

Preface

A reference was sent to the Law Commission by the Ministry of Law, Justice and Parliamentary Affairs vide their memo dated 15.04.08 requesting the Law Commission to examine the possibility of making a new law regulating the activities of the Hajj operating agencies for the purpose of stopping repetition of the sufferings and harassment of the pilgrims of Bangladesh.

The existing one member Commission examined the matter with reference to the Hajj policies and other circumstances and after examination of the problems and prospects drafted a report with a draft Ordinance and directed for sending three copies of the report along with the draft Ordinance to the Government for information and necessary action.

Noor Md. Jahangir Sarker
Secretary, Law Commission
Dated: 24.06.2008

Final Report on a Proposed law relating to the Hajj Management in Bangladesh

Introduction

This is a reference made by the Government under section 6 (neo) of the Law Commission Act, 1996 requesting the Law Commission to examine the possibility of enacting a new law relating to Hajj management of Bangladesh. The Text of the reference as sent to the Commission under Memo No. আইনপ্রণয়ন-০৫/০৮-২৫৮(লেঃপ্রঃ) তাং ১৫/০৪/০৮ of the Ministry of Law, Justice and Parliamentary Affairs runs as follows :

গণপ্রজাতন্ত্রী বাংলাদেশ সরকার
আইন, বিচার ও সংসদ বিষয়ক মন্ত্রণালয়
বাংলাদেশ সচিবালয়, ঢাকা।

নং-আইনপ্রণয়ন-০৫/০৮-২৫৮(লেঃপ্রঃ)

তাং- ১৫/০৪/০৮

বিষয়ঃ হজ্জ ব্যবস্থাপনা সম্পর্কিত আইন প্রণয়ন প্রসঙ্গে।

সূত্রঃ ধর্ম বিষয়ক মন্ত্রণালয়ের পত্র নং-শাঃ ৩/১-৮/২০০৮/১২৯ তারিখ-০১/০৪/২০০৮ ইং

উপর্যুক্ত বিষয় ও সূত্র মোতাবেক নির্দেশক্রমে জানানো যাচ্ছে যে, পবিত্র হজ্জব্রত পালন উপলক্ষ্যে প্রতি বৎসর বিপুল সংখ্যক ধর্মপ্রান মুসলমান বাংলাদেশ হতে সৌদি আরব গমন করেন। হজ্জব্রত পালনের উদ্দেশ্যে সৌদি আরব যাতায়াত, পবিত্র নগরী মক্কা-মদিনাসহ বিভিন্ন স্থানে বেশ কিছু সময় অবস্থান ও তৎসংশ্লিষ্ট অন্যান্য ব্যবস্থাাদি ব্যয় সাপেক্ষ এবং সে কারণে হজ্জ যাত্রীগণকে মোটা অংকের অর্থ ব্যয় করতে হয়। হজ্জ যাত্রীগণ সরকারী ব্যবস্থাপনায় অথবা বেসরকারী ব্যবস্থাপনায় ট্রাভেল এজেন্ট বা অন্যান্য সংস্থার মাধ্যমে এয়ার টিকিট, সৌদি আরবে অবস্থাকালীন বাড়ী ভাড়া ও অন্যান্য আনুষংগিক সেবা গ্রহণ করে থাকেন। উল্লেখ্য, হজ্জ যাত্রীগণ যে পরিমান অর্থ ব্যয় করেন তা তাঁদের সৌদি আরবে যাতায়াত, অবস্থান, স্বাস্থ্য সেবা, আহার, পানীয় ইত্যাদি উহার সহিত সঙ্গতিপূর্ণ নয়। এ সম্পর্কে দীর্ঘদিন যাবত অব্যবস্থাপনা, অনিয়ম, এমনকি প্রতারনার গুরুতর অভিযোগ প্রতি বৎসরই উত্থাপিত হয়ে থাকে। সুতারাং, এ সকল ঘটনার পুনরাবৃত্তি রোধ ও

