

FINAL REPORT OF THE "INDEPENDENT PANEL OF INQUIRY" INTO HAJJ COMPLAINTS IN 2019



MEMBERS OF THE PANEL

1. Judge Dr. U.L. Abdul Majeed
(Former Judge of the High Court).
2. Mr. M.I.M Rafeek
(Attorney -at-Law and Former Secretary, Ministry of National
Policies & Economic Affairs).
3. Mr. Nadvi Bahaudeen,
(Attorney-at-Law and former Chairman of the Board of Quazis).

Secretary to the Panel

Mr. Rafeek Ismail,
(Former Secretary to the Board of Quazis and former Deputy Director of Muslim
Religious and Cultural Affairs)

THE FINAL REPORT OF THE "INDEPENDENT PANEL OF INQUIRY-HAJJ COMPLAINTS - 2019"

This report is submitted after having conducted Inquiries into complaints made by persons who intended to perform Hajj in the year 2019 but could not do so and those who had performed the said Hajj under unsatisfactory circumstance caused by the relevant Hajj Travel Agent.

The "Guidelines to regulate Hajj pilgrimages from Sri Lanka" in paragraph 03 deals with the "Quality control of Hajj Tour Operators" while 3(f) thereof empowers the Hajj Committee to appoint the Panel of Inquiry to go into complains as stated above.

The appointment of a Panel of Inquiry (POI) consists of three persons as stated therein under the chairmanship of a retired judge and the task of such panel, *inter alia*, is to examine the complaints and malpractices committed by the Travel Operators towards such pilgrims and report to the Hajj Committee, of its finding together with its Recommendations especially regarding the respective Travel Agent to enable the Hajj Committee to examine such report and take into consideration the recommendations and proposal in order to maintain a discipline and good practice in addition to utilize same toward developing a uniform and standard procedure when considering the application for registration and or allocation of the respective quota to the said Hajj travel operators in the coming years.

Honorable M.H.A. Haleem, the then Minister of Post, Postal Services and Muslim Religious and Cultural Affairs, constituted and appointed this Panel of Inquiry on 07.10.2019 to inquire into the complaints received by the Department of Muslim Religious and Cultural Affairs, from the Hajj pilgrims and or by officials against the respective Registered Hajj Travel Operators (hereinafter referred to as the "Travel Operators"), conducted and operated in 2019.

APPOINTMENT OF THE INDEPENDENT PANEL OF INQUIRY (POI)

The appointment of the "Independent Panel of Inquiry-(hereinafter referred to as the POI) – was made to inquire into the Hajj Complaints of 2018" comprising the following members.

1. Justice Dr. U.L. Abdul Majeed
(Former Judge of the High Court)
2. Mr. M.I.M Rafeek
(Attorney -at-Law and Former Secretary, Ministry of National Policies & Economic Affairs)
3. Mr. Nadvi Bahaudeen,
(Attorney-at-Law and Former Chairman of the Board of Quazis)

Secretary to the Panel:

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(Former Secretary to the Board of Quazis and former Deputy Director of Muslim Religious and Cultural Affairs)

Mrs. Noor Fowzul Kareema of the Department of Muslim Religious and Cultural Affairs assisted the Inquiry Panel in recording the proceedings.

By the terms of appointment, the panel was empowered to decide the procedure of the inquiry as deem suitable. Accordingly, the Panel has stipulated its own procedure which is spelt out in this Report hereinafter.

Since the Panel has been requested to submit the Report together with its recommendations before the interviews for the selection of Hajj operators for the issuance of Hajj License for 2020, and considering the convenience of the Hajj Complainants from far off places, the inquiries were held on the following dates at the Department of Muslim Religious and Cultural Affairs following the procedure as laid down herein. The POI considered the importance of concluding the Inquiry as soon as possible and had sittings for 17 dates denoted below also taking into consideration of the availability of Parties and their witnesses.

As two travel agents repeatedly sought for dates, the POI was compelled to prepare and issue an Interim Report for the consideration of the authorities. Inquiry was completed on 11.01.2020 and the 03 dates were allocated for preparing this final Report, containing the findings and recommendations.

15 th October	5.00 p.m.	30 th November	11.30 a.m
19 th October	11.30 a.m.	04 th December	2.00 p.m
23 rd October	2.00 p.m.	07 th December	9.30 a.m.
26 th October	9.30 a.m.	16 th December	3.00 p.m
30 th October	2.00 a.m.	17 th December	3.00 p.m
02 nd November	11.30 a.m.	19 th December	3.00 p.m
05 th November	2.00 p.m.	04 th January 2020	9.00 a.m
23 rd November	9.30 a.m	11 th January 2020	9.00 a.m
27 th November	2.00. p.m.		

Since the objectives intended to be achieved by constituting the POI, is to avail of a Report with findings on the Complaints made by the pilgrims, which would assist the Hajj Committee in deciding future action against the charged Hajj Travel Operators and in formulating and streamlining the procedure for Hajj operations in future, so as to improve the quality of services provided to the Hajj pilgrims by the registered Hajj Travel Operators. This report is structured to facilitate the same purpose.

It is the duty of the Government of Sri Lanka that has taken upon itself towards the organizing of necessary steps and proceeds for the pilgrimage of Hajj by its Citizens who are professing Islam. Through the Department of Muslim Affairs the government must take into consideration this report in future for such purpose and accordingly develop procedure and direction by the Hajj committee on its behalf.

Although the Travel Operators are given due guidance and directions to provide expected services to the pilgrims, yet, every year the Department of Muslim Religious and Cultural Affairs and or the Hajj Committee receives complaints against the Hajj operators from the pilgrims, soon after their Hajj pilgrimage was completed and sometimes even before departure, in relation to their misconduct, malpractices, violating the undertakings given, providing substandard food and accommodations, poor or no transport to Haram Shariff from the places where they were lodged, discrimination, incompetence and general or specific inefficiency or other similar conduct, which are not in keeping with the high standards expected of a registered Hajj Operator. Similar complaints had been inquired into by previous Panels of Inquiries consecutively since 2015 up to now.

We have observed of late that some Travel Agents, after having collected monies for the pilgrimage, have not taken the would-be Pilgrims on Hajj and some have not been returned such monies. The Reports of previous Inquiry Panels in the past had created some awareness on the Hajj Committee in achieving positive results in making travel

agenda useful and less abuse of the process of Hajj in the last couple of years. As a result, some remedial measures appear to have been taken from time to time in the past following the findings of the earlier Inquiry Panels

However, despite the measures hitherto taken by the Hajj Committee of Sri Lanka, and the Department of Muslim Religious and Cultural Affairs, this year too many a complaint of the pilgrimage conducted in 2019, has been received which had been referred to this Panel to inquire into and report as stated above.

This panel observes that it is imperative to examine the complaints within the framework as provided for in the guidelines with a view to protect the interests of the pilgrims against the abuse of the process of Hajj pilgrimage by the Travel Operators, who are accused of such malpractices etc.

The Panel also observes that unless the complaints are duly inquired into and proper remedial measures are taken thereto, commensurate with the proved misconduct, irregularity or other malpractices of the Travel Operators towards the Pilgrims, the good and progressive efforts taken by the Department of Muslim Religious Affairs and the Hajj Committee would become fruitless, and the reputation and integrity hitherto maintained, by both the Department of Muslim Religious and Cultural Affairs and the Hajj Committee, within and outside the Country, will have a great negative impact.

The POI was, therefore mindful of the fact that it is not open to the pilgrims, most of whom are going for the first time on Hajj and first time travelling overseas, to resort to the performance of Hajj except under the guidance of a registered Hajj Travel Operator. Hence, any inaction on the part of the Hajj Committee to inquire into complaints of the pilgrims who underwent tremendous hardships would be placed at a disadvantageous position and the future pilgrims will be at the mercy of these unscrupulous Hajj Operators, however negligible the number of complaints may be.

We are happy to note that the number of complaints in 2019 has reduced compared to last year, but some are notably serious.

When the interviews are contact at by the Hajj committee to issue licenses to the operators who are inward in the inquiries in 2019 pilgrimages inquires in respect of 2019 pilgrimage, this final report must be taken into contraption by the Hajj committee.

PROCEDURE ADOPTED WITH REGARD TO THE INQUIRY

As regards the procedure that was adopted in regard to the conduct of the inquiry, the Panel has been asked to follow its own procedure as done in the previous years. Therefore, the Panel decided to peruse initially the Complaints of the pilgrims, Statements of witnesses and Documents provided to the Panel by the Director of Muslim Religious and Cultural Affairs, and other offices of the department, acting for and on behalf of the Hajj Committee, in order to ascertain as to whether a *prima facie* case has been disclosed by the said Complaints in order to embark upon a full scale *inter parties* inquiry thereon, against the operators.

Accordingly, the complaints of the Pilgrims together with the related documents were initially examined by the Panel and only those complaints which were found to be *prima facie* sustainable were taken up for consideration and listed for full scale inquiry.

