

No.5/24/2018-Haj
भारत सरकार
Government of India
अल्पसंख्यक कार्य मंत्रालय
Ministry of Minority Affairs
(Haj Division)

तीसरा तल, आई एस आई एल, वी के कृष्णा मेनन भवन,
9 भगवान दास रोड, नई दिल्ली - 110 001
3rd Floor, ISIL, V.K. Krishna Menon Bhawan,
9 Bhagwan Das Road, New Delhi - 110 001
दिनांक / Date: 16.11.2018

Subject: Draft Policy for Private Tour operators for Haj 2019-23.

Based on the evidence based study of the Private Tour Operators (PTOs) conducted by the Indian Institute of Technology, Delhi, the draft Policy for Private Tour Operators for Haj 2019-23 has been formulated and is attached herewith. The PTOs/ PTO Associations and other stakeholders are requested to submit their comments, if any, to this Ministry within 15 days i.e. by 30.11.2018 positively.



(Ravi Chandra)
Under Secretary to the Government of India
Tele: 011-2338 9177

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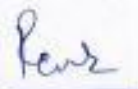
As per the regulations of the Government of Saudi Arabia, Private Tour Operators (PTOs) registered with the Government of India and involved in the preparation of the Haj Pilgrimage will be eligible for grant of Haj group visas subject to fulfillment of other terms and conditions as laid down by the Saudi Authorities. Accordingly, Government of India frames policy laying down conditions subject to which registration and allocation of Haj quota to the PTOs would be given.

2. The Hon'ble Supreme Court in its judgment dated 16.04.2013 in petition for Special Leave to Appeal (Civil) No.28609/2011 inter alia approved the Policy for Private Tour Operators (PTOs) for Haj 2013 – 2017. The Policy remained valid for five years. In terms of the Supreme Court directions regarding Haj Policies for the HCol and PTOs, it was decided to review the existing Policies and frame a new Policy. Accordingly, Ministry of Minority Affairs, Government of India had constituted Haj Policy Review Committee (HPRC) of eminent people and senior officials which reviewed the existing Haj Policy of the Government for 2013-17 and suggested framework for new Haj policy 2018-22. However, in view of representations from the stakeholders against the PTO Policy framework suggested by HPRC, it was decided to undertake a more detailed exercise with the help of experts to develop a set of evidence based workable criteria for the new PTO Haj policy for Haj 2019 onwards. Meanwhile, pending a new five years policy, it was decided to continue the previous Haj Policy with a few modifications for Haj 2018. Accordingly, the work of evidence based study for formulation of a sustainable policy for Haj Private Tour Operators for the next 5 years was assigned to Indian Institute of Technology Delhi.

3. The study team of IIT, Delhi conducted extensive research on the available data of the PTOs and submitted their report to the Ministry. They have studied the current system of Haj through PTOs in terms of PTO Policy 2018, HPRC recommendations about the PTO policy for upcoming five years and analyzed the data about PTOs from all sources including field data collected from Saudi Arabia during Haj 2018. Based on the data analysed, they

have identified the parameters for assessing the financial strength and the capabilities of the PTOs in terms of their experience and resources required to conduct Haj tours.