স্থায়ীভাবে সমাধানের জন্য সরকারের নিকট উক্ত বিষয়ে একটি বিশেষ আইন প্রণয়নের প্রয়োজনীয়তা অনুভূত হচ্ছে।

এমতাবস্থায়, হজ্জ ব্যবস্থাপনা সম্পর্কে নতুন বিশেষ আইন প্রণয়ন অথবা বিদ্যমান আইন সংশোধন সম্পর্কে আইন কমিশনের মতামত/সুপারিশ প্রাপ্তির লক্ষ্যে উহা কমিশন সমীপে উপস্থাপনের জন্য আদিষ্ট হয়ে প্রেরণ করা হলো।

(কাজী আরিফুজ্জামান)
সিনিয়র সহকারী সচিব (দ্রাঃ)
ফোন নং- ৯৫৭০৬৫১।

সচিব,
আইন কমিশন
পুরাতন হাইকোর্ট ভবন, ঢাকা।

From the above letter of reference, it appears that a large number of Bangladeshi Muslim citizens go to Saudi Arabia every year during Hajj season for the purpose of performing Hajj. The pilgrims stay in Macca and Madina for quite sometime in the process of performing Hajj for which the pilgrims spend a big amount of money for traveling to Saudi Arabia and for accommodation, food and other necessities in that place. But every year, the pilgrims, particularly pilgrims of private scheme suffer immensely due to the negligence, recklessness, omission and default of the Hajj operating agencies to render proper services to pilgrims as they promised. The Hajj operating agencies after taking money from the pilgrims do not give due services to the pilgrims as promised in their various contracts and Hajj packages leading to the sufferings of the pilgrims. With a view to removing such sufferings and hardships of the pilgrims, the Government appears to have felt a need for making a new law providing for bringing discipline in the Hajj management with necessary provisions for punishment of the Hajj operating agencies who violate the terms of their appointment and conditions of their contract and promises made in their Hajj package.

We have examined the reference made by the Government with reference to the Hajj policies published by the Government from year to year and the sufferings of the Hajjis as stated in the letter of reference and as we see in Televisions and Daily Newspapers during the time of every year's Hajj period.

The Hajj is the pilgrimage to the Holy City of Macca during the month of Jilhajj. The performance of Hajj is the fifth of the five pillars of Islam. It is mandatory for every Muslim able to perform Hajj to make the journey to Macca at least once in lifetime. The Hajj operations are conducted in our country both under Government scheme and private scheme. From the stated circumstances, it appears that the number of pilgrims under private scheme is bigger than the number of pilgrims under Government scheme and all mismanagement and sufferings of the Hajjis are there in the private scheme. It appears that the Hajj operating agencies, for undertaking Hajj operations under private scheme, are selected without following any criteria. As a result, travel agents and other private agencies having no experience in Hajj operations have entered into this business leading to such mismanagement of the whole scheme with consequential sufferings of the pilgrims.

It appears that several Hajj agencies are working in the field of Hajj operations for carrying the pilgrims to Saudi Arabia for performance of their Hajj with promise to the pilgrims to give better services to them. With the hope of getting better services, many pilgrims prefer to join the private Hajj operators for performing Hajj but in many cases it appears that allegations are there against the licenced Hajj agencies that they do not give services according to the promise they made in their package as published and that they extract excessive money from the pilgrims in the performance of a religious function. The non service and money hungry attitude of the private Hajj agencies should be seriously taken notice of by the authority for the purpose of stopping further harassment and hardship of the pilgrims caused by the Hajj agencies. A regulatory mechanism may

be put in with a view to controlling the Hajj agencies from harassing the pilgrims and from taking extra money from them during the process of Hajj operation.

We have gone through a paper cutting containing a demand for proper Hajj Management published in a Daily Newspaper 'Jugantar' wherefrom it appears that there are allegations against many licenced Hajj agencies to the effect that the agencies take excessive money from the pilgrims of non-Government Hajj package. It is alleged that the agencies take excessive moneys but do not give proper services to the pilgrims as per promise as they made in their published Hajj package and that the matter is under enquiry against 119 agencies. It further appears that 120 Hajj agencies could not send their Hajjis to Saudi Arabia. This appears to be an alarming news giving a picture of almost an act of anarchy. This anarchic condition should not be allowed to continue.