Finally, the following complaints were listed for inquiry by the POI. Proper charge sheets were prepared and the charge sheet, together with a copy of the complaint, and notice were posted to the respective travel agents to appear for the inquiry, with their documents and witnesses, if any. Details of the charge/charges, findings and decisions or recommendations of the POI into the following complaints upon inquiries are given below. It is appreciable that some Travel agents, having understood their faults, volunteered to settle the matter on the advice of the POI.

With must be noted here that some of the officers of the Department of MRCA, who go as observation have failed in their respective duties has such complaints were made against them at the inquiry by the operators. No reports are filed by some of these offices

It is brought to light that suspended travel agent are secretly engaged canvassing as Hajj operators and misled would-be pilgrims to jointed Hajj committee. Should take series notices of this unlawful practices and take action against them.

The Complaints referred to the POI

1. HI/2019/01, A, & B	Moulana Travels & Tours	03 Complaints
2. HI/2019/02	Al Hafil Travels	01 Complain
3. HI/2019/03	Kara Travels & Tours	01 Complain
4. HI/2019/04	Asian Travels & Tours	01 Complain
5. HI/2019/05 & A	Global Travels Solution (Pvt) Ltd	02 Complaints
6. HI/2019/05/B	Rayyan Tavel	01 Complain
7. HI/2019/05/C	Rasheediya Travels & Tours	01 Complain
8. HI/2019/06, A & B	Famico Tours & Travels	03 Complaints
9. HI/2019/07	M.N.Travels & Tours	01 Complain
10. HI/2019/08, A, B,C & D	Accent International Travels & Tours (Pvt) Ltd	05 Complaints
11. HI/2019/09,A, B & C	Ilma Haj Service & Travel Operators	04 Complaints
12. HI/2019/10	Binnooriya Hajj Travels	01 Complaints
13. HI/2019/11,A,B,C,D & E	N.M.Travels & Tours	06 Complaints
14. HI/2019/12	Mariyam Haj Umra Travels & Tours	01 Complain
15. HI/2019/13	Salama Hajj Travels	01 Complain
16. HI/2019/14 & A	Khakiya Travels & Tours	02Complants

Of the above 1- 34 complaints, the POI decided to take up the above 34 number and not to proceed with 34 as it was found to be Prima Facie unsustainable.

DETAILS OF INQUIRY AND THE FINDINGS OR DECISIONS OF THE POI INTO THE ABOVE CASES ARE AS FOLLOWS:-

Case No: HI/2019/01

Complainant: Department of MRCA

Respondent: Mr. S.M.N. Moulana of Moulana Travels & Tours

Number of Charges: 02

- 1) *Placing the Hajjis in uneasy situation by not issuing their Travel Tickets until 06.08.2019.*
- 2) *If not for the last minutes intervention of the Hajj Committee the 115 pilgrims would have lost their chance of pilgrimage due to your misconduct.*

Guilty/ Not Guilty:

- 1) *Guilty*
- 2) *Guilty*

Finding: *In 2016, the POI recommended the suspension of this Agent as a Hajj operator but the Hajj Committee did not carry out same. It was found at the Inquiry that the Travel Agent has conducted itself in the most unbecoming manner not worthy of being a Hajj Travel Agent. The committee also summoned the Traveller Groups to inquire into the matter regarding the non-issuance of airline tickets. It was found that the Travel Agent, despite having collected full payment from 115 Hajjis, had not paid the monies to the Traveller Group to have the tickets issued. If not for the timely intervention of the Hajj Committee and the DMRCA, the said 115 persons would not have performed Hajj.*

Relief Granted to Haji: Nill

Recommendation to the Hajj Committee: *Suspended for three yeas (03) commencing from 2020*

General Recommendation to the Hajj Committee: *Should be banned for ever if any future repetition misconduct.*

This agent had taken 250 pilgrims without approval of the Hajj Committee, though Hajj Committee approved only 75 some of the pilgrims were given to other agent by this agent.

Case No: HI/2019/01/A

Complainant: Mr. M.N.M. Nowfal

Respondent: Mr. S.M.N. Moulana of Moulana Travels & Tours

Number of Charges: 06

- 1) *Without performing 'Thawaful wida' you had taken Hajis to Madina*
- 2) *Kept 170 male and female pilgrims in Mina in two tents and causing inconvenience.*
- 3) *Having accepted money from the complainant, you had merged with Amana & Ilma Travel Agent without the permission of the DMRCA and sent the complainant with them and thereby violated the rules with DMRCA.*
- 4) *Issued the Tickets and visa to the pilgrims only 4 hours prior to the departure.*
- 5) *No bus was provided to go from Arafa to Musthalifa*
- 6) *In Makkah Hajis were put in difficulty as hotels had not been booked properly and the Hajis had also been asked to check out within their period of scheduled stay.*

Guilty/ Not Guilty:

- 1) *Not Guilty*
- 2) *Not Guilty*
- 3) *Guilty*
- 4) *Guilty*
- 5) *Not Feasible*
- 6) *Guilty*

Finding: *At the inquiry, it was found that the Agent had conducted himself without responsibility and put the Hajis into a very uncomfortable and difficult situation.*

Relief Granted to Haji: *Nil*

Recommendation to the Hajj Committee: *we recommended this Agent should be banned completely, but alternatively suspend for 03 years.*

General Recommendation to the Hajj Committee:

Case No: HI/2019/01/B

Complainant: Ms. Fathima Najibudeen

Respondent: Mr. S.M.N. Moulana of Moulana Travels & Tours

Number of Charges: 05

- 1) *Though agent agreed to provide a Zam Zam hafeel it was not provided.*
- 2) *Taking an uncontrollable number of Hajis (250) thereby causing inconvenience to them*
- 3) *Issuing tickets on the previous night of departure and thereby caused inconvenience to this complainant.*
- 4) *Travel arrangement were not satisfactory.*
- 5) *Hajis and practically female Hajiyanees experienced difficulties by the inexperienced guides.*

Guilty/ Not Guilty:

- 1) *Guilty*
- 2) *Guilty*
- 3) *Guilty*
- 4) *Not proved*
- 5) *Not proved*

Finding: *Although the complainant did not come as she is living abroad, and having excused herself via email, the POI found that the complainant in Case No. HI/2019/01/A was also in the same group as which was admitted by the Travel Agent and by that persons evidence it was established that a large group of 250 Haji's were under the Travel Agent and the Zam Zam tower hotel were not provided as promised. The Agent admitted the delay in handing over the ticket.*

Relief Granted to Haji: *Nil*

Recommendation to the Hajj Committee: *we recommended this Agent should be banned completely, but alternatively suspend for 03 years.*

General Recommendation to the Hajj Committee: *For repeated misconducted in future total banned is recommended.*

Case No: HI/2019/02

Complainant: Ms. Seyed F. Hanifdeen

Respondent: Mr. M.J.A. Hussain of Al-Hafil Travels

Number of Charges: 05

- 1) *Changing of Hotels while Rooms had been dirty and caused inconvenience to Hajis in Makkah*
- 2) *Provided substandard abode.*
- 3) *Provided food in one place and lodging in another place.*
- 4) *Provided 17 mattresses for 20 female Hajianis in Mina.*
- 5) *Provided unsatisfactory services.*

Guilty/ Not Guilty:

- 1) *Admitted Guilty*
- 2) *Guilty*
- 3) *Guilty*
- 4) *Not Guilty*
- 5) *Not Guilty*

Finding: *The Agent had acted in a very irresponsible manner but admitted lapses on their part. The admission of guilt and an explanation about the problem with Muthawif was taken into consideration by the POI.*

Relief Granted to Haji: *Complainant did not want any relief but wanted the Agent not to repeat these mistakes in future.*

Recommendation to the Hajj Committee: *As this is the 2nd time that this Agent is found guilty, therefore Agent must be warned that next time if the Agent is found guilty, it will result in serious Consequence such as Suspension.*

General Recommendation to the Hajj Committee: *A hot line must be opened during Haj in Saudi Arabia and in Sri Lanka, to be informed of any unforeseen events which must be reported and solved within 6 hours by Hajj Committee.*

Case No: HI/2019/03

Complainant: Mr. Ameen

Respondent: Mr. M.M.Ahamed Nijar of Kara Travels & Tours (Pvt) Ltd

Number of Charges: 05

- 1) Though Agent promised only 05 days in terms of the Hajj Guideline, Kept for 7 days in Azeeziya
- 2) Provided unclean places for stay.
- 3) Not available any one on your behalf in Azeeziya to help the Hajjis
- 4) Though agent agreed to provide buffet, meals provided in unclean shopping bags.
- 5) No tea were supplied for morning & evening.

Pleaded Not Guilty:

- 1) Not Proved
- 2) Not Proved
- 3) Not Proved
- 4) Not Proved
- 5) Not Proved

Finding: The Complainant did not come, despite several notices having been sent. The Respondent brought several witnesses who said that although they had gone in the same group, there were no such shortcomings.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Warned the Agent to have proper monitoring systems in future.

General Recommendation to the Hajj Committee: Though complaint was absent and charges were not prop, yet the travel agent failures cannot be ignored.

