

Delhi State Haj Committee

Haj Committees were established in India to facilitate the process of going for Haj. The Haj Committee was first formed in Mumbai in 1927. The Port Haj Committees Act, 1932 was passed to establish Haj committees in the principal ports of pilgrim traffic and assist the Muslim pilgrims to Hedjaz. It envisaged the constitution of Port Haj Committee, Calcutta and Port Haj Committee, Bombay. With increase in the number of pilgrims and embarkation points, it was felt to diversify the management of Haj and have appropriate representation from all parts of the country in the Haj Committee of India. Accordingly, Haj Committee Act, 2002 was passed. According to Section 4(ii) of the Act, the whole country has been divided into six zones. Zone 1 comprises National Capital Territory of Delhi, Rajasthan, Jammu & Kashmir, Punjab, Haryana, Himachal Pradesh and Union Territory of Chandigarh.

Organisational Structure

The Delhi Government set up the Delhi State Haj Committee (DSHC) in 1983. The Chapter III of the Haj Committee Act, 2002 states the composition of the State Haj Committees under the Central Haj Committee located in Mumbai. The Delhi Government is responsible for constituting the Delhi State Haj Committee. According to the Act, the State Committee shall be a body corporate, having perpetual succession, to acquire, hold and dispose of property, both movable and immovable, create a charitable trust or endowment, and to contract. The Committee should consist of 16 members who are nominated by the state government. This would include

- 3 Muslim Members of Parliament of the State, State Legislative Assembly and Legislative Council
- 3 members representing local bodies in the state
- 3 members having expertise in Muslim theology and law including one who shall be a Shia Muslim

- 5 member representing Muslim voluntary organizations working in the fields of public administration, finance, education, culture or social work
- The Chairperson of the State Wakf Board and Executive Officer of the Committee should be the ex-officio member of the State Committee.

A Chairman, directly appointed by the Delhi Government, heads the Committee. The Secretary and the Assistant Secretary assist the Chairman. However, the Delhi State Haj Committee has only 10 permanent employees. According to officials, during the period of Haj 25 more people are employed on a temporary basis.

Functions of the Committee

Section 27 of the Act elucidates that the duty of a State Haj Committee is to implement the policy and directions in the interests of Haj pilgrims. The State Committee shall provide assistance to the Haj pilgrims including their transport between their home states and the point of exit from India and their transit accommodation at points of exit. The State Haj Committees are responsible for supervising the application forms at the state level. The Central Haj Committee supplies the Haj application forms to the State Haj Committee free of cost. The applications are received by the state committees from the pilgrims of their state and submitted to the Haj Committee of India after the expiry of last date, along with the consolidated amount of the initial remittance received from the pilgrims.

The Government fixes the Haj Quota. The state-wise quota of Haj seats is distributed among the states and union territories on the basis of Muslim population of these states/ union territories. In case the State Haj Committees receive applications in excess of the quota, then the seats are confirmed to the intending pilgrims through draw of lots. This also becomes a major responsibility as the states often receive more number of application forms than seats. To conduct a fair and just selection process through lots is one of the primary functions of the state committees. Once pilgrims have been finalized and notified, the State Committees with the Central Committee does travel bookings verification of remittance and distribution of travel

documents to the pilgrims.

Delhi is one of the major embarkation centres of Haj pilgrims in India and thus apart from serving Haj pilgrims of Delhi, it also functions as embarkation centre. The pilgrims from the states such as Uttar Pradesh, Himachal Pradesh, Punjab, Haryana and Union Territory of Chandigarh proceed on Haj from Delhi. As most of the Haj pilgrims are accompanied by their relatives and family members, the Delhi State Haj Committee is responsible for 15-20 thousand people who stay at Haj Manzil and Haj Camp in Delhi. It makes arrangement for stay, drinking water, sanitation, inoculation, medicines and free transport from Haj Manzil, Delhi to the airport at the time of departure and arrival.

Finances

The State Haj Committee maintains the State Haj Fund. It consists of grant received from Central Haj Committee, grant from the Delhi Government and money received from any other source such as donations. The fund according to the Haj Committee Act, 2002 should be spent on pay and allowances of the employees of the State Committee, payment of charges and expenses incidental to the due performance of its duties for the objects specified in Section 27 and any other expenses required to be met by the State Committee.

