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PART I

Acts, Ordinances, President's Orders and Regulations

GOVERNMENT OF GILGIT-BALTISTAN
LAW AND PROSECUTION DEPARTMENT
(Gilgit-Baltistan Secretariat)

Gilgit, the 22nd June, 2020

THE GILGIT-BALTISTAN TRAVEL AGENCIES & TOUR OPERATORS ACT-2020

ACT NO. VI OF 2020

Preamble:—

An Act to provide for the development, regulation and control of the profession of travel agencies and tour operators in Gilgit-Baltistan.

WHEREAS it is necessary and expedient to provide for the development, regulation and control of the profession of travel agencies and tour operators in Gilgit-Baltistan.

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It is hereby enacted as follows:

1. **Short Title, extent and commencement.**—(1) This Act may be called the Gilgit-Baltistan Travel Agencies & Tour Operators Act, 2020.

(2) It extends to the whole Gilgit-Baltistan.

(3) It shall come into force at once.

2. **Definitions.**—In this Act, unless there is anything repugnant in the subject or context,—

(1) **"Committee"** means the Travel Agencies and Tour Operators Advisory Committee set up by the Government under Section 3 of this Act.

(2) **"Controller"** means the Director of the Directorate of Tourism, GB appointed under section-3 and includes a Deputy Controller (Deputy Directors of GB Tourism Department) and an Assistant Controllers (Assistant Directors of GB Tourism Department) and such other person as may be authorized by the Government by notification in the official Gazette to perform all or any of the functions of the Controller.

(3) **"License"** means a license granted under this Act to any person to operate as a travel agency or tour operator.

(4) **"Prescribed"** means prescribed under the rules;

(5) **"Rules"** means rules made under this Act;

(6) **"Travel Agency"** means a person, by whatever name called, who—

(a) makes, directly or indirectly, on commercial basis arrangements for the passage of the tourists, or use of transport, or transportation of their baggage or goods by road, rail, air or sea mules or horses;

(b) has been delegated general authority in respect of sales for the airlines or other carriers, either directly or through a sub-contract;

(7) **"Tourist"** means a person, domestic or foreigners who stays overnight or more as a guest in a hotel at a place other than his normal place of residence or as defined by UNWTO.

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Or is a citizen of Pakistan or other country who validly enters Gilgit-Baltistan and remains therein for not less than twenty four hours and not more than six months in the course of any year for purposes such as touring, recreation, sports, health, study or religious pilgrimages.

(8) **"Tour Operator"** means a person, by whatever name called, who makes arrangements for lodging, transport or other services relating to travel of persons with in Gilgit-Baltistan/Pakistan or arranges entertainment, sightseeing, excursion and guide services, whether the arrangements are made on the basis of comprehensive all inclusive rates or on the basis of separate charges for each service provided.

(9) **"Courts"** means Chief Court of Gilgit-Baltistan.

3. **Setting up of Advisory Committee.**—(1) As soon as possible after commencement of this Act, the Government shall set up a Tour Operator and Travel Agencies advisory Committee, consisting of Secretary Tourism as chairman. Composition of the Advisory Committee will be defined in the rules made under this Act.

4. **Appointment of Controller, Deputy Controller and Assistant Controllers.**—(1) The Director Tourism, Gilgit-Baltistan shall be the controller by virtue of posting. Deputy Directors and Assistant Directors, Tourism shall be the Deputy Controllers and Assistant Controllers by virtue of their postings notified by the Secretary Tourism, GB in consultation with the Controller, in Divisions and Districts respectively.

(2) Subject to the provisions of this Act, the Controller shall perform his functions and discharge his duties under the general supervision and control of the Department of Tourism GB.

(3) Subject to the provisions of this Act and of such orders as may from time to time be made by the Government in this behalf, the Deputy Controller and Assistant Controllers shall perform their functions and discharge their duties under the general supervision and control of the Controller.