All Agents must hand over a copy of the Agreement signed with Hajjis, to the respective Hajjis and the Department before the departure. If not handed over to the Department no visa should be processed. Also if not a copy is handover no Quota for the following year should be granted.

All groups must tender to the Haj Committee their promises or relevant Advertisements made to the Public

Case No: HI/2019/04

Complainant: Mr.M.M.Musthaq

Respondent: Mr. M.I.M. Nowfer of Asian Travels & Tours

Number of Charges: 04

- 1) Meals provided in Makkah & Madina were substandard.
- 2) Lack of Hygienic conditions in Makkah
- 3) Places provided to stay in Makkah were inconvenient.
- 4) Though earlier announced to leave on 26th yet left on 25th which caused Inconvenience to Hajjis.

Guilty/ Not Guilty:

- 1) Not Proved
- 2) Not Proved
- 3) Not Proved
- 4) Not Proved

Finding: The Complainant did not appear despite several notices having been sent.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: No Supervision report of the Group sent by DMRCA

General Recommendation to the Hajj Committee: Haj committee members who go as observer must visit all Agents in Makkah, Madina & Mina. And submit their Report with Agents' signature.

Case No: HI/2019/05

Complainant: Mr. Jawahir

Respondent: Mr. M.A.M.Hassan of Global Travel Solution (Pvt) Ltd

Number of Charges: 04

- 1) Though not permitted to take Hajjis, the Respondent had taken Hajjis through Rayyan Travel without approval of DMRCA.
- 2) Though the Respondent was only permitted to take Umrah pilgrims by the DMRCA, they had taken pilgrims on Hajj without the permission of the DMRCA and thereby had committed a serious offence.
- 3) Facilities provided in Makkah, Madina, Mina and Arafa were substandard.
- 4) Supplied unsatisfactory meals.

Guilty/ Not Guilty:

- 1) Admitted Guilty
- 2) Guilty
- 3) Guilty
- 4) Guilty

Finding: The Respondent admitted that it is only registered as an Umrah agent. Although the Respondent tried to make out that he travelled as a Moulavi for Rayyan Travels, the Complainant and his witnesses said that the Respondent canvassed and collected monies, as a Hajj Agent and mislead them.

Relief Granted to Haji: Of the deposit monies held by the DMRCA of Rayyan, Rs.25, 000/- to be released to the complainant Mr.Jawahir .

Recommendation to the Hajj Committee: The Umrah agent must be called and warned. He also should not be granted Haj license even if he applies for the next 03 years. His Umrah licence too must be curtailed.

General Recommendation to the Hajj Committee: Hajj Committee should be vigilant of the surreptitious activities of the Umrah operator in taking pilgrims to Hajj. If they do such activities they must be banned as Umrah Operator.

Case No: HI/2019/05/A

Complainant: Mr.Ahsan

Respondent: Mr. Mr. M.A.M.Hassan of Global Travel Solution (Pvt) Ltd

Number of Charges: 04

Complaint:

- 1) Though you are not permitted to take Hajis you have taken Hajis through Rayyan Travel
- 2) Though you are only permitted to take Umrah pilgrims by the DMRCA, You had taken pilgrims to Haji without the permission of the DMRCA and thereby had committed a serious offence.
- 3) Facilities provided in Makkah, Madina, Mina and Arafa were substandard.
- 4) Supplied unsatisfactory meals.

Guilty/ Not Guilty:

- 1) Admitted Guilty
- 2) Guilty
- 3) Guilty
- 4) Guilty

Finding: The Respondent admitted that it is only registered as an Umrah agent. Although the Respondent tried to make out that he travelled as a Moulavi for Rayyan Travels, the Complainant and his witnesses said that the Respondent canvassed and collected monies, as a Hajj Agent and mislead them.

Relief Granted to Haji: Of the deposit monies held by the DMRCA of Rayyan, Rs.25,000/- to be released to the complainant Mr. Ahsan

Recommendation to the Hajj Committee: The Umrah agent must be called and warned. He also should not be granted Haj license even if he applies for the next 03 years. His Umrah license too must be curtailed.

Case No: HI/2019/05/B

Complainant:

Respondent: Mr. M.N.M,Hassan Bazry of Rayyan Travels

Number of Charges: 02

- 1) You have misused your Hajj Licence by joining with Global Travels Solution without the permission of the DMRCA.
- 2) By doing so, you had misused your Haj Licence

Guilty/ Not Guilty:

- 1) Admitted Guilty
- 2) Guilty

Finding: The POI has found that the Agent had wrongfully worked in collusion with Global Travel Solutions who is an Umrah agent and misled the DMCRA and the Hajj Committee and misused their license.

Relief Granted to Haji: Does not arise

Recommendation to the Hajj Committee: Suspension of Hajj License for one year.

General Recommendation to the Hajj Committee: The Umrah agent must be called and warned. He also should not be granted Haj license even if he applies for the next 03 years. His Umrah license too must be curtailed.

Case No: HI/2019/05/C

Complainant:

Respondent: Mr. M.N.M,Hassan Bazry of Rashaadiya Travels

Number of Charges: 02

- 1) You have misused your Hajj Licence by joining with Global Travels Solution without the permission of the DMRCA.
- 2) By doing so, you had misused your Haj Licence

Guilty/ Not Guilty:

- 1) Admitted Guilty
- 2) Guilty

Finding: Rashaadiya is the visa holder who was merged by the Hajj Committee with Rayyan Travels. Visa holder must exercise due diligence in matters related to merged Hajj groups.

Relief Granted to Haji: Does not arise

Recommendation to the Hajj Committee: Rasheediya Travel is Responsible as the visa holder and should look into all matters connected at least with Muthawif. Agent is to be warned.

General Recommendation to the Hajj Committee: When merging by nthe Hajj committee, duties and responsibilities of the respective travel operators must be explained to them.

Case No: HI/2019/06/A

Complainant: Mr.Rimzan Farook

Respondent: Mr. A.R.M.Faris of Famico Tours & Travels

Number of Charges: 05

- 1) *As agreed accommodation in Hilton hotel was not provided and kept the Hajjis in far off hotels and made them to spend a night on the road*
- 2) *Though agreed to provide buffet meal, provided old refrigerated food*
- 3) *Instead of you taking the Haji to Azeziya, they were left to find their way which resulted them to spend their own moneys for Transport.*
- 4) *Pilgrims who were taken by you were sent with unexperienced Travel Agent Accent.*
- 5) *Qurban was not properly done though each Haji paid 500 Riyals.*

Guilty/Not Guilty:

- 1) *Guilty.*
- 2) *Not Proved*
- 3) *Not Proved*
- 4) *Guilty*
- 5) *Not Proved*

Finding: *It was found at the discussion with all 3 groups, namely Famico - Accent and Khakiya that they had major disputes and that Accent had not fulfilled the promises made to the Hajjis regarding food, accommodation and transport. Since the licence has been issued personally and he did not travel nor sent his agent. This Group must be suspended.*

Relief Granted to Haji: *Nil*

Recommendation to the Hajj Committee: *As Famico owner is not physically capable to carryout Hajj pilgrimage he may be totally banned.*

General Recommendation to the Hajj Committee: *Operators' personal fitness and responsibility are necessary for Hajj pilgrimage and the Hajj Committee must be satisfied with the Operator physical fitness when issuing license in addition too considering their documents.*

Case No: HI/2019/06/B

Complainant: Ms. S.Faziya

Respondent: Mr. A.R.M.Faris of Famico Tours & Travels

Number of Charges: 05

- 1) As agreed accommodation in Hilton hotel was not provided and kept the Hajjis in far off hotels and made them to spend a night on the road
- 2) Though agreed to provide buffet meal, provided old refrigerated food
- 3) Instead of you taking the Haji to Azeziya, they were left to find their way which resulted them to spend their own moneys for Transport.
- 4) Pilgrims who were taken by you were sent with unexperienced Travel Agent Accent.
- 5) Qurban was not properly done though each Haji paid 500 Riyals.

Guilty/Not Guilty:

- 1) Guilt.
- 2) Nor Proved
- 3) Not Proved
- 4) Guilty
- 5) Not Proved

Finding: It was found at the discussion with all 3 groups, namely Famico - Accent and Khakiya that they had major disputes and that Accent had not fulfilled the promises made to the Hajjis regarding food, accommodation and transport. Since the licence has been issued personally and he did not travel nor sent his agent. This Group must be suspended.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: As Famico owner is not physically capable to carryout Hajj pilgrimage he may be totally banned.

General Recommendation to the Hajj Committee: Operators' personal fattens and responsibility are necessary for Hajj pilgrimage and the Hajj Committee must be satisfied with the Operator physical fitness when issuing license in addition too considering their documents.

Case No: HI/2019/07

Complainant: Mr.Safi Zahran

Respondent: Mr. P.M.M.Najeeb of M.N. Travels & Tours

Number of Charges: 03

- 1) Though agreed to stay 11 days in Madina, had stayed only 7 days.
- 2) Food and lodging arrangements in Madina were unsatisfactory.
- 3) Kept the Haji in their Umrah dress for several days in Azeeziya.