4. The IIT Delhi study in its analysis of various scenarios concluded that the policy adopted for Haj 2018 and the formulation suggested by HPRC would not be sustainable over the next 5 years policy period and therefore recommended a sustainable modified criteria optimized for avoiding Qurrah(draw of lots) at each category level. The analysis has assumed availability of a minimum of 45000 seats for allocation to PTOs. It has further been decided that to pass on the benefits of the enhanced quota of the PTOs to common haj pilgrims, the seats allocated to PTOs over and above 45000 seats will be charged by the PTOs as per applicable rates of HCoI.
5. Accordingly, the study has suggested a new PTO Policy for next five years i.e. Haj 2019-23. The proposed criteria will enable all the qualified PTOs to get minimum assured quota in each year of the policy period. Weightage has been given in allocation of quota to the PTOs based on their experience and financial strength. The Terms and conditions for registration of PTOs have been simplified and efforts have been made to reduce the documentation. The new Policy for Private Tour Operators for 2019-23 is annexed herewith.
6. This policy will remain valid for five years i.e. 2019-23 unless there are substantive developments which calls for its modification. The allocation of seats to qualified PTOs in each category will be done every year on the basis of overall quota of PTOs seats specified in Annual India- Saudi Arabia Haj Agreement and the number of qualified PTOs remaining in each category. The policy envisages cross category upward movement of PTOs from one category to another. It is to be noted that the PTOs who do not agree with the terms and conditions for registration and allocation of quota or do not wish to take minimum of 50 hajjis or are unable to do so need not apply for registration. Further, a qualified PTO shall abide by the all the directions that the competent authority issues in the larger interest of Haj pilgrims from time to time.
7. The applications for registration along with the required documents/ information will be submitted online on the PTO portal www.haj.nic.in/pto. It is to be noted that all the documents uploaded by the applicant PTO should be clearly legible and be as per the specifications indicated on the portal. Applications not conforming to the laid down quality/specifications are liable to be out rightly rejected. The printed copy of the acknowledgement duly signed by the authorized representative of the PTO may be submitted to the Under Secretary, Haj Division, Ministry of Minority Affairs.



POLICY FOR HAJ PRIVATE TOUR OPERATORS FOR HAJ-2019-23

It has been decided that the annual Haj quota allocated to India in the Annual Bilateral Haj Agreement with the Kingdom of Saudi Arabia will be divided between Haj Committee of India (HCoI) and Haj Private Tour Operators (PTOs) in the ratio determined by the Government of India.

A. Categorisation of Private Tour Operators

For a sustainable policy for the Haj Private Tour Operators for the next five years i.e Haj 2019-23, the categorization of the PTOs has been reviewed by the Ministry. Based on the evidence based study conducted by Indian Institute of Technology, Delhi, it has been decided to modify the existing categories of PTOs based on their experience and financial strength. The modified categorization of PTOs and the sharing of Haj quota among the different categories are as under:

Category	Criteria	Quota sharing ratio
Category-1*	PTOs having experience of 12 or more Haj with an average annual turnover of Rs. 5 crore or more from Haj and/or Umrah operations in any of the preceding two years and fulfilling other terms and conditions given in Annexure-I and II for being eligible as a PTO.	30% of the total quota will be earmarked for category-1* PTOs. Eligible PTOs under this category will be allotted seats in the range of 95 – 120 seats each. Distribution of quota will be as per the procedure given in Section B.
Category-1	PTOs having experience of minimum 7 Haj with an average annual turnover of Rs. 3 crore or more from Haj and/or Umrah operations in any of the preceding two years and fulfilling other terms and conditions given in Annexure-I and II for being eligible as a PTO.	40% of the total quota will be earmarked for category-1 PTOs. Eligible PTOs under this category will be allotted seats in the range of 85 – 100 seats each. Distribution of quota will be as per the procedure given in Section B.
Category-2	PTOs having an average annual turnover of Rs. One Crore or more from Haj and/or Umrah operations in any of the preceding two years and fulfillment of other terms and conditions given in Annexure-I and II for being eligible as a PTO. PTOs should have one or more years of Haj experience and new PTOs having facilitated a minimum of 50 Umrah pilgrims in a year for any 5 years.	30% of the total quota will be earmarked for Category-2 PTOs. Eligible PTOs under this category will be allotted minimum of 50 seats each. Distribution of quota will be as per the procedure given in Section B.