From all this, it appears that a huge number of agencies have been given licences making the list of existing licenced agencies a very big one. It further appears that Hajj operation under the private scheme has become a lucrative business for the inexperienced travel agents in the name of helping the pilgrims in the performance of their religious function. This long list of Hajj agencies appears to have become an unmanageable affair. Therefore, this long list needs to be cut short through a strict scrutiny process for convenience of proper management of Hajj agencies with a view to bringing discipline in the whole matter of Hajj affairs of private scheme.

The Hajj agencies should undertake Hajj operation under strict watch and ward by the Ministry of Religious Affairs through establishing a Hajj Management Committee. The Hajj Management Committee may be given power to deal with the Hajj agencies strictly with a view to bringing discipline in their activities directing towards the welfare of the pilgrims. As a first step towards bringing discipline in the Hajj

Management, the Committee may start a scrutiny process in the existing licenced Hajj agencies. During this scrutiny process, those Hajj agencies whose passed activities are found to be not satisfactory shall be black listed and eliminated from the list of Hajj agencies and those against whom pilgrims made complains and after inquiry, allegations are proved against them, they should also be eliminated from the list by declaring them ineligible for further appointment.

As a second step, the Hajj Management Committee shall keep a vigilant eye on the activities of the Hajj agencies to keep them on the right direction. Steps may be taken for cancellation of the licence of those Hajj agencies who have committed breach of the terms of their appointment and also of those agencies who have violated conditions of their contracts entered into by them with the Government. Steps may also be taken for punishment of the Hajj agencies for violation of the terms and conditions of their appointment and for their negligence in giving due services to the pilgrims for which the agencies have taken money from the pilgrims. The provision may be made for punishment of the Hajj agencies by way of cancellation of their licence, forfeiture of their security money, imposition of fine and as a case of grave allegation necessary step may be taken to punish the Hajj agencies through process of the Court for cheating or deception of the pilgrims by the Hajj agencies.

In view of the above circumstances, we are of the opinion that there is a need to make a new law providing for strict regulation and discipline in the activities of the Hajj agencies for the protection and welfare of the pilgrims. For the purpose of recommending for enactment of a new law relating to the management of Hajj operation in Bangladesh, we have considered our experience about the nature and extent of sufferings of the pilgrims in every stage of the process of the performance of their Hajj.

Recommendation

In view of the discussions above, we recommend that a new law relating to the Hajj Management in Bangladesh with provisions for punishment of the defaulting and negligent Hajj agencies, be enacted.

For convenience and ready reference, we are enclosing herewith a draft Ordinance as Annexure "A".

(Justice Md. Sirajul Islam)
Member-1

Annexure- "A"

A Draft Ordinance for making a new law relating to the Hajj Management in Bangladesh

Preamble

WHEREAS a large number of Bangladeshi Muslims, both male and female, go to Saudi Arabia every year during the Hajj season for performing Hajj under Government scheme, and also under private scheme through Hajj agencies;

AND WHEREAS the mismanagement, negligence, irregularities and profit making attitude of the Hajj agencies often led to the unnecessary harassment and difficulties to the pilgrims particularly under the private scheme because of the fact of there being no regulatory mechanism;

AND WHEREAS with a view to removing such harassment and difficulties of the pilgrims, it is necessary and expedient to make a new law providing for the protection, control and general well-being of the

pilgrims of Bangladesh and for bringing discipline in the overall Hajj management;

AND WHEREAS the parliament now stands dissolved and that the president is satisfied that circumstances exist which render immediate necessary action;

Now, therefore, in exercise of the powers conferred on him by article 93 (1) of the Constitution, the President is pleased to make and promulgate the following Ordinance, namely:-

1. Short title, extent and commencement.- (1) This Ordinance may be called the Hajj Management Ordinance, 2008.

(2) It shall extent to the whole of Bangladesh.

(3) It shall come into force at once.

