

**RECOMMENDATIONS
TO REGULATE
HAJJ/UMRA
PILGRIMAGES
FROM SRI LANKA**

Submitted From:

The Department of Muslim Religious and Cultural Affairs

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Introduction

The Hajj is an annual pilgrimage made by able Muslims around the world to the city of Mecca, in the Kingdom of Saudi Arabia. It is the largest annual pilgrimage in the world.

Hajj is the fifth pillar of Islam; a religious duty that must be carried out at least once in a lifetime by every affordable and able-bodied Muslim. Haj demonstrates the solidarity of the global Muslim community. It denotes the universal submission by the human beings to God (Allah in the Arabic language).

The pilgrimage takes place from the 8th to 12th day of Dhul-Hijjah, i.e., the 12th month of the Islamic calendar. The basic steps in the ritual of Hajj which spans less than a week,

- Starts by all pilgrims from across the global simultaneously converging to the city of Mecca
- On the first day, each person walks counter-clockwise seven times around the Ka'bah (the cube-shaped building) which acts as the direction of prayer for Muslims. During this brisk session specific prayers are uttered at certain points.
- A brisk walk is then made between the hills of Al-Safa and Al-Marwah (these two are now contained within the expanding mosque)
- Drinking some water from the perpetual well of Zam Zam
- After which the pilgrims travel several kilometres to reach the plains of Mount Arafat to stand in prayer
- Subsequently the group walks to an arena for the stoning of the columns
- The pilgrims then shave their heads
- Perform the ritual animal sacrifice
- And finally celebrates the fourth day global festival of Eid al-Adha.

A study in 2008 on the longer-term effects of participating in the Islamic Pilgrimage found that Muslim communities become more open after the Hajj experience. Another study conducted in conjunction with Harvard University's John F. Kennedy School of Government entitled 'Estimating the Impact of the Hajj: Religion and Tolerance in Islam's Global Gathering', found that the Hajj experience promotes peaceful coexistence, equality and harmony not only within the Islamic community but also among those of other faiths.

Government involvement in the Hajj process differs from country to country. While Islamic countries regulate the whole process, other countries assist by way of subsidies or other regulatory support.

In Indonesia, the Government takes full ownership for the organization of the Hajj to Mecca. The law states that the Ministry of Religious Affairs is responsible for providing guidance, service and protection to the citizens during their pilgrimage. The Ministry also determines the costs associated with the Hajj and issues the Hajj passport.

In India, a national Hajj Committee regulates the whole process through authorized Travel Agents. Pilgrims applying through the Hajj Committee of India are offered concessionary fare. The Government of India pays the subsidy to Air India.

In Sri Lanka the Government regulates this process through an appointed Hajj Committee and the Department of Muslim Religious and Cultural Affairs. The Sri Lankan government aids the Muslim community in the following way:

- Negotiating the quota with the Kingdom of Saudi Arabia for the number of Pilgrim visas for Sri Lankan Muslims
- Registering Muslims who are interested to make the pilgrimage
- Registration of Hajj Tour Agents
- Distributing of pilgrim visas to each Hajj Tour Agent based on their performance/credentials
- Supervision of the whole Hajj process from the beginning to the end
- Sending Sri Lanka Medical Teams to the Kingdom, during the pilgrimage to serve the health needs of all Sri Lankan pilgrims

PURPOSE

This document is an improved Regulatory Guideline for organizing and managing the Hajj process in Sri Lanka. This report has been drawn by the Department of Muslim Religious and Cultural Affairs on the request of the Supreme Court in relation of the case FR No.3435/06 in which the Department was required to formulate a series of comprehensive guidelines for the operation of the Hajj Pilgrimage in the country.

STAKEHOLDERS

The main parties that are involved in the Hajj process are the following

- The Minister in Charge - The Muslim Cabinet Minister appointed by the H E President or the Minister under whose purview the Department of Muslim Religious and Cultural affairs falls under for administration of Hajj pilgrimage
- The Hajj Committee - The sub unit that supervise the whole affairs of Hajj with the assistance of the Department of Muslim Religious and Cultural Affairs(MRCA) in Sri Lanka, which takes responsible for co-ordination, regulating and managing of the Hajj process in Sri Lankan
- The Muslim Religious & Cultural Affairs - Shortly referred to as MRCA, is a Department that falls within the government's Religious Ministry to contribute towards the welfare of the Muslim public
- The Pilgrim - The Muslim man or woman who intends to perform Hajj and those who have performed Hajj
- The Hajj Tour Operator - The Travel Agent certified by MRCA, who takes direct responsibility for the travel and successful completion of the Hajj for the pilgrims of Sri Lanka
- Kingdom of Saudi Arabia - The country that hosts the pilgrims from around the world and take responsibility for issuing quotas, enforcing pilgrim regulations and organizing the complete event in their country

APPROACH

The following pages share the overall process and important guidelines that are necessary to be regulated and maintained for the smooth functioning of Hajj in Sri Lanka.