Guilty/Not Guilty:

- 1) Not Proved
- 2) Not Proved
- 3) Not Proved

Finding: Despite several notices, the Complainant did not attend the Inquiry.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Nil

General Recommendation to the Hajj Committee: Hajj committee has not visited this group the above charger were not propped because complaint did not attended to the inquiry. However when issuing license to this agent for 2020, the above miscounted (charges) must be intuited for Hajj Committee.

Case No: HI/2019/08/A

Complainant: Mr.M.M.Musni

**Respondent: Mr. A.S.R.Ahamed of Accent International Travels & Tours (Pvt)
Ltd.**

Number of Charges: 05

- 1) As agreed accommodation in Hilton hotel was not provided and kept the Hajjis in far off hotels and made them to spend a night on the road
- 2) Though agreed to provide buffet meal, provided old refrigerated food
- 3) Instead of you taking the Haji to Azeziya, they were left to find their way which resulted them to spend their own moneys for Transport.
- 4) Pilgrims who were taken by you were sent with unexperienced Travel Agent Accent.
- 5) Qurban was not properly done through each Haji paid 500 Riyals.

Guilty/Not Guilty:

- 1) Guilty
- 2) Not Proved
- 3) Not Proved
- 4) Guilty
- 5) Not Proved

Finding: It was found at the discussion with all 3 groups namely Famico - Accent and Khakiya that they had major disputes and that Accent had not fulfilled the promises made to the Hajjis regarding food, accommodation and transport. Accent must be held responsible and be punished for their merging with Famico Hajjis without Haj committee's approval.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Reduce Quota by 50%.

General Recommendation to the Hajj Committee: Operators' personal fitness and responsibility are necessary for Hajj pilgrimage and the Hajj Committee must be satisfied with the Operator physical fitness when issuing license in addition to considering their documents.

Case No: HI/2019/08/B

Complainants: Mr. Mohamed Aseem, & Ms. Sareena Beebi

**Respondent: Mr. A.S.R.Ahamed of Accent International Travels & Tours (Pvt)
Ltd.**

Number of Charges: 05

- 1) As agreed accommodation in Hilton hotel was not provided and kept the Hajjis in far off hotels and made them to spend a night on the road
- 2) Though agreed to provide buffet meal, provided old refrigerated food
- 3) Instead of you taking the Haji to Azeeziya, they were left to find their way which resulted them to spend their own moneys for Transport.
- 4) Pilgrims who were taken by you were sent with unexperienced Travel Agent Accent.
- 5) Qurban was not properly done through each Haji paid 500 Riyals.

Guilty/Not Guilty:

- 1) Guilty
- 2) Not Proved
- 3) Not Proved
- 4) Guilty
- 5) Not Proved

Finding: It was found at the discussion with all 3 groups namely Famico - Accent and Khakiya that they had major disputes and that Accent had not fulfilled the promises made to the Hajjis regarding food, accommodation and transport. Accent must be held responsible and be punished for their merging with Famico Hajjis without Hajj committee's approval.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Reduce Quota by 50%.

General Recommendation to the Hajj Committee: Operators' personal fitness and responsibility are necessary for Hajj pilgrimage and the Hajj Committee must be satisfied with the Operator physical fitness when issuing license in addition to considering their documents.

Case No: HI/2019/08/C

Complainants: Mr.A.M.M.Aaseer & Ms. F.Farsana

**Respondent: Mr. A.S.R.Ahamed of Accent International Travels & Tours (Pvt)
Ltd.**

Number of Charges: 05

- 1) As agreed accommodation in Hilton hotel was not provided and kept the Hajjis in far off hotels and made them to spend a night on the road
- 2) Though agreed to provide buffet meal, provided old refrigerated food
- 3) Instead of you taking the Haji to Azeeziya, they were left to find their way which resulted them to spend their own moneys for Transport.
- 4) Pilgrims who were taken by you were sent with unexperienced Travel Agent Accent.
- 5) Qurban was not properly done through each Haji paid 500 Riyals.

Guilty/Not Guilty:

- 1) Guilty
- 2) Not Proved
- 3) Not Proved
- 4) Guilty
- 5) Not Proved

Finding: It was found at the discussion with all 3 groups namely Famico - Accent and Khakiya that they had major disputes and that Accent had not fulfilled the promises made to the Hajjis regarding food, accommodation and transport. Accent must be held responsible and be punished for their merging with Famico Hajjis without Hajj committee's approval.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Reduce Quota by 50%.

General Recommendation to the Hajj Committee: Operators' personal fitness and responsibility are necessary for Hajj pilgrimage and the Hajj Committee must be satisfied with the Operator physical fitness when issuing license in addition to considering their documents.

Case No: HI/2019/08/D

Complainant: Ms.S.M.S.Ariffa

**Respondent: Mr. A.S.R.Ahamed of Accent International Travels & Tours (Pvt)
Ltd.**

Number of Charges: 05

Complaint:

- 1) As agreed accommodation in Hilton hotel was not provided and kept the Hajis in far off hotels and made them to spend a night on the road
- 2) Though agreed to provide buffet meal, provided old refrigerated food
- 3) Instead of you taking the Haji to Azeeziya, they were left to find their way which resulted them to spend their own moneys for Transport.
- 4) Pilgrims who were taken by you were sent with unexperienced Travel Agent Accent.
- 5) Qurban was not properly done through each Haji paid 500 Riyals.

Guilty/Not Guilty:

- 1) Guilty
- 2) Not Proved
- 3) Not Proved
- 4) Guilty
- 5) Not Proved

Finding: It was found at the discussion with all 3 groups namely Famico - Accent and Khakiya that they had major disputes and that Accent had not fulfilled the promises made to the Hajis regarding food, accommodation and transport. Accent must be held responsible and be punished for their merging with Famico Hajis without Haj committee's approval.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Reduce Quota by 50%.

General Recommendation to the Hajj Committee: Operators' personal fattens and responsibility are necessary for Hajj pilgrimage and the Hajj Committee must be satisfied with the Operator physical fitness when issuing license in addition to considering their documents.

Case No: HI/2019/09

Complainant: Mr.Rizwan Kahldeen

Respondent: Mr. M.T.M.Aroos of Ilma Haj Service & Travel Operators

Number of Charges: 03

- 1) Though you advertised to charge Rs.650, 000/-, but charged Rs.675, 000/- from each person 4 Hajis and also the receipt for the refundable deposit of Rs.25, 000/- you had taken from them.
- 2) Kept the Haji in far off hotels in Makkah and Madina.
- 3) Not provided proper place to stay.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Not Proved

Finding: In addition to finding that the Hajis were kept away from Makkah, the Respondent admitted guilt in this case for over-charging of Rs. 50,000 per Haji. Agent agreed in cases HI/2019/09, HI/2019/09/B and HI/2019/09/C to return monies to the Hajis as agreed and signed in HI/2019/09/C the respective amounts, After having agreed by signing said case record in respect of the case including this one, the Agent made several applications for postponement on various grounds despite the undertaking to pay on 27/11/2019, in case number HI/2019/09/C, which to this date stands unpaid. The Agent wanted further time. But, on 04/01/2020, the Panel found no reason to grant further dates. Therefore, the Agent must return the agreed money of Rs. 50,000x4 = Rs. 200,000 to the Complainant.

Relief Granted to Haji: 4 Haji to be repaid at Rs. 50,000.00 (Per Each)

Recommendation to the Hajj Committee: To recover Rs. 200,000 from the deposit held and make a Ban or a 3 year suspension.

General Recommendation to the Hajj Committee: As it was found that this Agent has charged all Hajis over and above Rs.650,000 surreptitiously, against the undertaking to the Hajj Committee, it is the opinion of the panel that all the sums so over charged at Rs, 50,000, from each Haji, this amount must be deducted from the deposit held and the said monies be paid to the other Hajis also though they did not make any complaints. Unlawful enrichment by the operators must be stopped and punished.

Case No: HI/2019/09/A

Complainants: Mr.M.J.M.Jazooli & Ms. Fazeela

Respondent: Mr. M.T.M.Aroos of Ilma Haj Service & Travel Operators

Number of Charges: 03

- 1) Proper guides are not provided.
- 2) Agreed facilities were not provided.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty

Finding: In addition to finding that the Hajjs were kept away from Makkah, the Respondent admitted guilt in this case for over-charging of Rs. 50,000 per Haji. Agent agreed in cases HI/2019/09, HI/2019/09/B and HI/2019/09/C to return monies to the Hajjs as agreed and signed in HI/2019/09/C the respective amounts, After having agreed by signing said case record in respect of the case including this one, the Agent made several applications for postponement on various grounds despite the undertaking to pay on 27/11/2019, in case number HI/2019/09/C, which to this date stands unpaid. The Agent wanted further time. But, on 04/01/2020, the Panel found no reason to grant further dates. Since the complainant in this case have not ask for the refund of this additional payment of Rs. 25,000.00 but there also entitle to be refunded.

Relief Granted to Haji: There additional payment of Rs.50,000.00 may be refunded.