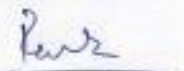
B. Distribution of seats among the PTOs in different categories

Stage – I : The basic quota of 45,000 seats earmarked for PTOs will be allocated in the following manner:

- (i) Eligible PTOs in Cat-1* will be allocated 95 seats each. If post allotment of seats to each PTO in category 1*, still some seats remain from the allocated quota, then the remaining seats will be transferred to Category-1. In case the total quota for category-1* is exhausted and still some PTOs remain in this category, then the quota per PTO can be reduced proportionately to satisfy all the PTOs.
- (ii) Eligible PTOs in Cat-1 will be allocated 85 seats each. If post allotment of seats to each PTO in category-1, still some seats remain from the available seats (i.e allocated quota + surplus seats of Cat-1*), then the remaining seats will be transferred to Category-2. In case the total quota for category-1 is exhausted and still some PTOs remain in this category, then the quota per PTO can be reduced proportionately to satisfy all the PTOs.
- (iii) Eligible PTOs in Cat-2 will be allocated 50 seats each. In case the total quota for category-2 is exhausted and still some PTOs remain in this category, then the quota per PTO will be allocated on the basis of draw of lots.

Stage-II: If post allotment of seats to each PTO in category-2, still some seats remains from the available seats in Category-2, then the remaining seats will be allocated in the following manner:

- (i) The surplus seats will be distributed among Cat-1*, Cat-1 and Cat-2 in the ratio of 30:40:30.
- (ii) The available seats under Category-1* will be allocated proportionately to eligible PTOs under this category subject to upper limit of 120 seats each.
- (iii) The available seats under Category-1 will be allocated proportionately to eligible PTOs under this category subject to upper limit of 100 seats each.



- (iv) If surplus seats are generated under Category-1* and Cat-1 after allocation of maximum no. of specified seats for these categories i.e. 120 and 100, those will be transferred to Cat-2 PTOs for further distribution as per the formula given in (v) below.
- (v) The available seats under Category-2 (earmarked surplus seats+ carryover seats from Cat-1* and Cat-1) will be allocated proportionately to the eligible PTOs having 7 years or more of Haj experience under this category.

Stage III: In case of additional quota allocated to PTOs over and above 45000 seats, then the additional quota will be allocated in the following manner:

- (i) The additional quota will be distributed among Cat-1*, Cat-1 and Cat-2 in the ratio 30:40:30.
- (ii) The available seats under Category-1* will be allocated proportionately to eligible PTOs under this category subject to upper limit of 120 seats each.
- (iii) The available seats under Category-1 will be allocated proportionately to eligible PTOs under this category subject to upper limit of 100 seats each.
- (iv) If surplus seats are generated under Category-1* and Cat-1 after allocation of maximum no. of specified seats for these categories i.e. 120 and 100, those will be transferred to Cat-2 PTOs for further distribution as per the formula given in (v) below.
- (v) The available seats under Category-2 (earmarked additional seats+ carryover seats from Cat-1* and Cat-1) will be allocated proportionately to the eligible PTOs having 7 years or more of Haj experience under this category.

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Terms and Conditions for Registration and allocation of Haj quota to Private Tour Operators (PTOs) for Haj-2019-23

Each PTO should establish that it is a genuine and established Tour Operator having experience in sending tourists/pilgrims abroad for which it should produce the following documents:

1. All documents must be in the name and address of the applicant PTO and must be dated prior to the last date for submission of the application.
2. PTO must sign an agreement with each pilgrim indicating the services to be provided to the pilgrim and charges payable. Services should include Medical Insurance/group accident insurance, type of accommodation, air travel and transport facility, duration of stay of the pilgrims in Saudi Arabia, etc.. The model agreement should inter-alia include the following services to be provided during Haj:
 - a. Medical Insurance/ Group Accident Insurance
 - b. Class of air travel to be provided and the number of stoppages of journey.
 - c. Type of Accommodation to be provided in Saudi Arabia along with its distance from the Holy Mosque (both in Makkah and Madinah),
 - d. Transport facility to be provided in Saudi Arabia,
 - e. Duration of stay in Saudi Arabia (separate for Makkah and Madinah) along with likely dates of arrival and departure from the Kingdom of Saudi Arabia,
 - f. Arrangements for providing orientation/ training programmes
 - g. Maktab Number and name of the service provider in Saudi Arabia
 - h. Amount to be charged from each pilgrim
 - i. Name, address and telephone number of local correspondent company in the Kingdom of Saudi Arabia
3. Details of registration for GST including a certificate of registration in the name and address of PTO duly issued by the competent authority.
4. Minimum annual average turnover of INR 1 Crore/3 Cr/5 Cr or more as applicable from Haj and/or Umrah operations in any of the preceding two