According to the officials of DSHC, every year the Committee demands around Rs 1.5 crore from the Delhi Government. However, they get only Rs 50 lac in any financial year, as was the case in 2004-05. Procuring the budgets of the Committee was the most difficult piece of information. It is shrouded in secrecy and was not disclosed even by the highest official like the Chairman himself. Only when a request under Right to Information Act was in the process of being filed that the Chairman took the matters in his hands and disclosed what ever little information could be gathered. The extent of mismanagement can be guessed through this!

Problems and Suggestions

Even though it is known that lot of corruption exists in the process administered by the State Haj Committee, it is difficult to get information regarding it. However the most astonishing feature is that

officials openly talk about these issues. The common phrase used by them is "*upar ki kamai*" "under the table" and many others. Even though the Central Haj Committee fixes the rate of the Haj, extra money is charged illegally from people who want to perform Haj. The State Haj committee does not have a building of its own. Evidently, the Haj Committee is merely acting like a travel agent. A government body responsible for functions of such kind indicates the wasteful indulgence of the government.

The pertinent question is whether the government should manage such organisations, let alone their management and finances. However, it would be too far fetched to expect that the government would have no role to play in managing these agencies and that it should function independently. A short-term reform would be to engage reputed travel agents of the city and give them government sanction of making the Haj arrangements. All the pilgrims can go through the same process with these travel agents. This would not only save cost but also help the government mobilise its physical and financial resources.

Delhi Waqf Board

The concept of Waqf is rooted to the Quranic injunctions, which deal with charity. Literally, the waqf means endowment of moveable or immovable property dedicated to God by the Muslims for the welfare of needy and poor. The Waqif (settler) in his deed appoints Mutawalli (Manager) for the administration of the Waqf. The Waqif has the right either to appoint himself or any Muslim as Mutawalli.¹

The Waqf Board is established in the state to supervise and maintain the Muslim properties like mosques, madrasas, tombs, graveyards and orphanages. It provides financial aid to widows, students and destitutes. It fights legal disputes for all Waqf property and the rent received by renting out these properties is distributed to the needy and poor. The Board retains 33 percent of the rent received by renting out properties and rest goes in the maintenance of the property. It has the power to revise the rates accordingly. The Waqf Board also gives one percent of the rent collected to the Central Waqf Board as a part of the financial obligation towards the central authority.

Organizational Structure and Legislations

The Department of Waqf, Government of India is responsible for supervising 3 lac Waqf (properties) in India. The apex body is the Central Waqf Council consisting of 20 members from a cross section of eminent personalities that include representatives of muslim organisations, Members of Parliament, chairpersons of Waqf Boards, former judges of Supreme Court and High Courts, Mutwallis, eminent scholars in Muslim Law and persons having experience in administration. Under this, there are different State Waqf boards that work in different states.

A Chairman, assisted by seven honorary board members, Chief Executive Office, Secretary and Assistant Secretary, heads the Delhi Waqf Board. There are other administrative staffs like superintendent, legal officers and clerks. The Board has 62 sanctioned posts however only 42 employees are working in the Board presently. There were various enactments made with respect to Waqf since the advent of British rule. Some of them are as follows:

- Religious Endowment Act XX of 1863
- Waqf Validating Act, 1913
- Mussalman Waqf Act, 1923
- Delhi Muslim Waqf Act, 1943
- Central Waqf Act, 1954
- Waqf Amendment Act, 1959
- Waqf Amendment Act, 1969
- The Waqf Amendment Act, 1984
- The Waqf Act, 1995

The ruling Act presently is The Waqf Act, 1995. The working of the Waqf Act, 1954 brought out various inefficiencies in management as well as organisation of the Waqf Boards. The mismanagement was most visible in the powers of superintendent and control of individual waqfs. The Act was amended in 1959, 1964 and 1969 in the period of 15 years. The Act was further amended in 1984 and two provisions relating to time period for filing suits with respect to waqf and applications for the evacuee properties were introduced. Some of the main features of the Act are as follows:

- The State Waqf Boards should have 7-13 members
- To strengthen the finances of the Waqf Board, one of the measures being contemplated is to raise the rate of the contribution to the Waqf Board from 6 per cent of its annual income to 7 per cent. It is also intended to put certain restrictions on the powers of Mutawallis in the interest of better management of Waqf properties.
- Establishment of Waqf Tribunals to consider questions and disputes pertaining to waqfs. There are instances of misuse of waqf properties either with or without the connivance of the Mutawallis, thus, provisions are there to reduce the alienation of the Waqf properties.