The sections are split based on the Stakeholders that have been shown above.

THE HAJJ COMMITTEE

The Hajj Committee is a group formed by the Minister in charge. This Committee takes the overall responsibility of ensuring that all the services related to enabling Sri Lankan Hajj pilgrims are satisfactorily managed.

the key functions of the Hajj Committee are given below:

1. Membership

- a. The Cabinet Minister under whose purview the Hajj Pilgrimage falls under shall appoint a suitable Hajj Committee of the following composition to regulate the whole pilgrimage process.
 1. Hajj Committee comprising of the in charge Muslim Minister as the chairman of the committee
 2. The Director of the Muslim Religious and Cultural Affairs Department or his representative
 3. President or one representative of the All Ceylon Jama'athul Ullema executive committee
 4. One representative of the Hajj Tour Operators Association and
 5. One representative of the Muslim civilian community appointed by the Chairman of Hajj Committee

- b. The Chairman of the Hajj committee carries the responsibility of replacing any position that becomes vacant in the Hajj Committee
- c. A Hajj Committee member can submit his resignation from the position by giving 1 month notice to the Chairman of the Hajj Committee

2.Duties

- a. The Hajj Committee shall negotiate with the Government of KSA to negotiate a reasonable quota for pilgrims for Sri Lanka
- b. The Committee to liaise with all related authorities (Muassasa United Agencies, etc.) to ensure that the full service be given for the fee charged from every pilgrim, especially with regard to timely transportation facilities and Mina accommodation
- c. Free Movement Pass (FMP) as known Bessa is privileged visas that KSA issues to Sri Lanka. Every Tour Operator with a minimum of 50 pilgrims would be given 1 FMP. For every additional 35 pilgrims that is allocated to the Tour Operator he would receive an additional FMP e.g., for 50 visas, 1 FMP; for 85 visas, 2 FMPs ; for 120 visas, 3 FMP, etc.
 - i. The balance FMP as known (Bessa) to be issued to medical and administrative volunteers. These persons would be picked by the Hajj Committee on an agreed criteria.
- d. The committee shall evaluate the Hajj Tour Operators and certify those agents they see fit to carry out the task suitably
 - i. For this purpose the Hajj Committee shall appoint a special independent panel to evaluate the Hajj Tour Operators based on the pre-determined criteria. Post this exercise the panel should share their recommendations to the Hajj Committee for final decision.
- e. To negotiate ticket prices with the airline for the Hajj season in order to reduce the cost for the pilgrims

3.Quality Control of Hajj Tour Operators

- a. Hajj Committee to ensure that Religious Guide training sessions are offered by All Ceylon Jamiathul Ulama.
 - i. This would be an entry qualification for the Mowlavi for a group.
- b. MRCA to collect a copy of the agreement that each Tour Operator has to sign with each pilgrim they are taking assuring them of at least minimum satisfactory service levels

- c. To ensure satisfactory services are rendered by the Tour Operators in KSA the MRCA sends several officials during the pilgrimage period to observe and assess the service standards of the Agents. They would be speaking to the pilgrims too.
 - i. At the time of issuing the visa, MRCA would inform the pilgrims about their inspection service and the hotline to contact them in cases of emergency.
- d. The MRCA would randomly select 5 unrelated pilgrims from each Tour Operator and request them to share written feedback about the services of the Tour Operator.
- e. Additionally the Hajj Committee shall call for feedback from pilgrims a month after the completion of Hajj in order to evaluate the services rendered by the Operators
- f. The Hajj Committee shall also appoint an independent panel under the patronage of a retired Judge to conduct investigations on Hajj Tour Operators who have been charged with complaints after the journey. The panel's judgment post sufficient examination of the facts and incidents would be made to the Hajj Committee for final decision making. The recommendations would include the following
 - i. Judgment on the offense – valid or invalid
 - ii. Gravity of the offence
 - iii. Consequential penalty based on the nature of the offence
- g. Based on the panel's recommendation the committee shall take stern action on the errant Operators. The penalties range from warning, monetary penalty, suspension and cancellation.
- h. The overall guide on Hajj Operator violation and its associated penalties are given below
 - i. Warning/severe warning
 - ii. Suspension
 - iii. Cancellation
 - iv. Any other recommended by the inquiry board
- i. The Hajj Committee will notify the Tour Operator about the penalty and execute it the same

