

THE PROTECTION OF MUSLIM PILGRIMS ACT, 1896

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THE PROTECTION OF MUSLIM PILGRIMS ACT, 1896

ACT NO. I OF 1896

[10th June, 1896]

***An Act to provide for the protection of Muslim Pilgrims.**

WHEREAS it is expedient to provide for the protection of Muslim Pilgrims;

It is hereby enacted as follows:—

Short title,
extent and
commencement

1. (1) This Act may be called the Protection of ¹[Muslim] Pilgrims Act, 1896;

(2) The Government may, by notification in the official Gazette extend it to any place in Bangladesh; and

(3) It shall come into force—

(a) [Omitted by section 2 of the Protection of Muhammadan Pilgrims (Amendment) Act, 1956 (Act No. XIII of 1956).]

(b) in any place to which it may be extended by notification under sub-section (2) of this section, from date specified in this behalf in such notification.

Definitions

2. In this Act, unless there be something repugnant in the subject or context,—

(a) "pilgrim" means a ¹[Muslim] who is proceeding to or returning from the *Hedjaz*;

(b) "pilgrim broker" means a person who buys and resells, or sells on commission, or takes any reward for the purchase or sale of passage-tickets, whether by sea or railway, for pilgrims;

* Throughout this Act, except otherwise provided, the words "Government", "Bangladesh" and "Taka" were substituted for the words "Central Government", "East Pakistan" and "rupees" respectively by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII 1973).

¹ The word "Muslim" was substituted, for the word "Muhammadan" by section 3 and 2nd Schedule of the Bangladesh Laws (Revision and Declaration) Act, 1973 (Act No. VIII 1973).

- (bb) "*Muallem*", means a person who offers for monetary consideration to act as a guide to pilgrims and includes any person employed by or acting for the furtherance of the business of, or under the direction of such guide:

Provided that a *Muallem* who is an Arab subject shall be excluded from the restrictions imposed by or under this Act;

- (c) "agent" includes a person who has chartered a ship for the conveyance of pilgrims;
- (d) [Omitted by section 2 of the *Protection of Muhammadan Pilgrims (Amendment) Act, 1956 (Act No. XIII of 1956).*]
- (e) "Commissioner of Police" means—
- (i) [Omitted by section 2 of the *Protection of Muhammadan Pilgrims (Amendment) Act, 1956 (Act No. XIII of 1956).*]
- (ii) as regards any place to which this Act may hereafter be extended, any person whom Government may appoint, by name or by virtue of his office, to perform in such place the functions of the Commissioner of Police under this Act.

3. (1) The Commissioner of Police shall from time to time grant licenses empowering persons to act as pilgrim brokers or *Muallems*.

Grant of licenses to act as pilgrim brokers or *Muallems*

(2) The Government may, from time to time, make rules to regulate the grant of such licenses and to prescribe the conditions to be embodied therein.

(3) All such rules shall be published in official Gazette.

4. Every such license shall specify,—

Licenses what to specify

- (a) the name and address of the licensee;
- (b) the period for which the license is to be in force; and
- (c) the conditions subject to which the license is granted.

5. Any person who, without a license granted under section 3, acts as a pilgrim broker or *Muallem*, or who lends to another person a license granted to himself under that section, shall, on conviction, be liable to fine which may extend to two hundred Taka for each offence.

Penalty for acting as pilgrim broker or *Muallem* without a license, or for lending license

Penalty for
misbehaviour
of licensed
pilgrim broker
or licensed
Muallem

6. If any licensed pilgrim broker or licensed *Muallem*—

- (a) commits a breach of any of the conditions of his license; or
- (b) purchases for or sells to any pilgrim a passage-ticket by any ship to which the Merchant Shipping Act, 1923, applies, at any time before notice has been given by the master, owner or agent of the ship under Section 151 of that Act, of the time at which it is proposed that the ship shall sail; or
- (c) purchases for or sells to any pilgrim a passage-ticket any ship unless the proposed time of sailing is printed on such ticket; or
- (d) charges any pilgrim a sum in excess of the cost price of any passage-ticket, or of any provisions or other articles, purchased for him, or receives from him any fee or commission on account of any such ticket; or
- (e) [Omitted by the *Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Act II of 1929), section 5(3).*]
- (f) purchase for any pilgrim a passage-ticket on which there is not printed or stamped the price charged for the passage according to the class of accommodation secured; or
- (g) by fraud or false representation, or by any false pretence whatever, induces any person to purchase a pilgrim's passage-ticket,

he shall, on conviction, be liable to fine which may extend to two hundred Taka for each offence.

Penalty receipt
of commission
exceeding five
per cent of the
price of
passage-tickets

¹[**6A.** If any licensed pilgrim broker receives from the master, owner or agent of any ship, or from any railway servant, any fee or commission in respect of the sale of any passage-ticket for a pilgrim, exceeding five *per centum* of the price of such ticket he shall, on conviction, be liable to fine which may extend to two hundred Taka for each offence.]

¹ Section 6A was inserted by the Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Act No. II of 1929).

7. The Commissioner of Police may—

- (a) suspend the license of any pilgrim broker or *Muallem* pending any inquiry into any accusation against him of misconduct for which, if proved, he would be liable to fine under section 6, and
- (aa) suspend the license of any pilgrim broker pending any inquiry into any accusation against him of breach of the provisions of section 6A, and
- (b) cancel the license granted to any pilgrim broker or *Muallem* who is convicted of any offence under this Act or of any other criminal offence.

Power to suspend and cancel licenses

8-10. [Repealed by section 24(2) of the *Port Haj Committees Act, 1932 (Act No. XX of 1932).*]

11. [Repealed by section 4 of the *Indian Merchant Shipping (Amendment) Act, 1927 (Act No. XIV of 1927).*]

12. [Repealed by section 4 of the *Indian Merchant Shipping (Amendment) Act, 1927 (Act No. XIV of 1927).*]

13. [Repealed by section 10 of the *Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Act No. II of 1929).*]

14. [Repealed by section 10 of the *Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Act No. II of 1929).*]

15. Sections 281, 282, 286 and 288 of the *Merchant Shipping Act, 1923*, shall apply to all offences punishable and fines leviable under this Act.

Certain provisions of the *Merchant Shipping Act, 1923*, to apply to offences and fines under this Act

16. The penalties to which masters, owners and agents of ships are made liable by this Act shall be enforced only on information laid at the instance of the Commissioner of Police.

Certain penalties to be enforced only at the instance of the Commissioner of Police

17. [Repealed by section 10 of the *Protection of Muhammadan Pilgrims (Bengal Amendment) Act, 1929 (Act No. II of 1929).*]

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