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இலங்கை மனித உரிமைகள் ஆணைக்குழு  
HUMAN RIGHTS COMMISSION OF SRI LANKA

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Date } 2026.05.05

Mr.A.L.M.Lareef  
Owner – United Travels  
& Holidays (Pvt) Ltd  
35<sup>th</sup> Floor, West Tower  
World Trade Centre

**Complainant**

**Complaint No- HRC/HO/3530//25**

**Vs**

Director  
Department of Muslim Religious  
and Cultural Affairs  
P.O.Box 543, No:180  
T.B.Jayah Mawatha  
Colombo 10

**Respondent**

**Background**

The Human Rights Commission of Sri Lanka (hereinafter referred to as “the Commission”) inquired into the complaint made by the petitioner, Mr. A. L. M. Lareef, owner of United Travels & Holidays (Pvt) Ltd, alleging violation of his Fundamental Rights by the Department of Muslim Religious and Cultural Affairs.

United Travels & Holidays (Pvt) Ltd was registered as an Umrah Travel Operator in 2020 and as a Hajj Travel Operator in 2023. In the year 2023, the company was allocated 25 Hajj quotas through the respondent Department.

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Head Office

අංක 14, ආර්. ඒ. ද මෙල් මාවත, කොළඹ 04.  
இல. 14, ஆர். ஏ. த. மெல் மாவத்தை, கொழும்பு 04.  
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Subsequently, based on complaints received from certain individuals and one travel agency, an Independent Inquiry Panel appointed by the Ministry of Buddhasasana, Religious and Cultural Affairs recommended the suspension of the petitioner's Hajj and Umrah licenses for a period of two years (2024 and 2025). Acting on this recommendation, the Hajj and Umrah Committee formally implemented the suspension for the said period.

The petitioner appealed against the said decision however, the appeal was rejected.

### **Subsequent Inquiry Proceedings**

Pursuant to the **Supreme Court judgment in S.C.F.R. No. 500/12 (2013)** and the applicable Hajj Guidelines, a further Independent Inquiry Panel was appointed by the Department of Muslim Religious and Cultural Affairs. Under this panel, three cases relating to the petitioner were taken up:

1. **File No. IPI/H/2025/01**

2. **File No. IPI/H/2025/02**

As informed by the respondent, this matter is **pending before the Magistrate's Court under Case No. B 35101/24.**

3. **File No. IPI/H/2025/03**

As informed by the respondent, this matter is also **pending before the Kebithigollewa Magistrate's Court under Case No. 20281.**

Accordingly, out of the three matters, one has been concluded with refund, and two matters are pending before courts of law, in respect of which the petitioner has not been found guilty as at date.

### **Commission Inquiry and Observations**

The Human Rights Commission of Sri Lanka conducted an inquiry into this complaint on **19 December 2025 at 9.30 a.m. at the Head Office of the Commission**, with the participation of the petitioner, Mr. A. L. M. Lareef, and representatives of the Department of Muslim Religious and Cultural Affairs. During the inquiry, both parties were afforded a full and fair opportunity to present their submissions, documents, and explanations in keeping with the principles of natural justice.

Upon consideration of the material placed before the Commission, it was observed that while the petitioner's license had been suspended based on complaints, **one matter had already been concluded with refunds, and the remaining two matters were pending before Magistrate Courts without any finding of guilt.** The Commission further noted that **other similarly situated travel agencies**, against whom complaints and pending matters exist, had nevertheless

been called for interviews and granted Hajj quotas, whereas the petitioner alone had been excluded from the interview process. The Commission is of the view that such selective

exclusion, revealed during the inquiry, raises serious concerns relating to **unequal treatment, arbitrariness, and lack of procedural fairness**, engaging the petitioner's Fundamental Rights under **Articles 12 and 14 of the Constitution**.