financial years from the empanelment year along with balance sheet and profit and loss account duly audited by the statutory auditors, tax audit report and income tax return (ITR). The requirement of minimum average annual turnover for qualifying under Category – I and Category-I* is given in para A of the Policy.

[Turnover means total receipts from Haj and/or Umrah operations in case of Tour Operators. In case of PTOs acting as Travel Agents, turnover means only amount of commission and it should be shown after netting off the Gross Purchase amount from Gross Sales amount of tickets purchased & sold for Haj and Umrah operations. Tax Audit Report means Form 3CA/3CB submitted with 3CD as required under Income Tax Act. Income Tax Return should be submitted with the acknowledgment copy of the said return.]

5. Minimum office area of 200 sq ft. (Carpet area). Self declaration /Affidavit by the applicant indicating complete address of office along with details of nearest Police Station and the layout plan of the office certified by the chartered engineer/ architect.
6. Proof of payment made through banking or other authorized channel duly notified by RBI, from time to time, towards the purchase of tickets and hiring of accommodation in Makkah/ Madinah during any of the two preceding Haj year. Payments toward purchase of tickets and hiring of accommodation for pilgrims in Makkah and Madinah by any other means would not be accepted. The PTOs who have been registered and allocated quota during the period Haj 2013-18, except those PTOs who have been registered and allocated quota during previous Haj for the first time, need not submit the documents mentioned.
7. PAN card details of the firm. PAN Card in the name of Proprietor will be accepted provided the PTO is a Proprietor concern
8. PTO involved in court cases related to heinous crimes and/ or matters related with Haj Tour Operations will not be considered at all. PTO is required to submit an Affidavit declaring that it is not involved in any court cases related to heinous crime and/ or matters related with Haj Tour Operations. Affidavit is required from Proprietor/ all partners/ Directors of the firm/ company.

9. Copies of Registration Certificate issued to the PTO along with quota allocated in support of their claim for higher category, year- wise. Since the process of registration of PTOs by the Government has started since the year 2002, any document for grant of Haj quota prior to that will not be considered.
10. Contracts for hiring of buildings for pilgrims "Tasreeh" and copy of receipt of accommodation together with their English translations.

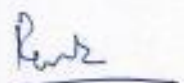
[A copy of lease agreement 'Tasreeh' and corresponding Rental receipts for hiring of accommodation, duly signed by Saudi Owners to be submitted for Makkah and Madinah both.]
11. Copy of Munazzim Card and relevant Haj visa pages of the Passport of the Proprietor/Owner.
12. A security deposit of INR 25 Lakhs for Category-II PTOs, INR 35 Lakhs for Category-I PTOs and INR 45 lakhs for Category-1* PTOs in the form of fixed deposits with Nationalized bank in favor of Haj Committee of India.
13. A Demand draft of 10000/- (Indian Rupee Ten Thousand Only) in favor of HCoI, payable at Mumbai, to be submitted along with the application as non-refundable fee.
14. In case of new applicants, details of at least 50 number of Umrah pilgrims facilitated in each year by the Applicant PTO during any five years with year-wise following supporting documents –
 - a. Copies of the contract entered into between the respective PTO and the company licensed by the Kingdom of Saudi Arabia (Umrah Operators) duly indicating the period of contract. The new applicant should also possess a currently valid Umrah agreement.
 - b. Proof of purchase of air tickets (copies of invoice and receipt),
 - c. Proof of hiring of accommodation in Makkah/ Madinah corresponding to travel dates of the pilgrims (copies of invoice and receipt) and
 - d. Proof of payments made through banking or other authorized channel duly notified by RBI from time to time.