5. **Licensing of Travel Agency or Tour Operator.**—(1) Any person intending to operate an office of a travel agency or a tour operator in the geo-graphic boundaries of Gilgit-Baltistan or in Pakistan shall apply to the Controller on the prescribed form for the grant of a license and mandatory to establish the head office of the company within GB.

(2) Subject to Sub-Section (3) on receipt of an application under sub-section (1), the Controller may, on payment of the prescribed fee by the

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applicant, grant to the applicant a license in the prescribed form. Provided that a tour operator or travel agent already registered with department of tourist services Islamabad shall be exempted for once for license registration fee.

(3) A license shall not be granted to an applicant if:

(a) The applicant, or the manager or any partner or director of the applicant, has been convicted of an offence which, in the opinion of the Controller involves moral turpitude;

(b) The applicant is a minor or insane person;

(c) The financial position of the applicant is, in the opinion of the Controller, such as would prevent the applicant from acting as a travel agency or tour operator efficiently;

(d) The applicant has had no experience of travel arrangements required to operate the business of a travel agency or tour operator and has not employed persons who have had such experience does not engage experienced and trained employees or licensed guides or does not provide such transportation facilities as may be prescribed.

(e) The applicant does not have an office of a prescribed minimum standard.

(4) The Controller shall maintain data base in which the names, attested copy of national Identity cards, addresses with contact numbers, nature, composition and the field of operation of all licensed travel agencies and tour operators shall be entered. The register shall be maintained in both paper and electronic formats and information relevant to the public shall be accessible.

(5) The license shall, unless earlier cancelled or suspended under Section 10 or Section 11, remain valid for one year and may be renewed from year to year in such manner, and on payment of such fee, as may be prescribed. Provided that a licensed travel agency can also hold a license of tour operator after complying with the terms and conditions for grant of license as tour operator.

6. **Exemption from application.**—This Act shall not apply to:

(1) Enterprises operated by the State.

(2) National carriers of Pakistan, foreign and private airlines, duly authorized to operate to from or *via* Gilgit-Baltistan.

7. **Prohibition to act without license etc.**—Subject to section 5:

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(1) No person shall hold himself/herself out or act as travel agency or tour operator unless he/she holds a license provided that a licensed travel agency can also hold the license of a tour operator after complying with terms and conditions for grant of license as tour operator.

(2) No airline or other carrier shall delegate general authority in respect of sales, either directly or through a sub-contract, to a person who does not hold a license.

8. **Business Guarantee.**—(1) A licensed travel agency or tour operator shall maintain in a schedule bank, a bank guarantee or cash security of such minimum amount up to Rs. 0.150 million to the department, as may be prescribed from time to time.

(2) No amount shall be payable out of a bank guarantee or cash security maintained by a licensed travel agency or tour operator under sub-section (1) except by the order of the Controller.

(3) The Controller may, after making such inquiry as it may deem fit and after giving a travel agency or tour operator an opportunity of showing cause against the order proposed to be made, order payment out of the bank guarantee or cash security of the travel agency or tour operator, of any sum owed by the agency or tour operator to a tourist, carrier company or hotel or lodging house and not settled by it within thirty days from the date of its becoming due.

(4) A travel agency or tour operator from whose bank guarantee or cash security payment of any amount has been made under sub-section (3) shall, within a period of fifteen days of such payment, deposit the said amount into the bank guarantee or cash security as the case may be.

9. **Service Charges.**—(1) The rates of service charges from the tourists shall be set out in a rate list drawn up by a licensed travel agency or tour operator from time to time and submitted to the Committee who shall approve the same unless they are excessive.

(2) A copy of the rate list referred to in sub-section (1) for the time being in force shall be posted at some conspicuous part of the office of the travel agency or tour operator.

10. **Alterations.**—A licensed travel agency or tour operator shall, on payment of the prescribed fee, have every change in its nature or composition or its field of operation entered in the register maintained under section 4, within fifteen days of the day on which such change occurs.