### **Discriminatory Treatment Identified**

The Commission further observed that complaints and petitions have been filed with the Department of Muslim Religious and Cultural Affairs in **2025** against the following registered travel agencies, alleging **fraudulent activities and financial misconduct**:

1. Global Travels Solution (Pvt) Ltd
2. Nowfar Asian Travels & Tours (Pvt) Ltd
3. Binnooriya Hajj Umrah Service
4. Reema Hajj Travels & Tours (Pvt) Ltd

Despite the existence of complaints and pending matters, these travel agencies were not suspended, were called for interviews, and were granted Hajj quotas for the year 2026.

In contrast, the petitioner, Mr. A. L. M. Lareef, has been excluded from the interview process, thereby isolated and treated differently, notwithstanding the fact that his cases are either concluded or pending without a finding of guilt, similar to the above-mentioned agencies.

### **Findings of the Commission**

The Commission is of the view that the actions of the respondent disclose elements of **unequal treatment, arbitrariness, and lack of administrative fairness**, amounting to a violation of the petitioner's Fundamental Rights guaranteed under the Constitution of the Democratic Socialist Republic of Sri Lanka, in particular:

- **Article 12(1)** – Right to equality before the law and equal protection of the law
- **Article 12(2)** – Freedom from discrimination
- **Article 14(1)(g)** – Freedom to engage in any lawful occupation, trade, business, or enterprise

The Supreme Court has consistently held that administrative authorities must act fairly, reasonably, and without discrimination, especially where similarly placed persons are concerned.

Relevant judicial principles include:

- **Fernando v. Sri Lanka Broadcasting Corporation (1996) 1 Sri LR 157**  
Administrative action must be **reasonable, just, and non-arbitrary**.

In **Fernando v. Sri Lanka Broadcasting Corporation**, the Supreme Court held that all administrative and executive actions must conform to standards of reasonableness, rationality, and fairness.

The Court emphasized that discretionary power vested in public authorities cannot be exercised arbitrarily or capriciously, and that decisions affecting rights and legitimate interests must be based on objective criteria and relevant considerations.

The Court further affirmed that **arbitrariness is antithetical to the rule of law**, and any administrative decision lacking transparency, consistency, or fairness is liable to be struck down as a violation of **Article 12(1) of the Constitution**.

- **Karunathilaka v. Dayananda Dissanayake (2001) 1 Sri LR 157**  
**Unequal treatment of similarly situated persons** violates Article 12(1).

In **Karunathilaka v. Dayananda Dissanayake**, the Supreme Court reaffirmed that equality before the law and equal protection of the law require that persons who are similarly situated be treated alike. The Court held that selective or differential treatment, without a reasonable and objective basis, constitutes a clear violation of **Article 12(1)**.

The judgment underscored that **discrimination need not be overt**; even indirect or procedural discrimination, where one party is denied an opportunity afforded to others in comparable circumstances, amounts to unconstitutional unequal treatment.

- **Wijesiri v. Siriwardena (1982) 1 Sri LR 171**  
Public authorities are bound by the principles of **natural justice and fairness**.

In **Wijesiri v. Siriwardena**, the Supreme Court held that **public authorities are bound by the principles of natural justice**, particularly the duty to act fairly and to afford affected parties a **reasonable opportunity to be heard** before adverse decisions are taken.

The Court emphasized that fairness is an implied requirement of all administrative action, and failure to observe procedural fairness renders such decisions unlawful, irrespective of whether the authority acted within its statutory powers.

- **S.C.F.R. No. 500/12 (2013)**

Emphasizes **transparent, fair, and uniform procedures** in matters relating to Hajj administration.

In S.C.F.R. No. 500/12 (2013), the Supreme Court laid down clear principles governing the administration of Hajj-related matters, stressing the need for transparent, uniform, and non-discriminatory procedures in the allocation of quotas and regulation of Hajj travel operators. The Court recognized that administrative bodies entrusted with Hajj administration exercise public power, and therefore are constitutionally bound to act in a fair, rational, and accountable manner.