Financial Profile

The Board gets funds from the Delhi Government to meet its administrative and capital expenses. According to the Annual Plan 2002-03, the approved outlay for that year was Rs 40 lac, out of which only Rs 20 lac was spent. The budget estimate and actual expenditure of the Board is shown in Table 1.

Table 1: Budget Estimates and Expenditure (Rs in lac)

Year	Budget Estimate	Revised Budget Estimate	Actual Expenditure
2001-02	109	100	50
2002-03	48	38	23
2003-04	27	12	12
2004-05	17	21	–
2005-06	25	–	–

Source: Government of NCT Delhi. Data abstracted from the Detailed Demand for Grants for the years of 2001-02, 2002-03, 2003-04, 2004-05, 2005-06

Evidently, the expenditure in all the years mentoned are much below the estimate and allocated amounts. In all the years the expenditure has been around 50 percent of what the Board gets. To get a better idea of the expenses and how they incur, Table 2 shows more detailed information on major receipts and expenditure of the Board.

Irregularities and Solutions

The Waqf Board has always been in the midst of controversies and political debate. There are various sensitive issues involved in the management and administration of the functions that they are responsible for.

Table 2: Budget Estimate of Receipts and Payments for 2005-06

<i>Heads</i>	<i>Actual Income 2003-04</i>	<i>Budget Estimate 2004-05</i>	<i>Actual Income Dec'04</i>	<i>Budget Estimate 2005-06</i>	<i>Heads</i>	<i>Actual Exp. 2003-04</i>	<i>Budget Estimate 2004-05</i>	<i>Actual Exp. Dec'04</i>	<i>Budget Estimate 2005-06</i>
Donation	40	200	200	300	Office Expenditure	28	83	64	96
Grants-in-aid	10	100	100	100	Works	1	147	122	183
Miscellaneous Receipts	30	96	100	107	Religious Education & Charity	36	174	140	262
Deposit & Advances, Remittances & Mutawallis Accounts	19	34	42	54	General Deposits/ Advance Miscellaneous/ taxes & Remittances	7 3	61 36	96 22	107 40

Source: Delhi Waqf Board. 2005. Budget Estimate of Receipts and Payments for the Financial Year 2005-06 Exp. - Expenditure

Most of the Waqf Boards feel that waqf properties cannot be protected unless the state governments implement the Public Premises Act. No Waqf Board has the authority to evacuate illegal encroachers on waqf lands as panchayat or municipality has except Karnataka. 10 states have not been exempted even from the Rent Control Act. In many states no waqf tribunal has been set up which causes delay in generation of income and in settlement of disputes and even if they do exist, they are not so efficient in performing the task.

The administrative structure of the Delhi Waqf Board is not delineated properly.² No concrete steps have been taken for land acquisitions and revenues. The management is either not aware of misappropriation of funds or they deliberately ignore it. The Delhi Waqf Board has around 10, 000 properties which is valued at more than Rs 2000 crore. However, only 300 are paying rent to the Board. The earnings per month come to merely Rs 10 lac. Board sources describe government agencies to be the largest occupants of Waqf properties.³ The land allotment racket has been a long- time affair in the Waqf Board where people were issued fake receipts and lease agreements. The files were pilfered and the Board was unable to establish its claim over its illegally transferred properties.

Gurudwara Election office

The Gurudwara Election Office was formed in 1971 in accordance

with the Delhi Sikh Gurudwara Act, 1971 by notification in the official gazette of Union Government. The main aim of this Department is to hold elections of the members of Delhi Sikh Gurudwara Management Committee after a period of every four years. The office has divided Delhi in 46 wards, each represented by one member. The Lieutenant Governor of Delhi appoints the Director of Gurudwara Election Office. Apart from holding elections of members, this Directorate is responsible for amendments in the Delhi Sikh Gurudwara Act, 1971 periodically. It is also responsible for delimitation of wards and revision of electoral roles. In addition to 46 elected members, nine members are co-opted by elected members. With regard to procedure of elections it is same as other elections held for MCD, Vidhan Sabha and Parliament.