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

(a) "cheating" for the purposes of this Ordinance means causing loss, harassment, or sufferings to any pilgrim by the default, wilful neglect or failure or by the fraudulent acts of any Hajj agency;

(b) "code" means the Code of Criminal Procedure, 1898 (V of 1898);

(c) "committee" means the Hajj Management Committee of Bangladesh constituted under section 5 of this Ordinance;

(d) "compensation" means the money compensation payable to the victim pilgrims of harassment by the Hajj agencies;

(e) "court" means any Court including the Supreme Court Of Bangladesh;

- (f) "pilgrim" means a Muslim proceeding to or returning from Hajj;
- (g) "prescribed" means prescribed by rules made under this Ordinance.
- (h) "victim" for the purposes of this Ordinance means a pilgrim who individually or collectively have suffered personal harassment or financial loss as a result of the commission of fraud by the Hajj agencies;

3. Hajj package and Hajj schedule.- The Ministry of Religious Affairs shall prepare a Hajj package and Hajj schedule every year within 29th day of the Hijri month of Shafar and shall publish it for public information through Newspaper, Radio, Television and website fixing the proposed number of pilgrims for the year and the date for filing application by the intending pilgrims from Bangladesh and the cost likely to be incurred by a pilgrim for the purpose.

4. Submission of application for Hajj.-Applications on prescribed forms will be submitted by the intending pilgrims to those agencies as are authorized by the Ministry of Religious Affairs. The forms will be available free of cost from the District Administration and other agencies as may be prescribed. The Dhaka Hajj office shall collect the filled up forms for further processing. The amount of money regarding expenses of the Hajj will be received by those banks as are scheduled by the Government for the purpose. The chance of performing Hajj will be given under quota system. If the number of applicants under Government scheme is more than the number of fixed quota, then the ballot system will be adopted.

5. Hajj Management Committee.- (1) The Government shall by order published in official Gazette establish a Committee to be known as the Hajj Management Committee under the control and supervision of the Ministry of Religious Affairs for assisting the Ministry in the

management of Hajj affairs and for the purpose of coordinating and monitoring the activities of other Governmental and non-Governmental agencies connected with Hajj affairs.

(2) The Committee shall consist of the following members:-

- (i) The Secretary of the Ministry of Religious Affairs who shall be the Chairman of the Committee;
- (ii) One Joint-Secretary of the Ministry of Religious Affairs;
- (iii) Four officers not below the rank of Joint Secretary to the Government of Bangladesh, each nominated by the Ministry of Foreign Affairs, Home, Finance and Civil Aviation;
- (iv) Three Muslim citizens having special knowledge about Public administration, Hajj related matters and the knowledge of Muslim law, to be nominated by the Islamic Foundation;
- (v) One representative from Prime Minister's Office;
- (vi) One Deputy Secretary of the Ministry of Religious Affairs who shall act as the member-secretary of the Committee.

(3) The Committee shall, in accordance with the Hajj policies and other policies as may be issued by the Ministry of Religious Affairs from time to time, be responsible for the welfare, protection, control and general well-being of pilgrims and shall have such powers as may be delegated to it by the Minister.

6. The Duties and Functions of the Committee.- (1) Subject to the provisions of this Ordinance and the rules made thereunder, the duties and functions of the Committee shall be-

- a) to collect and disseminate information useful to pilgrimage and to arrange orientation and training programs for the pilgrims;
- b) to supervise the Hajj camp and to make the Hajj Camp ready during Hajj season;
- c) to make arrangement for the living of the pilgrims in the Hajj camp and to render all necessary services to them in the Hajj camp;
- d) to collect Hajj guide directives, contract forms, application forms, identity card, belt, kit bag and other materials from the Government and to distribute these items to the pilgrims;
- e) to advice and assist the pilgrims during their stay at Hajj Camp while proceeding to or returning from pilgrimage and in all matters including vaccination, inoculation, medical inspection, issue of pilgrim passes and foreign exchange and in all such matters as may be necessary for their safe journey to and from Macca;
- f) to give relief to pilgrims in time of distress;
- g) to co-ordinate with the District Administration, railways, airways and Hajj operating agencies for the purpose of securing traveling facilities for the pilgrims;
- h) to discharge such other duties in connection with Hajj as may be prescribed by the Government;
- i) to assist the Ministry to prepare and to announce the Hajj scheme and Hajj package for each year and to publish it in daily newspapers, websites, radio and Television; and

j) generally to work as a watch-dog in respect of the activities of the Hajj operating agencies.

