabad,	infrastructural and transport
			tuted under the Haj Committee	Kolkata, Lucknow and Srinagar.	facilities and traditionally and
			Act, 1959 shall function as the	Provided that whenever the Haj	historically serving as gate-way regional office of the Committee
			necessary, to Haj.		Committee consider
			till such time as it may be	more regional offices can be	
			considered necessary by the	opened in consultation with	
			Committee.	the Government.	

III Section 4(ii) Six Muslim Members of the Nine Muslim Members of the States like U.P., Maharashtra, Committee shall be elected, Committee shall be elected, Gujarat & Kerala etc., sending one from each zone as 3 from the three States sending largest number of Haj specified in the Schedule, largest number of pilgrims pilgrims should be allowed in such manner as may be during the last 3 years and 6 from special representation. Also prescribed. the zones as specified in the election process should be Schedule, by electoral colleges specifically prescribed.

consisting of Muslim MPs, MLAs, MLCs, and Members of State Haj Committee.

II Section 4(iv) Six Muslim Members shall Seven Muslim Members shall To give more representation be nominated by the Central be nominated by the Central to women members in Government from among the Government from among the the Central following categories of following categories of persons Haj Com. persons, namely:- namely:-

b) a women member b) Two women members, out- do - of them one shall be Shia Muslim.

II Section 6(1) The term of office of the Members The term of office of the Members The term of office of the of the Committee (other than the of the Committee (other than the Members of the Committee ex-officio members and membersex-officio members and members should be defined more filling casual vacancies) shall be filling casual vacancies) shall be precisely. not less than three years, commen-three years, commencing on the cing on the day following the day following the publication of publication of the list of members the list of members under under Section 5. Section 5.

II Section 7(1) After the publication of the After the publication of the The process for election names of members of the names of members of the of Chairperson and Vice- Committee under Section 5, Committee under section 5, Chairpersons must be the Central Government shall the Central Government shall completed within a specified convene the first meeting of convene the first meeting time-frame. the Committee at which the of the Committee within 45 days Committee shall elect a of such publication at which Chairperson and two Vice- the Committee shall elect a Chairpersons from amongst Chairperson and two Vice-. its Members. Chairpersons from amongst its Members.

Provided that a Minister shall Only representatives of the various not be the Chairperson of the functionaries should be given voting Committee and ex-officio Members powers. Ex-officio Members should shall not take part in the election not take part in election of Chairperson of the Chairperson and their Vice-Chairpersons as they are being two Vice-Chairpersons. officers of the Central Government.



II Section 7(4) The Vice-Chairpersons shall exercise such powers and should be empowered to determine discharge such duties as may be determined by bye-laws made in this behalf by the Committee.

Provided that till such bye-laws are made the powers and duties will be determined by an Executive Order of the Chairperson.

II Section 7(6) The term of office of the Chairperson and the Vice-Chairpersons, as the case may be, shall be for a period of three years and no person shall hold office of the Chairperson or of the Vice-Chairperson, as the case may be, for more than two consecutive terms.

II Section 7(7) Any casual vacancy in the office of the Chairperson or a Vice-Chairperson shall be filled in accordance with sub-section (1) or sub-section (2), as the case may be, for the remainder of the term had not occurred.

II Section 9(1) The duties of the Committee shall be:-

ii) to advise and assist pilgrims during their stay at the embarkation points in India, while proceeding to or returning from pilgrimage, in all matters including vaccination, inoculation, medical inspection, issue of pilgrim passes in Saudi Arabia in coordination with the local authorities concerned in such matters; Haj Committee should be empowered to fulfil certain duties and functions within Saudi Arabia or at least some sort of control or say inspection, issue of pilgrim passes in Saudi Arabia in coordination with Consulate-General of India, Jeddah. There should be an inter-linking between the Haj Committee and the Haj Cell

in Saudi Arabia.

iii) to give relief to indigent pilgrims; Since Haj is not mandatory for pilgrims in distress, relief of any kind

may not be given. However,

during pilgrimage, if any person is

in distress due to loss of his valuables

/belongings/cash etc. relief should

be given to him.

vi) to negotiate and co-operate with the Ministry of External Affairs

railways, airways and travel; Ministry of External Affairs, should invariably be associated

agencies for the purpose of securing better facilities for

securing traveling facilities for pilgrims.

pilgrim traveling facilities for pilgrims.

ix) to discharge such other duties in connection with Haj; Haj duties in connection with Haj may be prescribed by their consultation with the

Central Government.

