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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 30/2018**
GAURAV KUMAR BANSAL

..... Petitioner

Through: None.

versus

UNION OF INDIA AND ORS

..... Respondent

Through: Mr. Ajay Digpaul, CGSC for UOI
with Mr. Sumit Goel, Adv. for R-1 &
3 with Dr. Maqsood Ahmad Khan,
CEO (HCOI)
Mr. S.K. Imran Alam, Adv. with
Mr. M. Abdullah, Mr. Rizwan Ahmed
& Mr. Vishal Gupta, Advs.

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
% **01.11.2018**

1. This petition has been filed in Public Interest Litigation and the prayers made read as under:-

“A. Issue a Writ / Order / Direction in the nature of Certiorari for quashing Sub-Column (d), (g) and (h) of Column IV of New Haj Policy of Haj Committee of India (in so far as it debars the persons with disabilities to apply for haj pilgrimage) as the same are discriminatory, arbitrary and highly irrational and as such violate and infract article 14, article 21 and article 25

of the constitution of world's largest democracy and are in consistent with the provisions of rights of persons with Disabilities act-2016.

B. Pass any other Order or Direction which this Hon'ble Court may deems fit and proper under the facts and circumstances as mentioned above."

2. From the aforesaid, it is clear that the grievance of the petitioner was with regard to certain categories of physically disabled persons being prevented from going on Haj in view of the stipulations contained in Column (iv) of the New Haj Policy as is impugned in this writ petition.

3. Today, learned counsel appearing for the respondent Nos.1 and 3 has filed an additional affidavit along with the documents, which goes to show that the Ministry of Minority Affairs, Haj Division has issued fresh guidelines in the form of guidelines for Haj, 2019 including the provisions for differently abled persons. In the Haj Policy, an amendment has been made, which has been brought on record as Annexure-3 to the additional affidavit and we find from the same that under Clause iv) pertaining to eligibility of Haj in sub-clause iv), the following stipulations have been made:-

"iv) Those with severe medical conditions such as Terminal Cancers, Advanced Cardiac, Respiratory, Liver or Kidney diseases, infectious tuberculosis disease, or senility.

Note: (1) Physical disability of a person will not be construed as adverse physical health of a person.

(2) The persons with benchmark disabilities who cannot travel alone as certified by the Medical Authorities, applying

for Haj must be accompanied by an able-bodied person during all stages of Haj journey. He/She should be the blood relative of such person with disabilities.

(3) Detailed health requirements for Haj Pilgrims as per the health regulations issued by Saudi Ministry of Health which are available on the websites of Saudi Health Ministry and HCoI.”

4. From the aforesaid, it is clear that the contention of the petitioner in the writ petition has been taken note of and in view of the New Haj Policy, as was originally contained has been changed and the persons with disabilities, as were originally indicated in sub-clause iv), particularly Clauses (d), (g) and (h) have been done away with and in the New Haj Policy only persons with severe medical condition and terminal diseases are being prevented.

5. Taking note of the changed circumstances, we are of the considered view that the relief prayed for by the petitioner has been rendered infructuous. However, in case the petitioner has any grievance still subsisting after issuance of the New Haj Policy, he may assail the same in accordance with law. In view of the subsequent development that have taken place, we find that this writ petition is rendered infructuous and is accordingly disposed of.

CHIEF JUSTICE

I.S.MEHTA, J

NOVEMBER 01, 2018/ak