Recommendation to the Hajj Committee: Impose Ban or suspension for 3 years

General Recommendation to the Hajj Committee: As it was found that this Agent has charged all Hajjs over and above Rs.650,000 surreptitiously, against the undertaking to the Hajj Committee, it is the opinion of the panel that all the sums so over charged at Rs, 50,000, from each Haji, this amount must be deducted from the deposit held and the said monies be paid to the other Hajjs also though they did not make any complaints. Unlawful enrichment by the operators must be stopped and punished.

Case No: HI/2019/09/B

Complainants: Mr. & Ms. Himashkhan

Respondent: Mr. M.T.M.Aroos of Ilma Haj Service & Travel Operators

Number of Charges: 05

- 1) Though you advertised to charge Rs.650, 000/-, from each pilgrim but charged Rs.675, 000/- without approval from Hajj committee.
- 2) Not provided Proper place of stay as agreed.
- 3) Kept the Haji in far off hotels in Makkah and Madina.
- 4) Not provided moulavi guides.
- 5) Recovered Rs. 50,000/- additionally from the complainant's wife.

Guilty/Not Guilty:

- 1) Guilty
- 2) Not Proved
- 3) Guilty
- 4) Not Proved
- 5) Guilty

Finding: In addition to finding that the Hajjis were kept away from Makkah, the Respondent admitted guilt in this case for over-charging of Rs. 50,000 per Haji. Agent agreed in cases HI/2019/09, HI/2019/09/B and HI/2019/09/C to return monies to the Hajjis as agreed and signed in HI/2019/09/C the respective amounts, After having agreed by signing said case record in respect of the case including this one, the Agent made several applications for postponement on various grounds despite the undertaking to pay on 27/11/2019, in case number HI/2019/09/C, which to this date stands unpaid. On 04/01/2020, the Panel found no reason to grant further dates. Therefore, the Agent must return the agreed money of Rs. 50,000 to Mrs. Himaskhan.

Relief Granted to Haji: Mrs. Himaskhan must be paid only Rs. 50,000.00

Recommendation to the Hajj Committee: To recover Rs. 50,000 from the deposit held and Impose Ban or suspension for 3 years

General Recommendation to the Hajj Committee: As it was found that this Agent has charged all Hajjis over and above Rs.650,000 surreptitiously, against the undertaking to the Hajj Committee, it is the opinion of the panel that all the sums so over charged at Rs, 50,000, from each Haji, this amount must be deducted from the deposit held and the said monies be paid to the other Hajjis also though they did not make any complaints. Unlawful enrichment by the operators must be stopped and punished.

Case No: HI/2019/09/C

Complainant: Mr. Zahir Osama

Respondent: Mr. M.T.M.Aroos of Ilma Haj Service & Travel Operators

Number of Charges: 05

- 1) Though you advertised to charge Rs.650, 000/-, but charged Rs.675, 000/- from each Hajis without approval from Dept. Of MRCA.
- 2) Not provided place of stay as agreed.
- 3) Kept the Haji in far off hotels in Makkah and Madina.
- 4) Guiders were not doing their duties properly made.
- 5) Provided coveted Tents for male and female Hajis at Mina.
- 6) Travel arrangements were not properly made.
- 7) Charging money from Hajis for their baggers separately.

Guilty/Not Guilty:

- 1) Guilty
- 2) Not Proved
- 3) Guilty
- 4) Not Proved
- 5) Not Proved
- 6) Not Proved
- 7) Not admitted

Finding: In addition to finding that the Hajis were kept away from Makkah, the Respondent admitted guilt in this case for over-charging of Rs. 50,000 per Haji. Agent agreed in cases HI/2019/09, HI/2019/09/B and HI/2019/09/C to return monies to the Hajis as agreed and signed in HI/2019/09/C the respective amounts, After having agreed by signing said case record in respect of the case including this one, the Agent made several applications for postponement on various grounds despite the undertaking to pay on 27/11/2019, in case number HI/2019/09/C, which to this date stands unpaid. On 04/01/2020, the Panel found no reason to grant further dates. Therefore, the Agent must return the over charge money of Rs. 25,000 to the Complainant.

Relief Granted to Haji: Rs, 25,000/- to be returned to the complainant.

Recommendation to the Hajj Committee: To recover Rs. 25,000 from the deposit held and Impose Ban or suspension for 3 years.

General Recommendation to the Hajj Committee: As it was found that this Agent has charged all Hajis over and above Rs.650, 000 surreptitiously, against the under taking to the Hajj Committee, it is the opinion of the panel that all the sums so over charged at Rs, 50,000, from each Haji, this amount must be deducted from the deposit held and the said monies be paid to the other Hajis also though they did not make any complaints. Unlawful enrichment by the operators must be stopped and punished.

Case No: HI/2019/10

Complainant: Mr. Mohamed Ali

Respondent: Mr. S.M.M.Faizal of Binnooriya Hajj Travel

Number of Charges: 04

- 1) *Contrary to promises to provide good Hotel, unsatisfactory and unclean places were provided.*
- 2) *Kept the Haji for 7 days in Azeeziya.*
- 3) *Provided substandard food.*
- 4) *No proper guides were provided.*

Guilty/Not Guilty:

- 1) *Not Proved*
- 2) *Not Proved*
- 3) *Not Proved*
- 4) *Not Proved*

Finding: *The Complainant sent an email and a letter stating that he had not made such a complaint to any representative of the Hajj Committee in Makkah. The feedback form, which contained the complaint had no signature of the complainant and the Hajj Committee representative who got the feedback form had not inquired further into the complaint while in Makkah*

Relief Granted to Haji: *Nil*

Recommendation to the Hajj Committee: *Hajj committee report was not comprehensive and the said complaint had not been signed by him.*

General Recommendation to the Hajj Committee: *Department officers' inefficiency must be taken into conservation by the Hajj Committee.*

Case No: HI/2019/11

Complainant: Department of MRCA

Respondent: Mr. M.S.H. Mohamed of N.M. Travels & Tours (Pvt) Ltd.

Number of Charges: 03

- 1) Failed to take 8 pilgrims to perform Hajj.
- 2) Failed to return the money paid by the said 8 pilgrims up to date of Travel.
- 3) As agreed with the Director MRCA on 2.08.2019 you had failed to return the Hajis' money and thereby destroyed their expectation to go to Makkah.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Guilty

Finding: At the Inquiry, the Panel found that the Agent had, in spite of having collected the full package amount from 8 Hajis, did not send them on Hajj. Of the said 8 Hajis, two of them had paid separately and additionally to Khakiya Travels and went. Therefore, 6 Hajis were prevented from performing Hajj due to the Respondent Travel Agent not making arrangements for the said would-be Hajis (Complainants) to perform Hajj, as the arrangements had not been made for same.

The responded claims that the merged visa facilitator Khakiya Travels cheated the Respondent and said that the facilitator failed to make arrangements for the Hajis of the Respondent to perform Hajj, and he had used up the said allocated visas to Khakiya Travels' new Hajis at a higher price. Khakiya stated that since it was not paid the monies for the package by the Respondent Agent, it had no option but to fill its visas with its own Hajis at the last moment.

The POI finds that the Respondent, in addition to having collected the full amount of package monies of 8 Hajis, not only did they not send the said 8 Hajis on Hajj, but also failed to immediately return such monies. Further, it had taken the Respondent approximately three months to settle the entire amount of 2.4 million.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: We recommend this Agent should be banned completely, but alternatively suspend for 03 years from 2020.

General Recommendation to the Hajj Committee: Collecting money from pilgrims and use such money for agents' own purposes is a serious violation and in prop contact. This type of operator should be banned from operating as Hajj operator.

Case No: HI/2019/11/A

Complainants: Mr. & Ms. I.L.K.Mohamed

Respondent: Mr. M.S.H.Mohamed of N.M.Travels & Tours (Pvt) Ltd.

Number of Charges: 03

- 1) Though recovered the full amount for the pilgrimage from the Hajjis you failed to take them to Hajj.
- 2) Failed to return the money paid by the said 8 pilgrims up to now.
- 3) As agreed with the Director MRCA on 2.08.2019 you had failed to return the Hajjis money and thereby destroyed their expectation.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Guilty

Finding: At the Inquiry, the Panel found that the Agent had, in spite of having collected the full package amount from 8 Hajjis, did not send them on Hajj. Of the said 8 Hajjis, these two complainant had paid separately and additionally to Khakiya Travels and went. Therefore, 6 Hajjis were prevented from performing Hajj due to the Respondent Travel Agent not making arrangements for them. These two complainants however perform Hajj by joining with Khakiya Travel.

The Agent claims that the merged visa facilitator Khakiya Travels cheated the Respondent and the facilitator had used up the said allocated visas to Khakiya Travels' new Hajjis at a higher price. Khakiya stated that since it was not paid the monies for the package by the Respondent Agent, it had no option but to fill its visas with its own Hajjis at the last moment.

