

AS INTRODUCED IN THE RAJYA SABHA
ON THE 3RD MAY, 2010

Bill No. XXI of 2010

THE TOUR OPERATORS AND TRAVEL AGENTS (REGULATION)
BILL, 2010

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to provide for regulation of tour operators and travel agents by providing for compulsory registration of these operators and agents by competent authority; and by prescribing requisite norms and infrastructure for various tour tourist related activities and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-first Year of the Republic of India as follows:—

1. (1) This Act may be called the Tour Operators and Travel Agents (Regulation) Act, 2010.

(2) It extends to the whole of India.

5 (3) It shall come into force on such date, as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent And
commencement.

Definitions.	<p>2. In this Act, unless the context otherwise requires,—</p> <p>(a) "appropriate Government" means in the case of a State, the State Government and in all other cases, the Central Government;</p> <p>(b) "competent authority" means any office or officer notified by the appropriate Government under section 4;</p> <p>(c) "prescribed" means prescribed by rules made under this Act.</p> <p>(d) "tour operator or tour agent" means any person including any establishment who undertakes and conducts, tours to the various parts of the country and outside or provides transport, passport and visa facilities, reservation of seats for airlines, rail, bus, steamer and ship and consultancy to tourists;</p> <p>(e) "tourist" means any person who undertakes any journey or visits any place in or out side India and includes a pilgrim.</p>	5 10
Compulsory registration of Tour Operators and Travel Agents.	<p>3. (1) With effect from such date as the Central Government may, by notification in the Official Gazette appoint, no person or establishment shall work as tour operator or tourist agent without prior registration with the competent authority.</p> <p>(2) Any person or establishment found working as tour operator or tourist agent without registration shall be guilty of an offence under this Act.</p>	15
Procedure for registration.	<p>4. (1) The appropriate Government shall, by notification in the Official Gazette, appoint a competent authority for the purposes of registration of tour operator or tourist agents within its jurisdiction.</p> <p>(2) Any person or establishment willing to work as tour operator or tourist agent shall apply to the competent Authority for the purpose of registration in such form and manner as may be prescribed.</p> <p>(3) Any person or establishment working as tour operator or tourist agent before the commencement of this Act shall apply for registration to the competent authority within a period of forty-five days from the date of commencement of this Act in such form and manner as may be prescribed.</p> <p>(4) On receipt of an application for registration as tour operator or tourist agent the competent authority shall scrutinize the application and may call for such other information or documents from the applicant as may be prescribed.</p> <p>(5) The competent authority shall, before registering any tour operator or tourist agent, inspect the infrastructure and facilities available with the tour operator or tourist agent to have the first hand information and ensure the compliance of the norms and standards fixed by the appropriate Government in this behalf.</p> <p>(6) The competent authority shall, after being satisfied with the various requirements under this Act, grant a registration certificate to the applicant in such manner and form as may be prescribed which shall be valid for three years.</p> <p>(7) The competent authority shall renew the registration of any tour operator or tourist agent only after re-inspecting the infrastructure facilities with the tour operator or tourist agent and on fulfilment of requirements and norms fixed in this behalf by the appropriate Government under this Act.</p> <p>(8) The competent authority may refuse to register or the renew registration of a tour operator or tourist agent if he fails to comply with the norms and standards fixed by the appropriate Government in this behalf or the competent authority finds its infrastructure insufficient for the purpose of working as tour operator or agent:</p>	20 25 30 35 40 45

Provided that in case of non-registration or non-renewal of registration of a tour operator or tourist agent, the competent authority shall record reasons in writing and communicate the same to the applicant.

5 (9) The competent authority shall take a decision on the application filed under sub-section (2) within a period of thirty days.

(10) The appropriate Government shall, by notification in the Official Gazette, appoint an appellate authority, in order to provide opportunities to the person aggrieved by the orders of the competent authority.

5. The appropriate Government shall,—

10 (a) fix the maximum fee to be charged by the tour operator and travel agents for various tour related activities;

(b) the rate at which vehicles shall be made available to tourists;

(c) to prescribe norms and standards for various activities;

15 (d) lay down norms for minimum infrastructure for starting and running tour operations;

(e) prescribe such other norms as may be necessary for the purpose.

Appropriate Government to prescribe norms for tour operator and travel agents.

6. Whoever contravenes the provisions of this Act and the rules made thereunder shall be punishable with imprisonment for a term which may extend to two years and also with fine which may extend to five lakhs rupees.

Penalty.

20 7. (1) Where a contravention of any of the provisions of this Act or any rule, direction or order made thereunder has been committed by a company, every person who, at the time the contravention was committed, was in charge of, and was responsible to the company for the conduct of business of the company as well as the company, shall be guilty of the contravention and shall be liable to be proceeded against and punished accordingly:

Offences by Company.

25 Provided that nothing contained in this sub-section shall render any such person liable to punishment if he proves that the contravention was committed without his knowledge or that he exercised all due diligence to prevent such contravention.

30 (2) Notwithstanding anything contained in sub-section (1), where a contravention of any of the provisions of this Act or of any rule, direction or other made thereunder has been committed by a company and it is proved that the contravention has taken place with the consent or connivance of or is attributable to any neglect on the part of any director, manager, secretary or other officer of the company such director, manager, secretary or other officer shall also be deemed to be guilty of the contravention and shall be liable to be proceeded against and punished accordingly.

35 *Explanation:—*For the purpose of this section:—

(i) "company" means any body corporate and includes a firm or other association of individuals; and

(ii) "director", in relation to a firm, means a partner in the firm.

40 8. If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order published in the Official Gazette, make such provisions, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing the difficulty:

Power to remove difficulties.

Provided that no such orders shall be made after the expiry of the period of three years from the date of commencement of this Act.

45 9. The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force on the subject and save

Overriding effect of the Act.

aforesaid the provisions of the Act shall be in addition to and not derogation of any other law for the time being in force.

Power to
make rules.

10. The Central Government may by notification in the Official Gazette make rules for carrying out the purposes of this Act.

STATEMENT OF OBJECTS AND REASONS

At present, there is no legislation to regulate the tourism industry, particularly the travel agencies operating in various regions of the country. This sector is unorganised and any person can start a travel agency anywhere by setting up a small shop just with a telephone facility. There is no ban on such travel agents and as a result, in some of the cases, anti social or mischievous elements sneak into this business and flourish in the name of providing travel consultancy. There have been cases when the foreign tourists have been cheated and robbed of their valuables by the unscrupulous travel agents. The Association of Domestic Tour Operators has held several meetings with the Department to make registration of a travel agency mandatory to curb the untoward incidents and dubious practices indulged in by some travel agents with ulterior motives. It becomes all the more important to check this menace of unregulated travel agencies, in view of the upcoming Commonwealth Games in New Delhi by suitable legislative measures.

Hence this Bill.

MAHENDRA MOHAN

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 10 of the Bill empowers the Central Government to make rules for carrying out the purposes of this Bill. The rules will relate to matters of details only.

The delegation of legislative power is of a normal character.

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(Shri Mahendra Mohan, M.P.)