- j. The Tour Operators who have been summoned for disciplinary steps has the right to make an appeal to the Hajj Committee

4.Management of Fee Income/. Finance

- a. Each Tour Operator is required to pay a minimum of Rs2, 000 per pilgrim to as registration fees to bear the administrative expenditure and provision of other amenities.
- b. Post the pilgrimage, all claims and dues would be settled using this fee.
- c. A refundable deposit of Rs.25, 000/= per pilgrim be collected from each Operator.
- d. The registration fees, donations and other income that would be collected by the Hajj committee would be maintained in a state Departmental bank account called ***Hajj Account.***
- e. The committee would be fully responsible for the securement and deployment of the fund for the establishing and improving the services for the pilgrims.
 - i. Some parts of any residual funds may be used for needy community projects
- f. The committee will commission an annual audit of all accounts once a year

5.Others

- a. All pilgrims to be provided with meals and refreshments in Sri Lanka and KSA airports
- b. All food served to pilgrims by the operators have to be supervised by the Hajj Committee team.
- c. The Committee shall set up representative offices in the main pilgrimage cities, e.g., Mecca, Madina, etc. with the help of the Consulate (in Jeddah) and give publicity to its locations.
 - i. Volunteers would be taken from the KSA to undertake this service during the pilgrimage
- d. The Committee shall form a Medical team and allocate 01 Doctor per 50 pilgrims for each of the Tour Operator's
 - i. The Medical mission to leave 2-3 days prior to the first batch of Sri Lanka pilgrims and return along with the last batch of pilgrims.

- e. To ensure that all places of lodging for Sri Lankan pilgrims must carry the Sri Lankan flag, i.e., Mecca, Medina, Arafat, Minna and Musthalifa.
- f. Transportation - The Hajj committee to liaise with the KSA, Hajj authorities, i.e., Muassasa United Agencies (Br. Adnaan Ameen Khaaatib), etc. to insist in offering a full service, especially on Transportation and Mina accommodation
- g. To set up a larger Medical Team which is closer to the Haram, where many Sri Lankan pilgrims can have access to their services

THE DEPARTMENT OF MUSLIM RELIGIOUS & CULTURAL AFFAIRS

The Department of MRCA is the sole government institution on behalf of the government for Muslim religious activities. It assists the Hajj committee to implement all the decisions taken by the committee. It will be the office of the Hajj committee. The Director will communicate all the decisions taken with all stakeholders.

THE HAJJ TRAVEL OPERATOR

The Hajj Travel Operator is not only responsible for safely taking the pilgrims to the destination, but for also guiding them on how to perform the pilgrimage with the help of a religious scholar.

From a Travel Agent's point of view, the basic processes that will take place are given below.

1. Since the Hajj Tour Operator's license is valid only for 1 year, the MRCA calls for new applicants two months after the completion of the previous year's pilgrimage
2. The Tour Operator has to fill and submit the application form issued by the MRCA with the given deadline.
3. The MRCA would then invite all applicants for an interview ; this process takes about a month
4. As explained earlier in point 2d. of the Hajj Committee section, a special Interview Panel would be chosen to interview, assess and recommend the list of worthy Tour Operators
 - a. The evaluation criteria that would be used for this purpose would be found in the annexure for reference
5. Two months later the approved set of Tour Operators would be informed and their details publicized.

6. Subsequently each Operator pilgrim allocation is determined based on his experiential record plus scope
7. The Tour Operators would be informed about the same and then requested to submit their quotation.
8. The quotations are reviewed and negotiated to bring it within the standard norm that the Committee finds fair and reasonable on the pilgrims
9. Once these are agreed, the MRCA sends information about the certified Tour Operator, their allocation, their rate and their pilgrim name list to the KSA. This prevents the Tour Operators from exploiting the system
10. Two months before the Hajj the Tour Operators are required to submit their pilgrim passengers' passports, with a copy of the agreement in order for MRCA to issue the visa.