The POI finds that the Respondent, in addition to having collected the full amount of package monies of 8 Hajjis, not only did they not send the said 8 Hajjis on Hajj, but also failed to immediately return such monies. Further, it had taken the Respondent approximately three months to settle the entire amount of 2.4 million.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: We recommend this Agent should be banned completely, but alternatively suspend for 03 years from 2020.

General Recommendation to the Hajj Committee: Collecting money from pilgrims and use such money for agents' own purposes is a serious violation and in prop contact. This type of operator should be banned from operating as Hajj operator.

Case No: HI/2019/11/B

Complainants: Mr.Mohamed Farhath & Ms. Fathima Fajeela

Respondent: Mr. M.S.H.Mohamed of N.M.Travels & Tours (Pvt) Ltd.

Number of Charges: 03

- 1) Though recovered the full amount for the pilgrimage from the Hajjis you failed to take them to Hajj.
- 2) Failed to return the money paid by the said 8 pilgrims up to now.
- 3) As agreed with the Director MRCA on 2.08.2019 you had failed to return the Hajjis money and thereby destroyed their expectation.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Guilty

Finding: At the Inquiry, the Panel found that the Agent had, in spite of having collected the full package amount from 8 Hajjis, did not send them on Hajj. Of the said 8 Hajjis, these two complainant had paid separately and additionally to Khakiya Travels and went. Therefore, 6 Hajjis were prevented from performing Hajj due to the Respondent Travel Agent not making arrangements for them. These two complainants however perform Hajj by joining with Khakiya Travel.

The Agent claims that the merged visa facilitator Khakiya Travels cheated the Respondent and the facilitator had used up the said allocated visas to Khakiya Travels' new Hajjis at a higher price. Khakiya stated that since it was not paid the monies for the package by the Respondent Agent, it had no option but to fill its visas with its own Hajjis at the last moment.

The POI finds that the Respondent, in addition to having collected the full amount of package monies of 8 Hajjis, not only did they not send the said 8 Hajjis on Hajj, but also failed to immediately return such monies. Further, it had taken the Respondent approximately three months to settle the entire amount of 2.4 million.

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: We recommend this Agent should be banned completely, but alternatively suspend for 03 years from 2020.

General Recommendation to the Hajj Committee: Collecting money from pilgrims and use such money for agents' own purposes is a serious violation and in prop contact. This type of operator should be banned from operating as Hajj operator.

Case No: HI/2019/11/C

Complainants: Mr. & Ms. Tuwan Reza Dole

Respondent: Mr. M.S.H.Mohamed of N.M.Travels & Tours (Pvt) Ltd.

Number of Charges: 03

- 1) Though recovered the full amount for the pilgrimage from the Hajjis you failed to take them to Hajj.
- 2) Failed to return the money paid by the said 8 pilgrims up to now.
- 3) As agreed with the Director MRCA on 2.08.2019 you had failed to return the Hajjis money and thereby destroyed their expectation.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Guilty

Finding: At the Inquiry, the Panel found that the Agent had, in spite of having collected the full package amount from 8 Hajjis, did not send them on Hajj. Of the said 8 Hajjis, these two complainant had paid separately and additionally to Khakiya Travels and went. Therefore, 6 Hajjis were prevented from performing Hajj due to the Respondent Travel Agent not making arrangements for them.

The Agent claims that the merged visa facilitator Khakiya Travels cheated the Respondent and the facilitator had used up the said allocated visas to Khakiya Travels' new Hajjis at a higher price. Khakiya stated that since it was not paid the monies for the package by the Respondent Agent, it had no option but to fill its visas with its own Hajjis at the last moment.

The POI finds that the Respondent, in addition to having collected the full amount of package monies of 8 Hajjis, not only did they not send the said 8 Hajjis on Hajj, but also failed to immediately return such monies. Further, it had taken the Respondent approximately three months to settle the entire amount of 2.4 million. As a result, the six Hajjis lost their chance of going to Makkah.

Relief Granted to Haji: The six Hajjis must be given a chance to perform hajj in 2020.

Recommendation to the Hajj Committee: We recommend this Agent should be banned completely, but alternatively suspend for 03 years from 2020.

General Recommendation to the Hajj Committee: Collecting money from pilgrims and use such money for agents' own purposes is a serious violation and in prop contact. This type of operator should be banned from operating as Hajj operator.

Case No: HI/2019/11/D

Complainant: Mr. M.S.M.Nizar

Respondent: Mr. M.S.H.Mohamed of N.M.Travels & Tours (Pvt) Ltd.

Number of Charges: 03

- 1) Though recovered the full amount for the pilgrimage from the Hajjis you failed to take them to Hajj.
- 2) Failed to return the money paid by the said 8 pilgrims up to now.
- 3) As agreed with the Director MRCA on 2.08.2019 you had failed to return the Hajjis money and thereby destroyed their expectation.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Guilty

Finding: At the Inquiry, the Panel found that the Agent had, in spite of having collected the full package amount from 8 Hajjis, did not send them on Hajj. Of the said 8 Hajjis, these two complainant had paid separately and additionally to Khakiya Travels and went. Therefore, 6 Hajjis were prevented from performing Hajj due to the Respondent Travel Agent not making arrangements for them.

The Agent claims that the merged visa facilitator Khakiya Travels cheated the Respondent and the facilitator had used up the said allocated visas to Khakiya Travels' new Hajjis at a higher price. Khakiya stated that since it was not paid the monies for the package by the Respondent Agent, it had no option but to fill its visas with its own Hajjis at the last moment.

The POI finds that the Respondent, in addition to having collected the full amount of package monies of 8 Hajjis, not only did they not send the said 8 Hajjis on Hajj, but also failed to immediately return such monies. Further, it had taken the Respondent approximately three months to settle the entire amount of 2.4 million. As a result, the six Hajjis lost their chance of going to Makkah.

Relief Granted to Haji: The six Hajjis must be given a chance to perform hajj in 2020.

Recommendation to the Hajj Committee: We recommend this Agent should be banned completely, but alternatively suspend for 03 years from 2020.

General Recommendation to the Hajj Committee: Collecting money from pilgrims and use such money for agents' own purposes is a serious violation and in prop contact. This type of operator should be banned from operating as Hajj operator.

Case No: HI/2019/11/E

Complainants: Mr. & Ms. A.H.Rimzi

Respondent: Mr. M.S.H.Mohamed of N.M.Travels & Tours (Pvt) Ltd.

Number of Charges: 03

- 1) Though recovered the full amount for the pilgrimage from the Hajjis you failed to take them to Hajj.
- 2) Failed to return the money paid by the said 8 pilgrims up to now.
- 3) As agreed with the Director MRCA on 2.08.2019 you had failed to return the Hajjis money and thereby destroyed their expectation.

Guilty/Not Guilty:

- 1) Guilty
- 2) Guilty
- 3) Guilty

Finding: At the Inquiry, the Panel found that the Agent had, in spite of having collected the full package amount from 8 Hajjis, did not send them on Hajj. Of the said 8 Hajjis, these two complainant had paid separately and additionally to Khakiya Travels and went. Therefore, 6 Hajjis were prevented from performing Hajj due to the Respondent Travel Agent not making arrangements for them.

The Agent claims that the merged visa facilitator Khakiya Travels cheated the Respondent and the facilitator had used up the said allocated visas to Khakiya Travels' new Hajjis at a higher price. Khakiya stated that since it was not paid the monies for the package by the Respondent Agent, it had no option but to fill its visas with its own Hajjis at the last moment.

The POI finds that the Respondent, in addition to having collected the full amount of package monies of 8 Hajjis, not only did they not send the said 8 Hajjis on Hajj, but also failed to immediately return such monies. Further, it had taken the Respondent approximately three months to settle the entire amount of 2.4 million. As a result, the six Hajjis lost their chance of going to Makkah.

Relief Granted to Hajj: The six Hajjis must be given a chance to perform hajj in 2020.

Recommendation to the Hajj Committee: We recommend this Agent should be banned completely, but alternatively suspend for 03 years from 2020.

General Recommendation to the Hajj Committee: Collecting money from pilgrims and use such money for agents' own purposes is a serious violation and in prop contact. This type of operator should be banned from operating as Hajj operator.