(2) The Committee shall perform its functions under the general supervision and directions of the Minister as may be given by him from time to time.

(3) The Ministry of Religion Affairs shall afford all reasonable assistance to the Committee in the discharge of its duty specified in sub-section (1).

7. Meetings of the Committee.- (1) Subject to the provisions of this section, the Committee shall decide the procedure of its own meeting.

(2) The meeting of the Committee shall be held in the place and time as the Chairman of the Committee may decide, provided that the Committee shall hold its meetings at least six times in a year before the commencement of the Hajj season to plan and make arrangement for Hajj.

(3) In addition to the meetings specified in sub-section (2), the Committee may hold meetings as and when it is considered necessary by the Chairman to hold its meeting. One-third of the members of the Committee shall make the quorum of any meeting of the Committee.

(4) The Chairman of the Committee shall preside over all the meetings and all matters shall be decided by a majority of votes of the members present in the meeting and in the event of equality of votes the Chairman shall have a casting vote.

8. Validity of Committee's Decision.- The vacancy of any member of the Committee or any defect in the formation of the Committee shall not invalidate any decision of the Committee nor can it be questioned in any court of law.

9. Expenses of the Committee.- The Ministry of Religious Affairs shall bear all administrative and other expenses as may be incurred by the Committee in the discharge of its duties and functions under the rules and regulations as may be made by the Government.

10. Appointment of Hajj Agency.- Subject to any rules or regulations that the Ministry may make from time to time, the Government may appoint such Hajj agencies as it thinks fit for undertaking Hajj operation under the private scheme on such terms and conditions and subject to such restrictions and limitations as may be prescribed. The selection of Hajj operating agencies shall be made strictly on merit.

11. Criteria for appointing Hajj Agencies.-The following criteria may be considered by the Ministry of Religious Affairs in appointing Hajji agencies for the purpose of making Hajj operation under the private scheme:-

- (i) the owner of an agency must have a upto date certificate of travel agency having minimum of five years experience including experience of providing Hajj services as executive director (not as sub-agent);
- (ii) the owner or director or managing partner of the agency must be a Bangladeshi Muslim citizen by birth;
- (iii) the owner or director or the managing partner of a particular agency shall be entitled to get only one licence for Hajj operation which will in no way be transferable;
- (iv) the security amount for the Hajj agencies as may be prescribed by the Government must be deposited by way of pay order;

- (v) a licence of a Hajj operating agency may be renewed only when its past activities and quality of services to the pilgrims are found to be satisfactory after going through a strict scrutiny process by the Hajj Management Committee; and
- (vi) those Hajj operating agencies who did not perform well during the past years shall be black-listed. Those against whom Hajjis made complaints and after inquiry allegations are proved against them, they shall be declared ineligible for further appointment.

12. Appointed Hajj Agencies to give undertaking.- (1) The Hajj agencies as may be appointed by the Government after considering the criteria as mentioned in the above section 11 shall be required to give an undertaking to the Government to the effect that they shall observe all the laws, rules, regulations and administrative orders of both the Government of Bangladesh and Saudi Arabia as may be prescribed by the Ministry of Religious Affairs. The agencies shall maintain modern communication system in their office, such as telephone, e-mail, mobile, fax, reservation system, website etc.

(2) The Government reserves the right to impose any other conditions for appointment of Hajj agencies for the purpose of better Hajj management. The Government also reserves the right to reject any application of a Hajj agency and to cancel any order of appointment of a Hajj agency.