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11. **Dis-continuance of business.**—In the case of dis-continuance or transfer of business, dissolution, re-organization or winding up of a licensed travel agency or tour operator the Controller shall be informed by the agency or operator within thirty days of such dis-continuance, transfer, dissolution, re-organization or winding up, and on receipt of the information, the Controller may either cancel the license granted to the travel agency, tour operator or, in the case of transfer of business or re-organization, grant a new license to the transferee travel agency, tour operator or to the travel agency, tour operator as re-organized.

12. **Suspension or cancellation of license.**—The Controller may, after affording a licensed travel agency or tour operator an opportunity of showing cause against the action proposed to be taken against it, by order in writing, suspend the license of the travel agency or tour operator for a period not exceeding (03) Three months or cancel its license if the agency or operator;

(1) Violates the provisions of this Act or the rules or the terms and conditions of the License or the prescribed code of conduct.

(2) Suspends its business without intimation to, or permission of, the Controller and does not resume it within six months from the date of such suspension or within the time specified by the Controller.

(3) Contravenes the provisions of sub-section (1) or sub-section (4) of Section 8.

(4) Becomes a person to whom a license cannot be granted under sub-section (3) of Section 4.

13. **Complaints.**—Any traveler or tourist having a complaint against any travel agency or tour operator may approach the Controller, which shall dispose of the same in the prescribed manner.

14. **Appeal and review.**—(1) A travel agency or tour operator aggrieved by the decision or order of an officer or authority other than the Controller under this Act or the rules may prefer an appeal to the Controller within the prescribed time and in the prescribed manner; any complain may be approached to the Advisory Committee for decision.

(2) The Advisory Committee may at any time of its own motion, or on the application of any travel agency or tour operator aggrieved by any decision or order passed by the Controller under this Act or the rules within the prescribed time and in the prescribed manner, pass such order in relation thereto as it thinks fit:

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Provided that no order against a travel agency or tour operator shall be passed unless it has been given an opportunity of showing cause against it and of being heard.

15. **Penalty.**—(1) Any travel agency or tour operator which contravenes or fails to comply with the provisions of this Act or the rules or violates the prescribed code of conduct shall, without prejudice to any other action that may be taken against it under this Act be punishable with fine which may extend to fifty thousand rupees or as prescribed by rules from time to time.

(2) No court shall take cognizance of an offence punishable under this Act except upon a complaint made in writing by or under the authority of the Government of GB.

15A. **Appeal and Revision.**—(1) Any person aggrieved by an order under this Act may within thirty days of the date of the order, prefer an appeal to;

(a) The Deputy Controller, where such order has been passed by an Assistant Controller.

(b) The Controller, where such order, not being an order passed in appeal under clause (a) has been passed by a Deputy Controller.

(c) The prescribed appellate authority, (Secretary Tourism Chairman Advisory Committee) where such order, not being an order passed in appeal under clause (b), has been passed by the Controller.

(2) The Government may of its own motion, or on the application of any owner or manager aggrieved by an order passed under sub-section (1) within the prescribed time and in the prescribed manner, pass such order in relation thereto as it thinks fit. Provided that no order against an owner or a manager shall be passed unless he has been given an opportunity of showing cause against it and of being heard.

16. **Delegation of powers.**—(1) The Government may, by notification in the official Gazette, direct that all or any of its powers under this Act shall, under such conditions, if any, as may be specified, be exercisable by any officer or authority sub-ordinate to such Controller.

17. **Power to make rules.**—(1) The Government may by notification in the official Gazette, make rules for carrying out the purposes of this Act.

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(2) In particular, and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters namely:—

(a) The fees payable for the issue and renewal of a license, depending on the nature of the services to be rendered by an applicant to tourists and the number of branch offices the applicant proposes to establish;

(b) The form in which an application for a license is to be made;

(c) The form of the license;

(d) The code of conduct;

(e) The conditions to which a license shall be subject; and

(f) The manner in which, and the time within which, an appeal under the Act may be preferred.

(g) Any other matter which is to be or may be prescribed.

FIDA MUHAMMAD NASHAD,
Speaker,
Gilgit-Baltistan Assembly.

RAJA JALAL MAQPOON,
Governor,
Gilgit-Baltistan.

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