Case No: HI/2019/12

Complainants: Mr.Habeeb Mohamed Sameem

Respondent: Mr. A.B.M.Arafath of Mariyam Haj Umra Travels and Tours

Number of Charges: 04

- 1) *Not provided Hotels as promised.*
- 2) *Instead of Azeeziya Hajis were kept at Misfalah for 10 days.*
- 3) *Inexperienced guides were employed.*
- 4) *Travel arrangements were unsatisfactory.*
- 5) *Supplied food were substandard.*

Guilty/Not Guilty:

- 1) *Not Proved*
- 2) *Admitted*
- 3) *Not Proved*
- 4) *Not Proved*
- 5) *Not Proved*

Finding: *Despite several notices, the Complainant did not attend. Inquiry terminated*

Relief Granted to Haji: *Nil*

Recommendation to the Hajj Committee: *Nil*

General Recommendation to the Hajj Committee: *No proper reports by representative of Hajj Committee. Department officers' inefficiency must be taken into consideration by the Hajj Committee.*

Case No: HI/2019/13

Complainant: Mr.Mohamed Bilal

Respondent: Mr. A.J.M.M.Aboo Yoosuf of Aalam International Tours & Travels

Number of Charges: 01

Complaint:

As visa Holder you are responsible to look into service of merged group

Guilty/Not Guilty:

Not Guilty

Finding: *The Agent assisted the POI at the Inquiry with the Hajj Travel Agent Salama in Case No. HI/2019/13 to repay the monies collected in excess. Aalam was summoned as the Hajj Committee merged Visa Holder only.*

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: Nil

General Recommendation to the Hajj Committee: *As Agent Salam had realized the wrong and agreed to pay extra money collected from complainant and others whom he took on Hajj. He must be commended for this good act of his. This must be told to other operators to follow suit.*

Case No: HI/2019/13A

Complainant: Mr.Mohamed Bilal

Respondent: Mr. N.S.M.Gazzaly of Salama Hajj nTravels

Number of Charges: 01

Complaint:

Failed to return the extra monies collected being Rs.75, 000/-

Guilty/Not Guilty:

Guilty

Finding: *POI found that the monies had been collected not by Salama but by his Agent which he had not known, and which had not been remitted for Salama.*

Relief Granted to Haji: *Paid 25,000 X 3 Rs.75, 000/-*

Recommendation to the Hajj Committee: *The POI came to understand that this Agent Salama had paid a further total of Rs.400,000/- to the other Hajjis who had not made complaints about the over-charging due to the above reason, after he had found that his sub Agent had over charged. This is Exemplary and needs to be recorded.*

General Recommendation to the Hajj Committee: *As Agent Salam had release the wrong and agree to pay extra money collected from complainant and others whom he took on Hajj. He must be commented for this good act of his. This must be told to other operators to follow suit.*

Case No: HI/2019/14

Complainant:

Respondent: Mr.S.H.Sirajudeen of Khakiya Travels & Tours

Number of Charges: 01

Complaint:

As visa Holder you are responsible to look in to service of merged group

Guilty/Not Guilty:

Not Guilty

Finding: *That with the approval of the Hajj Committee, the Agent claims it has carried out its responsibility. Visa Holder must look in to the arrangements of the other matters.*

Relief Granted to Haji: Nil

Recommendation to the Hajj Committee: *The Documents of Khakiya says his responsibility was carried on, without any lapses. No finding*

General Recommendation to the Hajj Committee: *If a travel agent of a merged group under take to do the visa arrangement he must be responsible effect all other arrangement relating to muhallims duties including all matters Mina, Arafa, Musthalifa and transport.*

Case No: HI/2019/14/A

Complainants: Mr.Mohamed Farhath & Ms. Fathima Fajeela

Respondent: Mr.S.H.Sirajudeen of Khakiya Travels & Tours

Number of Charges: 01

Complaint:

- 1) Without permission of the Department of MRCA, collected Rs.12,000/- (at Rs. 4,000/- from each Haji).
- 2) As no proper travel arrangement, Hajjis were forced to find their own transport.
- 3) Though agreed to charge Rs 575,000/- from the complainant. later charged Rs. 600,000/- and their charges for other expenses.
- 4) Though charged Rs.600, 000/-, kept the complaint with the Hajjis who paid Rs.575, 000/-.

Guilty/Not Guilty:

- 1) Admitted Guilty
- 2) Not Guilty
- 3) Not Guilty
- 4) Not Proved

Finding: At the Inquiry, it was found that the Agent admitted that he had charged Rs.4000 extra from the total number of 20 Hajjis without the permission of the Hajj Committee, thus violating the undertaking and guidelines given by it. He also collected 400SR for Taxes.

Relief Granted to Haji: Returned 4000 X 3 -12,000/- and 400 Riyals to 03 Hajjis. Total of 31,200/-

Recommendation to the Hajj Committee: This Agent must be dealt with for charging 4000/- extra from every Haji over and above the declared rate. Thus, he has collected from 80,000.00 from 20 hajjis. Though he has returned to 03 Hajjis, who made the complaints, yet, other 17 Hajjis (other than these 03) who went this Agent must also be refunded. We recommend a reduction of quota as he had charged Rs. 4000/- from each Haji unlawfully. These monies must be returned and if not a reduction of Quota must be applied

General Recommendation to the Hajj Committee: Hajj committee should take serious note of operators charging additional amount on various pretexts. Operators should not be permitted to misused their position and collect extra money other than the declared the amount.

PROPOSED ACTIONS RECOMMENDED AGAINST THE DISHONEST HAJJ OPERATORS WHO FACED INQUIRY IN 2019

Although fresh complaints are made every year, there is a continuation of some repeated wrong practices on the part of the Travel Operators. This is partly due to the leniency of the Hajj Committee. The primary duty of the Hajj Committee is to see at the least that whether satisfactory services are provided by the Hajj Operators to the pilgrims. It is therefore recommended that positive punitive actions be taken against the Hajj Travel operators, who have violated the norms and directions of the Hajj Committee, even to the extent of prosecution in criminal courts. Considering the seriousness of the malpractices or wrongs committed by the Hajj Operators, the recommendation for such actions by the POI should be carried out.

We recommend that the punishments should be meted out in any of the following manners.

(1). **Cancellation and Banning** – The Cancellation of registration for Hajj & Umrah Travels of the operator should not only be for Hajj but also be blacklisted through the Saudi Embassy and the IATA must be informed of same and that the operator or his company or its subsidiary, directly or indirectly, should not be given any Hajj and Umrah Visas. In addition, no new registration should be permitted to any proprietorship or partnership or Limited Company where the persons are a part.

Travel Agents who take money from the pilgrims and fail to take them to Makka on Hajj pilgrimage must be banned for ever, and their license must be cancelled forthwith.

This recommendation was made by the POI even in 2017 but no constructive action appears to have been taken against the fraudulent Travel Operators by the Hajj Committee. These operators are indulging in sending pilgrims on Umrah and are very much benefitted, while being banned for Hajj.

(2). **Partial Suspension** – Suspension for a particular or shorter period as recommended by the POI may be decided by the Hajj Committee considering the gravity of the acts done. In these cases, the recommendation of the POI must be given very serious consideration by the Hajj Committee.

3). **Reduction of existing quotas for pilgrims** - Percentage basis reduction of Quotas or entitlement has been considered by the POI in some cases where the Travel Agents have become liable to loss of comfort for the pilgrims. The recommendation of the POI for reduction of existing quota is subjective and on the gravity of the acts of the Operators.

Special finding made during this year (2019) inquiry

(4) (i) **Severe Warning** - In some cases, a severe warning by the Hajj Committee must be given to the operators if the wrong is of a minor nature. In this event, if the Hajj Committee considers the Operator may be allowed to continue the operation, further admonitions may be given to safeguard his reputation in the future. Operators who are charging additional amounts claiming same to be statutory charges such as VAT in addition to their declared amount (charges) as provided to the Hajj Committee should not be allowed haphazardly. No operator should be allowed to do any such charging without prior written approval first having obtained from the Hajj Committee.

(ii) **Luxury Package** - It is recommended that no Travel Agent be permitted to have more than one package, either normal or luxury. The promise of such packages is not always fulfilled and results in complaints. There are several accounts from pilgrims who were promised “luxury packages” but were not provided with it and were instead given accommodation as done for the Normal Package. Therefore, all the Travel Agents must be told to have only one package, and they must state what facilities that they will provide in their package and the amount they charge. Facilities may differ from Operator to Operator but there should only be one package.

(iii) **Malavi and Misfalah** - In addition to Azeezia, two new places have come into the picture as places of accommodation – which is **Malavi and Misfalah**. The POI is unaware if these places have been approved by the Hajj Committee. Malavi is about 8 Km while Misfalah too is far away from Holy Ka’aba. Places far away from the Ka’aba must be avoided as the pilgrims are forced to pray in those places instead of at Ka’aba.

(iv) **Unregistered Pilgrims** - A matter which should be highlighted here is the role played by the Muslim Cultural Department in replacing registered pilgrims by non-registered pilgrims, but the POI understands that there are some persons, though

unregistered, had yet been permitted to travel on pilgrimage for which the Department was helpful. This was revealed at the inquiry. If this is true, proper action must be taken against officers responsible for this.

(5). **Order to return the money received from the pilgrims** - In the event of the collection of an additional amount over and above of the amount initially agreed to and submitted to the Hajj Committee, it should be an approved amount. This step is to make it legal and will not vitiate the gravity of the offence committed by the travel operator. Nevertheless, this step should be taken in addition to any of the recommendations by the POI for actions depending on the gravity of the wrong committed.

(6) All the Travel operators must be given a general warning that they should be honest and transparent in their dealings with the Hajj pilgrims and if they violate the undertakings and commit malpractices, their license will be cancelled forever.

(7) **Security** - The Travel Operators must be warned to take care of the personal security and welfare of the Hajjis who are in their custody, until the pilgrims return to the Island.