II Section 11(1) The Committee shall appoint two Standing

three Standing Committees, each to be headed

deal with matters relating to be headed by a Vice-Chairperson by a Vice-Chairperson, to regulate

finance, transport and pilgrims of the Committee, to deal with financial matters and see various aspects

welfare from amongst its members matters relating to finance of budget in the Haj plan and also for

consisting of not more than five Haj arrangements making the Haj arrangements in an

members each, with such powers from amongst its members appropriate manner is required to be

and functions as may be consisting of such number of members made.

determined by bye-laws made and with such powers and functions

in this behalf by the Committee. as may be determined by bye-laws

made in this behalf by the Committee.

Provided that Chairperson will

chair the meeting of the Standing

Committees in case he attends the same.

II Section 16(4) The Chief Executive Officer The Chief Executive Officer

shall execute the decisions shall execute the decisions

of the Committee and perform of the Committee and perform

such other functions as may such other functions as may

be prescribed. be prescribed.

Provided that in case of

difference of opinion between In case of difference of

the Chief Executive Officer and opinion between Chief

the Haj Committee, the CEO Executive Officer and the

shall bring the matter to the Haj Committee, Central

notice of the Central Govt. Govt. to take the final

whose decision shall be decision.

final and binding.

II Section 16(5) The Chief Executive Officer May be deleted. Clause 29(3) provides that the

shall be responsible to the Executive Officer shall execute

Central Government and shall the decisions of the State Haj

be under its administrative Committee. Thus, the Executive

control. Officer shall not be responsible

to the State Government and shall

be under the control of State Haj

Committee. Like-wise, the Chief

Executive Officer shall be responsible

to and under the control of the Central

Haj Committee.

III Section 17(1) No change.

Add Clause (2) and re-number (2) The Committee shall be

rest of the clauses a body corporate, by the name

accordingly aforesaid, having perpetual

succession and a common seal

with power, subject to the provisions

of this Act, to acquire, hold and

dispose of property, both moveable

and immovable, to create a charitable

trust or endowment, and to contract

and shall by the said name sue and be

sued.

III Section 18(1) A State Committee shall consist A state Committee shall consist Five Members, instead

of thirteen members, to be of sixteen members to be of two, as stated at Section 18(1)(iv)

nominated by the State Govt. nominated by the State Govt. representing Muslim Voluntary

namely:- namely:- organizations working in the field

of administration, finance, education,

culture, social work need be nominated.

iv) Two members representing Five members representing Muslim More representations to Muslim

Muslim voluntary organizations voluntary organizations voluntary organizations need be

working in the field of public working in the field of public given.

administration, finance, administration, finance, education

education culture or social culture or social work;

work;

III Section 20(1) The term of office of members The term of office of members The term of office of the Members

of the State Committee (other of the State Committee (other of the Committee should be defined

than the ex-officio member than the ex-officio members more precisely.

and members filling casual and members filling casual

vacancies) shall be not less than three years  
than three years, commencing on the day  
on the day following the publication  
publication of the list of members under  
Under Section 19.

Section 21(1) After the publication of the names of members of the State Committee must be completed within a specified  
under section 19, the State Government time frame.

Government shall convene the first meeting of the  
first meeting of the State Committee within 45 days at which  
Committee at which the State Committee shall elect a  
Committee shall elect a Chairperson from amongst its members:

Chairperson from amongst  
its members. Provided that an ex-officio Member shall not take part in election process of is nominated by the Government,  
Chairperson. he should not take part in the  
election process.

Section 23 Add Clause (ii) as: (ii) is not a resident of the State Haj  
and renumber other particular State/Union Territory. Committee, the representative should  
clauses accordingly be from that State.

Section 29(1) The State Government shall appoint a person, from amongst  
its officers not below the rank of Under Secretary, to be the Executive Officer of the State  
Committee.

Provided that the persons so appointed shall preferably be  
a Muslim.

Section 29(3) The Executive Officer shall execute the decisions of the  
State Committee and perform such other functions as may  
be prescribed.

Provided that in case of difference of opinion  
difference of opinion between the Executive Officer  
the Executive Officer and the State Haj Committee,  
Haj Committee, the Executive Officer shall bring the same to the notice of  
the State Government whose decision  
shall be final and binding.

\*\*Under Section-4, it has been given as (a), (b), (c) & (d) instead of (i), (ii), (iii) & (iv)  
and in Section 2, Clause 17(2), it has been given as (i), (ii) & (iii) instead of (a), (b), (c).

There should be a uniformity in giving the numbers in Clauses/Sub-Clauses in the Bill.

The Committee approved all the remaining sections, sub-sections and clauses of the Bill without any amendment.

**KRISHNA BOSE, Chairperson, Standing Committee on External Affairs**

**NEW DELHI**

**21<sup>ST</sup> AUGUST, 2001/30 SRAVANA 1923(SAKA)**