The judgment further affirmed that decisions affecting Hajj operators must be based on objective criteria, applied consistently to all similarly placed parties, and that exclusion or adverse treatment without due process or a finding of guilt is impermissible, particularly where Fundamental Rights under Articles 12 and 14 are engaged.

The Commission notes that mere pendency of criminal proceedings, without a finding of guilt, cannot be a lawful basis for selective exclusion, particularly where other similarly situated travel operators have been afforded interviews and quota allocations.

## **Conclusion**

The Commission emphasizes that **fair administrative action and equality before the law** form the cornerstone of good governance. Any departure from these principles undermines public confidence and constitutes a violation of Fundamental Rights.

The Commission finds that the respondent's conduct reflects unequal treatment, arbitrariness, and a lack of administrative fairness, thereby violating the petitioner's Fundamental Rights, particularly Articles 12(1), 12(2), and 14(1) (g) of the Constitution.

## **Recommendation**

In light of the pending court proceedings against the petitioner, the Commission emphasizes that, in terms of Article 13(5) of the Constitution of the Democratic Socialist Republic of Sri Lanka, every person shall be presumed innocent until proven guilty according to law. Accordingly, in the absence of a final judicial determination, the petitioner cannot be treated as an offender or be subjected to adverse consequences on that basis. Further, in line with Article 12(1), which guarantees equality before the law and equal protection of the law, the petitioner is entitled to be treated fairly and without arbitrary exclusion. In such circumstances, the Commission recommends that the petitioner be called for the interview and afforded an opportunity to participate in the selection process. However, the appointing authority may exercise its discretion with regard to final selection, subject to the outcome of the pending proceedings. Any failure to afford such an opportunity would amount to unequal treatment and be inconsistent with the constitutional guarantees under Articles 12(1) and 13(5).

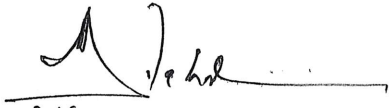
In such circumstances, the Commission recommends that the petitioner be duly called for the interview and afforded an opportunity to participate in the selection process. However, the appointing authority may exercise its discretion with regard to final selection, subject to the outcome of the pending proceedings. Any failure to extend such an opportunity would amount to unequal treatment and be inconsistent with the constitutional guarantees under Articles 12(1) and 13(5).

In view of the foregoing, the Human Rights Commission of Sri Lanka strongly recommends as follows:

1. That the Department of Muslim Religious and Cultural Affairs shall call the petitioner, Mr. A. L. M. Lareef, Owner of United Travels & Holidays (Pvt) Ltd, for the interview process relating to Hajj quota selection, in parity with other travel agencies against whom complaints and pending proceedings exist.
2. This recommendation does not amount to a direction to select or approve the petitioner as a qualified Hajj operator, but is limited strictly to ensuring equal opportunity, procedural fairness, and non-discriminatory treatment in the interview and selection process.
3. The respondent Department is further advised to ensure that uniform standards and objective criteria are applied to all licensed Hajj and Umrah travel operators, in compliance with the Constitution and the principles laid down by the Supreme Court.

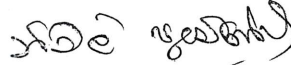
It is notified to the respondent to implement the aforementioned recommendation before 05.06.2026 and report back to the Human Rights Commission of Sri Lanka on the progress made with respect to measures taken to implement the recommendation, in terms of Section 15(7) of the Human Rights Commission of Sri Lanka Act No.21 of 1996.

Also, it is notified to the complainant to inform the Commission about the implementation or non-implementation of the recommendation within a week from the prescribed date of implementation and the requests submitted after the date will not be considered.



Chairman  
Human Rights Commission of Sri Lanka.

Justice L.T.B. Dehideniya  
Judge of the Supreme Court (Retired)  
Chairman  
Human Rights Commission of Sri Lanka



Commissioner  
Human Rights Commission of Sri Lanka.

Nimal G. Punchihewa  
Senior Counsel  
Commissioner  
Human Rights Commission of Sri Lanka

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