GENERAL OBSERVATIONS AND RECOMMENDATIONS

1. (a) We recommend that the names of the Banned Travel Agents must be published in the newspapers in all three languages and also must be exhibited in the notice boards of all the jumma mosques in the Island. The Hajj Committee should keep in mind the difficulty faced by the innocent pilgrims as they have not only lost their pilgrimage but also their hard earned money.

(b) Hajj Committee should publish the names of the Travel Agents who are provided with license and permitted to take pilgrims on Hajj to Makkah, while urging the public to only deal with them. This notification must also be sent to all Jumma masjids in the Island as in the case of banned operators and have them exhibited on their mosque notice board.

2. The POI is also aware that some banned operators clandestinely collect money from pilgrims and join them with other groups known to them, thereby not only are they monetarily benefited but they also act to defeat the rules and conditions of the Hajj Committee. This practice should be stopped. At the time the interview for selection of Travel Operators is held, the Hajj Committee must strictly warn the operators not to indulge in this type of 'secret business' with suspended operators, and if found out, their license will be cancelled as well.
3. (a) When a Travel Operator is banned from operating Hajj pilgrimage, he must also be banned from Umrah operations - The Hajj Committee must place an announcement in the National newspapers in all three languages of the names of the suspended Hajj Operators, warning the Muslim public not to deal with them for Hajj & Umrah pilgrimages and requesting them to contact the Department of Muslim Religious and Cultural Affairs if they have any doubts.

(b) The Hajj Committee should inform the Saudi Embassy not to issue Umrah visas to the banned Travel Operators, and the IATA not to issue tickets for Umrah.
4. The Hajj Committee should provide to the IATA a list of Travel Agents who are blacklisted, banned or suspended, informing them that such Travel Agents should not be provided with facilities for Umrah. This is to prevent the such operators from conducting Umrah operations too.
5. All travel agents applying for license in order to be registered as Hajj Operator in future or to re-register annually must be asked to deposit a minimum sum of Rs.500,000 as non-refundable security deposits. This amount may be increased according to the number of pilgrims they undertake to take with them. If they are proved to have been in wrongful acts, the affected pilgrims may be compensated from this amount deposited as security.
6. The individual deposit amount of Rs.25,000 paid by or on behalf of each pilgrim should not be refunded to the Travel Agents who face an inquiry before the POI. Only after the inquiry is completed and the Agent is exonerated from the charges, the deposit must be refunded.

7. When two or more groups are **merged** together into one group, the Hajj Committee must direct the Leader of the Main group such that he must be in charge of the wellbeing of all the pilgrims in the merged group and shall be responsible to the Hajj Committee. In addition, all the leaders of the small groups must be told to see whether their pilgrims are well looked-after. This will not relieve them of their responsibility, but they are jointly liable.
8. All the operators in future must be asked to disclose the facilities they will provide for the pilgrims. The Hajj Committee should demand them to enter into a detailed **Tri-partes Agreement**, involving the pilgrims, the Muslim Religious and Cultural Department and the Hajj Committee.

A copy of this *Tri-partes* agreement should be given to each pilgrim. If no such *Tri-partes* agreement is produced, the passport of the pilgrim with the endorsed visa should not be given to the Travel Agent. This *Tri-Partes* agreement will solve several future problems of the pilgrims whether they were given the promised facilities by the Travel Agent in the course of their pilgrimage or not. It is alleged that the **Bi-Party Agreement** entered into between the individual hajji and the Hajj Operator and the **Contract Agreement** between the Director and the selected Hajj Operators were not implemented as decided by the Hajj Committee. (See Report of Mr. Muinudeen, member of the earlier Hajj Committee). This report of Mr. Muinudeen is available with the final report of the POI filed after 2018 inquiry.

9. Some Travel Operators state that most of the complaints about unhygienic conditions and poor accommodations in far off places and in Mina are due to the Mu-allims. This is not completely true. The Hajj Operators look for cheap Mu-allims and book the places without considering the welfare of the Hajjis. Hajj Committee should call for explanations from the Hajj Operators in this regard. (See Mr. Muinudeen's Report para 4.)
10. In approving the Hajj Operators, the Hajj Committee should not look into personalities or particular owners of the Travel Agencies. Annually, bad operators should be eliminated gradually, and good operators may be approved under strict guidelines and conditions. In this regard, the Hajj Committee itself may recommend the Hajj pilgrims to select the best operators based on their

performance appraisals and recommendation of the POI. It is the convenience of the pilgrims that matters and not that of the Operators. The staff of the MRCA must not recommend any agent.

11. Health and physical capability of a group leader should be looked into by the Hajj Committee when granting License to operate as Travel operator. If he appears to be not fit he should not be given license to operate a pilgrimage, how so long he is in the business.
12. When selecting the Operators at the interview, they must be told to find places closer to the Haram Shariff to enable the hajjis to go for all the prayers to the Haram. Unauthorized places should be avoided. If they contravene this directive, proper disciplinary action must be taken against them.
13. It is noted by the POI that Volunteers or the Counselor General selected in Jeddah for the purpose or as recruited by the Hajj committee in Saudi Arabia are not properly made use of by the Hajj Committee do the work assigned to them. No report has been prepared about these activities.
14. The POI observed that the Hajj Committee during the past has the done commendable work but we sadly observe that the Hajj Committee the members who travel on Hajj as officials have not been allocated specific responsibilities regarding which reports need to be submitted for the consideration of the Hajj committee and POI.
15. No Travel Agent must be allocated or permitted (directly or indirectly) over and above 150 pilgrims.
16. A hotline must be made available to all pilgrims both in Saudi Arabia and Sri Lanka so that pressing matters can be informed to the officials of the Hajj Committee who can address such issues immediately.
17. The Hajj Committee must divide the Supervision Operations during the Hajj among the officials and those recruited and require them to have site meetings once in three days under the leadership of the Hajj Committee Chairman or his deputy in Saudi Arabia.

18. Finally, it is suggested that when any of the above stated punitive measures are to be meted out against any operator, the recommendations and the findings of the POI should be strictly taken into consideration by the Hajj Committee.

It is desirable that the final decision of the Hajj Committee must be in accordance with this Report. The Report and Recommendations so made are to include the following.

1. Complaints and the evidentiary value thereto
2. Charges framed on the complaint in each case
3. Analyzing the Gravity of the offence and proof thereof.
4. Findings on the Complaints and charges
5. Consequential penalty based on the nature of the offence
6. Recommendations of the Inquiry Panel

The POI wishes to express its gratitude, to be placed on record, to the Pilgrims and the Travel Operators who co-operated with it in the concluding of the respective inquiries successfully. The assistance readily extended by the Secretary of the Panel, Mr. Rafeek Ismail, Mrs. Noor Fowzul Kareema and the support received from the Staff of MRCA is also appreciated by the Panel.

The POI also wishes to express its gratitude to Mr. M.R.M. Malik, then Director of Muslim Religious & Cultural Affairs and Mr. Shiraz Noordeen, Attorney-at-Law and a member of Hajj Committee for their active participation and contribution at the inquiry.

Justice Dr. U.L Abdul Majeed (Chairman)

M.I.M. Rafeek (Member)

Nadvi Bahaudeen (Member)



INDEPENDENT PANEL OF INQUIRY – HAJJ COMPLAINTS –2019
DEPARTMENT OF MUSLIM RELIGIOUS & CULTURAL AFFAIRS,
No.180, T.B. JAYA MAWATHA, COLOMBO-10

04th March, 2020

Chairman
Hajj Committee

Through

The Director,
Department of Muslim Religious and Cultural Affairs,
No. 180, T.B. Jayah Mawatha,
Colombo 10.

ALTERNATIVE RECOMMENDATION - ACCENT INTERNATIONAL TRAVELS & TOURS (PVT) LTD.

The Independent Panel of Inquiry submitted its Final Report to the Hajj Committee on 10th of February 2020 after a comprehensive inquiry, into the complaints for 2019 Hajj Pilgrimage.

Thereafter the Members of the POI received a letter dated 25.02.2020 from the Director MRCA stating that the Hajj Committee is unable to implement the recommendation in respect of Accent International Travels & Tours (Pvt) Ltd to reduce the quota by 50% as the present Hajj Committee has decided to do away with the quota system.

The Chairman of the POI by his letter dated 29th February 2020 replied the said letter of the Director and stated among other things that the POI will have to re-convene to consider the matter communicated.

Accordingly, on 4th March 2020, the POI met and has considered the Final report submitted and the proceedings of the inquiry including that of Accent Travels and recommends as follows:

As it was established at the inquiry that the Accent International Travels and Tours Pvt Ltd had committed the following grievous misconduct, namely:-

- i. Merging with Famico Tours and Travels without the express written approval of the Hajj Committee
- ii. Left the Hajjis on the road for one night without proper accommodation

Considering the above the panel now decides to recommend suspending the Accent International Travels and Tours Pvt Ltd for 3 years from the year 2020 instead of the recommendation made in the Final Report in respect the Hajj Complaints for 2019.

Justice Dr. U.L Abdul Majeed
(Chairman)

M.I.M. Rafeek
(Member)

Nadvi Bahaudeen
(Member)