Organisational Structure

The Director is the over all head of the department. Apart from the Director, there is a Secretary who is responsible for financial sanctions. There is an Election Officer to assist the Director in all matters and also to discharge statutory responsibilities as per Delhi Sikh Gurudwara Act, 1971. The election officer is subordinated by superintendents, head clerks, upper division clerks, lower division clerks, and class four employees. The Office has only three sanctioned posts.

Financial Allocations

The Gurudwara Election Office was unrelenting when asked about their financial position. This indicates the lack of transparency that engulfs each department of Delhi Government and especially the smaller departments that are less in public view and thus, less accountable. Table 3 gives estimates and expenditure over the years.

Table 3: Estimates and Expenditure of the Office

<i>Year</i>	<i>Budget Estimate</i>	<i>Revised Budget Estimate</i>	<i>Actual Expenditure</i>
2001-02	86	86	17
2002-03	86	83	82
2003-04	6	5	5
2004-05	7	5	—
2005-06	24	—	—

Source: Government of NCT Delhi. Data abstracted from the Detailed Demand for Grants for the years of 2001-02, 2002-03, 2003-04, 2004-05, 2005-06

As evident from the table, the Office has not been utilising money appropriately over the years. The starkest case is 2001-02 when the Office had a budget estimate of Rs 86 lac, out which only Rs 17 lac was spent. The estimated amount also came drastically down after 2002-03 to single digit numbers.

Problems and Solutions

The debate is not just about whether this office should exist or not with funding and support from the government but also how the office is being managed currently. The main function of the office is to conduct elections for Gurudwara committees, which is supposed to happen every four years. However, most of the times, this is not the case. The general election to the committee held in 1995 was almost after 16 years.⁴ Even if the committee completes its four-year tenure, the elections are generally delayed due to some political pretext or the other.

Thus it does become the responsibility of a concerned citizen to think about these issues and question the role of government in such areas. There are various other issues where a more proactive role of government would play a far more productive and significant role. Religion and managing interests of communities can not be a priority for a government so limited by resources and burdened with issues.

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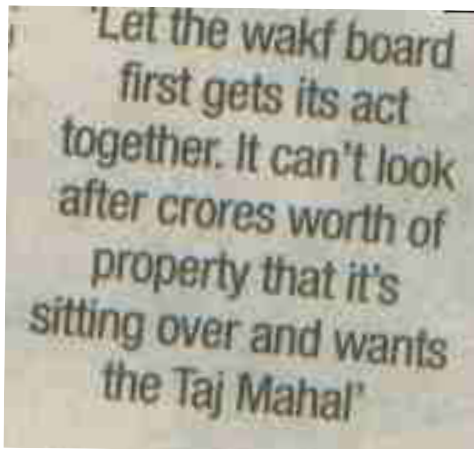
Notes

- ¹ <http://www.saag.org/%5Cpapers12%5Cpaper1136.html>
- ² *The Milli Gazette*. 2001. October Issue. Accessed on 28 November 2005.
- ³ *Islamic Voice*. 1998. April Issue. Accessed on 29 November 2005
- ⁴ *Tribune India*. 2002. <http://www.tribuneindia.com/2002/20020128/ncr1.htm>. Accessed on 1 Dec 2005.

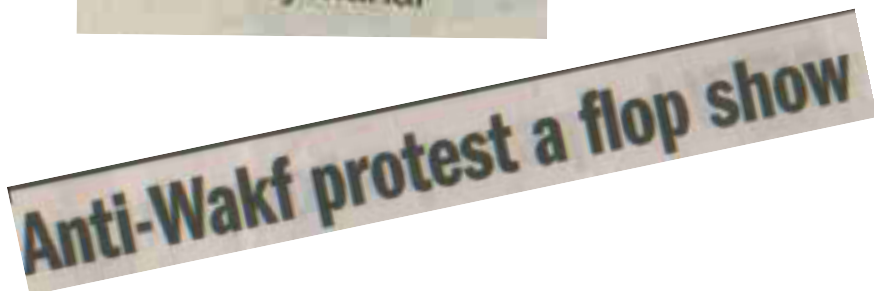
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'Let the wakf board first gets its act together. It can't look after crores worth of property that it's sitting over and wants the Taj Mahal'



Anti-Wakf protest a flop show