

A

Bill

for regulating and managing the Hajj and Umrah

WHEREAS it is expedient to provide for a comprehensive framework for regulating plan, licensing, managing, operation and monitoring of Hajj and Umrah activities including formulation of policy therefore;

It is hereby enacted as follows:-

1. Short title, extent and commencement.- (1) This Act shall be called the *Hajj and Umrah (Regulation) Act, 2022*.

(2) It extends to the whole of Pakistan.

(3) It shall come into force at once.

2. Definitions.- In this Act, unless there is anything repugnant in the subject or context,-

(i) **"affectee"** means a pilgrim or an intending pilgrim who individually or collectively suffered hardship or financial loss as a result of any act, omission, default, fraud or negligence of an organizer;

(ii) **"appellate committee"** means a committee constituted under this Act to hear and decide appeals against the decision of the complaint disposal committee;

(iii) **"blacklisting"** means to impose ban on a person or service provider for doing Hajj or Umrah business permanently or for a specific time;

- (iv) **“company”** means a company as incorporated under Companies Act, 2017 (XIX of 2017) and registered under this Act for the purpose of rendering services to pilgrims for performance of *Hajj* or *Umrah*;
- (v) **“compensation”** means the money payable to the affectee by the defaulting service provider or organizer;
- (vi) **“competent authority”** means the secretary as defined in the Rules of Business, 1973;
- (vii) **“complaint”** means any grievance lodged with the division concerned by an affectee in writing relating to *Hajj* or *Umrah* services against the service provider;
- (viii) **“complaint disposal committees” or “CDCs”** means a committees constituted under this Act for disposal of complaints relating to *Hajj* or *Umrah*;
- (ix) **“decision”** means an order or direction of the division concerned, the appellate committees or the CDCs, made in accordance with the provisions of this Act or rules made thereunder;
- (x) **“defaulter”** means a company, chief executive or director of any *Hajj* or *Umrah* company or an individual who committed violation of any provision of this Act or rules or regulations made thereunder;
- (xi) **“division concerned”** means the division to which business of this Act stands allocated;

- (xii) **"donations"** means sums to be received or transferred into fund as donation from any organization or person under this Act;
- (xiii) **"dues"** means any type of dues which are outstanding against an organizer in relation to pilgrim affairs;
- (xiv) **"fee"** means charges prescribed by the division concerned for enlistment or licensing or registration or authorization or process or any service under this Act;
- (xv) **"fund"** means Hajj operation fund, Umrah fund or any other fund created under this Act;
- (xvi) **"grants"** means sums received or transferred into fund as grants from the Federal Government or a Provincial Government or any organization or person for the Hajj operation fund;
- (xvii) **"Hajj group organizer" or "HGO"** means a company duly licensed or registered under this Act as service provider to the pilgrims;
- (xviii) **"Hajj package"** means the cost of Hajj and allied facilities approved by the Cabinet for Government Hajj scheme and by the division concerned for private Hajj scheme under this Act;
- (xix) **"licence"** means a permit or a certificate of registration issued by the division concerned to a company for providing services to pilgrims for performance of Hajj or Umrah;

- (xx) **“organizer”** or **“service provider”** means division concerned or a person or a company registered with the division concerned for the purpose of rendering services to pilgrims for performance of Hajj or Umrah;
- (xxi) **“Prescribed”** means prescribed by rules or regulations made under this Act, as the case may be;
- (xxii) **“record”** includes account, book, return, statement, report, chart, table, form, invoice, letter, agreement, voucher, plan, financial and non-financial information and anything containing information, whether in writing, digital or in electronic means;
- (xxiii) **“regulations”** means regulations made under this Act;
- (xxiv) **“rules”** means rules made under this Act;
- (xxv) **“service provider agreement”** or **“SPA”** means the agreement signed, executed or concluded between the division concerned and company for operation of Hajj or Umrah; and
- (xxvi) **“Umrah group organizer”** or **“UGO”** means Service provider duly licenced or registered or enrolled by the division concerned.

3. Hajj policy and plan.- (1) All affairs of the Hajj shall be regulated through Hajj policy and plan which includes, *inter-alia*, allocation and distribution of Hajj quota, Hajj expenses, Hajj packaging, selection of welfare staff, training and monitoring, etcetera .

(2) The Hajj policy and plan under sub-section (1) shall be prepared by a policy committee headed by the secretary of the division concerned and shall consist of nine members to be appointed by the Federal Government for a term of three years, in the prescribed manner.

(3) The Hajj policy and plan under sub-section-(1) shall be approved by the Federal Government and notified in the official Gazette by the division concerned.

4 Government Hajj scheme:- Notwithstanding anything contained in this Act, the division concerned shall have authority to organize, execute and manage Hajj affairs as an independent operator under Government Hajj scheme.

5 Power to grant licence to Hajj group organizer.- (1) The competent authority shall have exclusive power to grant, issue, renew, extend, amend, suspend, review, reissue or rescind a licence in respect of any private limited company and found duly qualified by division concerned in the prescribed manner.

(2) The competent authority may, in the prescribed manner, after serving a show cause notice and providing the opportunity of being heard, suspend or rescind a licence of an HGO on the ground of violation of any provision of this Act, rules or regulations made thereunder or terms and conditions of licence and may encash and forfeit his entire, or a part of, bank guarantee on such violations.

6. Maintenance of record.- (1) The division concerned shall maintain complete record of all licences issued to all the HGOs including information of licences suspended or rescinded.