13. Signing of a Contract.- The licenced Hajj agencies shall within fifteen days of announcing their Hajj package, enter into a bilateral contract with the Ministry of Religious Affairs on a non judicial stamp paper of the value as prescribed. The owner, the managing director or managing

partner of each Hajj agency and the Hajji of the private scheme shall mutually execute a contract. The original copy of this contract will be kept by the Hajjis and the other two copies shall be kept in the office of concerned agency and in the Hajj office, Dhaka respectively. The necessary form of such contract shall be supplied by the Hajj office, Dhaka or the Ministry of Religious Affairs.

14. Hajj package of the Hajj Agencies.- The licenced Hajj agencies shall announce their own respective Hajj package immediately after the announcement of the Government package. The Hajj agencies shall publish their Hajj package in their own websites together with list of Hajjis, their personal description, their flight schedule, the signed contract between the Government and the agency and between the agency and the pilgrims, all information of their rented houses for the pilgrims in Macca and Modina, the address of Saudi Arabia and Bangladesh of their appointed representatives and Hajj workers with their mobile phone number and all other necessary informations and shall supply the soft copy of the published informations to the Hajj office in Dhaka.

15. Collection of application form etc.- (1) The Hajj agencies shall collect the application form, contract form and other necessary papers for the pilgrims of private scheme from Hajj office, Dhaka. Each Hajj agency shall deposit muallem fee and local service charge etc. in the Bank prescribed by the Government along with a list containing full name and addresses of the pilgrims.

(2) The Hajj agency shall publish leaflet, booklet etc. containing their service facilities, service charge and other benefits as mentioned in their package, a signed copy of which shall be submitted to the Ministry of Religious Affairs. A pilgrim of one agency cannot be sent to Hajj by that agency in the name of or on the supervision of another agency. The Hajj agencies shall perform all formalities and duties necessary for

performing Hajj from the beginning to the end and bear all responsibilities in accordance with their announced package.

(3) The concerned agency shall collect the filled up application forms and contract forms and shall submit the receipt showing the deposit of Muallem fee, local service charge etc. and list of pilgrims with their full name and address to the Hajj office, Dhaka. A copy of the list of pilgrims shall be submitted to the Bangladesh Airlines Limited.

16. Accommodation for Private Pilgrims in Macca and Madina.- The owner, Manager, Managing partner or authorized Partner or Director of the Hajj agency shall have to complete the renting of houses for the pilgrims in Macca and Madina according to relevant rules and regulations of Saudi Arabia within the month of Rajab. The quality and convenience of the rented houses shall not be less than the maximum quality of the rented houses of the Government scheme.

17. Appointment of Hajj Workers.-The concerned Hajj agency shall appoint one Hajj worker for each hundred or fraction of hundred Hajjis for the purpose of rendering services to their private pilgrims. The Hajj workers may be appointed either from Bangladesh or from Saudi Arabia on payment of due remuneration to them. The agency shall inform the Hajj office in Dhaka and the Hajj mission in Macca about the full information, phone number and contact address of their appointed Hajj workers before arrival of the pilgrims in Saudi Arabia. In selecting the Hajj workers, the Hajj agencies shall consider the expertise of the Hajj workers about their knowledge of Arabic language, their character, their previous experience and their acquaintance about the roads and highways of Macca, Mina, Arafat, Mujdalefa, Madina and Zedda.

18. Penalty for irregularity.- (1) If after enquiry made by the Hajj management Committee or by any other officer appointed by the Government in Saudi Arabia or in Dhaka, on its own motion or on the

complaint made by any pilgrim or any other aggrieved person from Bangladesh or from Saudi Arabia, the Hajj agency is found to have committed irregularity or negligence or have defaulted in the performance of their Hajj operation according to its announced package leading to the harassment and sufferings to any pilgrim, the Ministry of Religious Affairs on such enquiry report, may take action against the concerned Hajj agency by cancelling its licence with or without forfeiture of its security money.

(2) The Hajj agency whose licence has been cancelled by the Government, shall not be entitled to get any further licence for the following five years and that it cannot also take part in Hajj activities with any other Hajj agency.

