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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 Tourist Guides Act-2020

ACT NO. V OF 2020

Preamble:—

An Act to provide for the regulation and control of the profession of tourist guides in GB,

WHEREAS it is necessary and expedient to provide for the regulation and control of the profession of tourist guides;

It is hereby enacted as follow:—

Price: Rs. 10.00

[5699(2020)/Ex. Gaz.].

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1. **Short title, extent and commencement.—**(1) This Act may be called The Gilgit-Baltistan Tourist Guides Act-2020;

(2) It extends to the whole of Gilgit-Baltistan and Pakistan;

(3) It shall come into force at once.

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

(a) "Committee" means the Tourist Guide Advisory Committee set up under section 3;

(b) "License" means license issued under section 4;

(c) "Prescribed" means prescribed by rules;

(d) "Rules" means rules made under this Act;

(e) "Tourist Guide" means a person licensed as such under section 4.

3. **Setting up of Advisory Committee.—**(1) As soon as possible after commencement of this Act, the Government shall set up an 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 Tourist Guides.—**(1) Any person intending to become a tourist guide shall apply to the Controller on the prescribed form for grant of a license having minimum qualification of metric/SSC in one or more of the categories mentioned in schedule-I of the Act as describe under rules.

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(2) On receipt of an application under sub-section (1) the Controller may after holding the prescribed tests and on payment of the prescribed fee by the applicant issue to the applicant if he qualifies in such tests a license in the prescribe form.

(3) The Controller shall maintain database in computer in which the names, address and particulars of all licensed tourist guides shall be entered.

(4) The license shall, unless earlier suspended or cancelled under section 6 remain valid for a period of one year and renewed after every one year in the prescribed manner on payment of the prescribed fee.

6. **Code of Conduct.—**The Controller shall prescribe a code of conduct for tourist guides.

7. **Suspension or Cancellation of License.—**(1) The Controller may, after affording a tourist guide an opportunity of showing cause against the action proposed to be taken against him, suspend or cancel the license of the tourist guide if he/she:

(a) violates the terms and conditions of the license; or

(b) Violates the code of conduct as defined in rules.

(2) (a) A tourist guide aggrieved by the decision or order under sub-section (1) of an officer or authority other than the Controller 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.

8. **Prohibition to Act as Tourist Guides.—**Except as otherwise provided in the Act, no person shall hold himself/herself out or act, as a tourist guide unless he/she holds a license of prescribed category.

9. **Service charges of Tourist Guides.—**(1) The Controller shall, from time to time by notification in the official Gazette, fix the maximum rates of charges to which a tourist guide shall be entitled for the services rendered by him/her.

(2) A tourist guide shall not demand from any person to whom he has/she rendered any service as such any amount in excess of the maximum charges fixed under sub-section (1) for that service.

(3) The guides employed on a fixed salary on a full time basis by any travel agency or tour operator licensed under a law for the regulation and control

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of the profession of travel and tourist agencies shall not charge any fee from a tourist.

10. **Penalty and Procedure.—**(1) Whoever:

(a) Being a person to whom no license has been issued; or

(b) Being a person whose license has been cancelled or is for the time being suspended, hold himself/herself out or acts, as a tourist guide or otherwise contravenes the provision of this Act or the rules or, being a tourist guide, contravenes the terms or conditions of the license issued to him or of a notification issued under sub-section (1) of section 8, or violates the prescribed code of conduct, shall be punishable with fine which may extend to five thousand rupees.

(2) Any Assistant Controller for the time being empowered to try in a summary way the offences specified in sub-section (1) of Section 260 of the Code of Criminal Procedure, 1898 may try summarily an offence punishable under this Act in accordance with the provision of Chapter XXII of that Code.

(3) 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 Controller.

11. **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, tourist guide 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.

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12. **Delegation of Power.**—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 also by an officer or authority sub-ordinate to the Controller.

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

(2) In particular, and without prejudice to the generality of the forgoing 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;

(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; and

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

SCHEDULE-I

Under Section 4

CATEGORIES

1. Mountain Guides (covering trekking, mountaineering, adventure sports and recreational activities, etc.);
2. Cultural Guides (covering art, culture, history, archeology and religions, etc.);
3. Marine Guides (covering diving, fishing, water sports areas, etc.); and
4. Any other related categories and/or sub-categories.

FIDA MUHAMMAD NASHAD,
Speaker.
Gilgit-Baltistan Assembly.

RAJA JALAL MAQPOON,
Governor.
Gilgit-Baltistan.

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