Related guidelines for Tour Operators

1. All applied Tour Operators would be evaluated and graded based on their past performance and capability. Pilgrim allocation would also be made on this basis.
2. Each certified Tour Operator will receive a minimum of 50 pilgrims and those with higher past performance grades shall have higher allocation in multiples of 35 i.e., 85, 120, 155, etc.
3. It is mandatory that the Director or Proprietor of the Hajj Tour Group undertake the travel to KSA with the pilgrims. It is necessary for him to be present on arrival and departure of those pilgrims under his Tour agency.
4. The Hajj Operator to sign an agreement with the pilgrims spelling out all details of the service levels they claim to offer including lodging, meals, travel, other facilities, etc.
 - a. A copy of the same to be submitted to MRCA when applying for pilgrims Visas.
5. The Operators to offer receipts for all any payment made by the pilgrim to the Tour Agent
6. Each Tour Operator is required to pay a minimum of Rs2,000 per pilgrim to as registration fees to bear the administrative expenditure and provision of other amenities.
7. A refundable deposit of Rs.25, 000/= per pilgrim be collected from each Operator.
8. All Lodging to be in approved Hotels and Lodges only
9. All Lodging in Mecca and Medina to be within 01km of the Masjidhul Haram and Masjidhun Nabawi
10. Each Tour Operator must have minimum of one Moulavi/Moulavia with previous Hajj experience for every 50 pilgrims to act as a Religious Guide throughout the pilgrimage.

11. Each Tour Operator must have 01 Cook/Helper apart from the Mowlavi
12. All pilgrims to be issued special ID cards and recognition tags by each travel operator.
13. Each pilgrim to be given a map of the area covering the lodging location and the mosque, so that they could locate whereabouts if lost.
14. Instructions to luggage to be clearly spelt out. This will eliminate chaos at the terminals in both Mecca and Medina, where the mighty get through at the cost of the meek.
15. As explained above in points 2m. to 2q. in the Hajj Committee section, the Tour Operators would be summoned for a face to face, inquiry in the event of complaints from pilgrims or the MRCA officials.
 - a. The inquiry will be disciplined within the norms of evidence, unbiased panel and inquiry process with an opportunity for the Tour Operator to appeal if required.
 - b. The Chairman will issue the final judgment and penalty for the offender
16. Should the Tour Operator not be satisfied with the verdict and penalty issued, he has the right to appeal to the Hajj Committee, who would re-examine the case that was studied by the independent panel to see the validity of the verdict

PILGRIMS

Hajj is obligatory only once in the lifetime for an abled Muslim.

From a Pilgrim's point of view, the basic process that s/he will have to undertake are given below.

1. In the 2nd month of the Islamic Calendar the MRCA will call for Hajj applications
2. Hajj aspirants would need to fill up a basic form issued by the MRCA in order to obtain a serial number which refers to their rank in the cumulative list of applicants enrolled to date.
3. By the 4th month, the applications would be filtered and the top 2800 pilgrims (i.e., the standard visa quota issued by the KSA for Sri Lank; this can vary) would be selected.
4. These selected applicants would be informed that in order for their visit to be registered a deposit of Rs.25,000 would need to be paid at a bank and a receipt of the same submitted to MRCA
5. By the 5th month, the list of MRCA Certified Hajj Tour Operators would be publicized and all pilgrims would be requested to choose their preferred Tour Agent

6. By the 7th or 8th month MRCA would know if the KSA has considered Sri Lanka to offer any further Visa's for Sri Lanka. If such a bonus amount of Visa's are received then MRCA would inform the next list of applicants about the same and instruct them with that detailed in the above point number 4.
7. All pilgrims who have registered are informed that should they decide not to undertake the pilgrimage for that year, then it is mandatory to officially communicate that to MRCA at least 3 months before the pilgrimage. Failure to do so would deprive them of taking the journey the subsequent year

Related guidelines for Pilgrims

1. The criteria for selecting the pilgrims by MRCA are as follows
 - a. Criteria One - First time pilgrims
 - b. Criteria Two – Mahram(Guardian) for a lady doing her first Hajj
 - c. Criteria Three – Those who have performed Hajj before 10 years
2. The applicants cannot transfer their number to another. Similarly the registered Hajj aspirant cannot transfer his privilege to another

THE MINISTER IN CHARGE

1. The Minister in charge of the hajj pilgrimage will appoint a worthy committee in conformance to the set guidelines
2. The Minister reserves the right to include further regulations if necessary for the Hajj Pilgrimage in Sri Lanka with the approval of the Hajj Committee as seen suitable for the evolving future context, always keeping the spirit of the pilgrimage at the centre of the regulatory framework.

Annexure I	:	Application for Registration of Intended Pilgrim
Annexure II	:	Hajj Data - ஹஜ் தரவு
Annexure III	:	Hajj Operator Application Form
Annexure IV	:	Evaluation for Selection of Hajj/Umrah Operators
Annexure V	:	Hajj Agreement (Operator with Dept. Of MRCA)
Annexure VI	:	Feed back (Kealvikkotthu)