19. Bar to certain suits.- No suit or proceeding or any other legal process shall lie in any court of law against the order made by the Ministry of Religious Affairs cancelling the licence, or forfeiting the security money, of the concerned Hajj agency.

20. Penalty for Breach of Term of Appointment.- Any Hajj agent who commits a breach of any of the terms and conditions of his appointment or of his undertaking or by fraud or false representation or by deception commits any mischief upon any of his pilgrims during departure from Dhaka or return from Macca, shall be guilty of an offence and shall upon conviction be liable to a fine not exceeding five lacs taka or to imprisonment for a term not exceeding two years or to both and his agency may in addition thereto be cancelled.

21. Penalty for contravention.- If any Hajj agency contrabands any provision of this Ordinance or any rule or order made thereunder, it shall be punishable with imprisonment for a term which may extend to two years or with fine which may extend to ten lacs taka or with both and, any court trying such contravention may direct the forfeiture of its security

money to the Government and may also order for payment of compensation to the victim Hajji.

22. Liability for violation of conditions of contract.- (1) If any Hajj agency violates any terms or conditions of the contract entered into by it with the Government and also with the pilgrims or if it fails or wilfully neglects or defaults in giving proper services to the pilgrims as per promise made therein or in their Hajj package causing loss or harassment or sufferings to any pilgrim, the concerned Hajj agency shall be guilty of an offence of cheating and shall upon conviction be liable to imprisonment for a term not exceeding three years or to fine not exceeding five lac taka or to both and any Court trying this offence may order for payment of compensation to the victim-pilgrim.

(2) After receiving a complain orally or in writing from any aggrieved pilgrim, the Committee or any officer authorized on this behalf by the Ministry may file a criminal case under this section or under any other penal section of this Ordinance in the Court of Magistrate having jurisdiction to try the case against the offender Hajj agency.

(3) For the purpose of giving jurisdiction under this Ordinance, every offence shall be deemed to have been committed and every cause of complaint to have arisen either in the place in which the same actually was committed or arose or in any place in Bangladesh in which the offender, complained against, is found.

23. Liability of Hajj Agency for Act of Servants.- Any Hajj agency which would be liable under the provisions of this Ordinance or under any rule or order made thereunder, to any punishment, penalty or cancellation of its agency for any act, omission, neglect or default, shall be liable to the same punishment, penalty or cancellation for every similar act, omission, neglect or default of any partner, sub-agent, servant or

other person employed by the agency in the course of its business as such Hajj agency.

24. Power to try offences summarily.- Any Magistrate empowered for the time being to try in a summary way the offences specified in sub-section (1) of section 260 of the Code of Criminal Procedure, 1898 (Act V of 1898) may, on application in this behalf being made by the prosecution, try in accordance with the provisions contained in sections 262-265 of the said Code, any offence punishable under this Ordinance.

25. Protection of action taken in good faith.- No suit, prosecution or other legal proceedings shall lie against any person for anything in good faith done or intended to be done in pursuance of this Ordinance or any rules or order made thereunder.

26. Ordinance in addition to Hajj Policies.- The provisions of this Ordinance shall be in addition to and not in derogation of the Hajj policies that are announced by the Government prescribing detailed procedure for performing Hajj from year to year or for any number of years together.

27. General Penalty.- If any Hajj agency is found to have committed an offence against this Ordinance for which no specific penalty is provided shall on conviction be liable to a fine not exceeding two lacs taka or to imprisonment for a term not exceeding six months or to both.

28. Power to make rules.- The Government may make rules for carrying out the purposes of this Ordinance, and such rules may provide that a breach of any of them shall be punishable with imprisonment for a term not exceeding one year or with fine not exceeding one lac taka or with both. The rules so made may, among others, provide for the following matters:-

- (a) to provide for the issue of Hajj passport;

- (b) to prescribe the persons by whom and the conditions upon which Hajj passport may be issued;
- (c) to provide for the issue of pilgrim tickets;
- (d) to prescribe the models of different forms including application forms, contract forms etc.;
- (e) to prescribe the manner in which and the persons by whom cases against the offender Hajj agency shall be filed in court.