15. Document (Affidavit/ declaration in application) that (i) no other member of the family of the PTO has applied for Haj 2018 and also (ii) applicant has not applied in more than one PTO in his/ her capacity as Director/ Partner/ Proprietor. It may be noted that only one member of the family would be eligible for registration for Haj. The family will include a wife and dependent children. In case more than one member of a family satisfy the eligibility conditions and if one of them is a lady, the lady would be given preference for registration to the exclusion of others and if there is no lady, preference would be given to the member who is oldest in the business for registration for Haj quota. No applicant can apply in more than one PTO in his/her capacity as Director/Partner/Proprietor.
16. Name and addresses of the branches of the applicant PTO.

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**Important instructions and Guidelines for Registration of Private Tour Operators
(PTOs) 2019-23**

1. Application must be submitted by online mode only and a print out of the final application duly signed by the Proprietor/ Partner/ Director of the company along with the application fee and security deposit is to be submitted.
2. PTOs that misrepresent or mislead the authorities in their application and documents will be automatically debarred from applying for at least 5 subsequent years besides forfeiture of security deposit. This debarment will apply to all companies and firms in which the director/proprietor/partner of the debarred firm is present, provided that blacklisting will not be ordered unless an opportunity to show cause against such blacklisting is given to the PTO concerned.
3. PTOs must furnish full information of their pilgrims to the CGI (Consulate General of India), Jeddah and also upload it on the website of CGI www.cgijeddah.com before departure of pilgrims to Saudi Arabia. The details of all pilgrims (name, mobile number, e-mail id, passport number, current address of pilgrim, and boarding point for the Saudi Arabia Travel) should also be uploaded on the Haj PTO Portal before their departure to Saudi Arabia.
4. PTOs must ensure vaccination and other medical checks as per requirement of the Government of Saudi Arabia. All Pilgrims must carry Health Cards.
5. PTO should be fully responsible for the stay, transport, and payment of compulsory charges to the Authorities in Saudi Arabia. PTO should honor all terms and conditions of the contract signed with the pilgrims and ensure that none of them is left stranded.
6. PTO should provide good quality identity card, indicating the name of the pilgrim and of the PTO, Passport number, and place of stay in Makkah/ Madinah, to each pilgrim to be worn around the neck whenever they leave the building.
7. PTO should ensure the baggage of all their pilgrims are cleared before they leave the Haj Terminals in India/Saudi Arabia.



8. If a pilgrim sent by a PTO is found begging in Saudi Arabia or declared Fuqra by the Saudi Authorities, the PTO will be blacklisted permanently, and its security deposit forfeited.
9. Selling/ transfer of Haj quota seats to any other PTO is strictly prohibited. In case of receipt of any complaint against any PTO indulging in such activity, the PTO would be blacklisted permanently and the security deposit will be forfeited.
10. PTO must submit only one application. If it is found that a PTO has submitted more than one application in different names, all such applications would be rejected and all such PTOs would be debarred for five years and their security deposit would be forfeited.
11. Without prejudice to the foregoing, all claims, disputes, and differences shall be subject to the jurisdiction of the Court in New Delhi.
12. New PTOs applying on the basis of Umrah experience should have a valid agreement with the licensed Saudi Umrah Operators for the years in which Umrah Pilgrims were facilitated by them.
13. The PTOs should ensure that the Haj Pilgrims contracted by them make the entire payment of the agreed Haj package to the firm's account individually through their bank accounts or other authorized channels duly notified by RBI from time to time. The PTO shall abide by other terms and conditions issued by the Ministry in this regard.
14. All PTOs must report at PTOs helpdesk set up by CGI, Jeddah at Saudi Arabia within 24 Hrs. of their arrival in Saudi Arabia. Non-compliance of the same will be viewed seriously and appropriate action will be taken against the PTO.

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