

THE TRAVEL AGENCIES ACT, 1976
(XXX of 1976)

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TEXT

THE TRAVEL AGENCIES ACT, 1976
(XXX of 1976)

[11th May, 1976]

An
Act

to provide for the development, regulation and control of the profession of travel agencies in ¹[Punjab].

WHEREAS it is necessary and expedient to provide for the development, regulation and control of the profession of travel agencies in ²[Punjab];

It is hereby enacted as follows:-

1. Short title extent and commencement.-(1) This Act may be called the Travel Agencies Act, 1976.

(2) ³[It extends to whole of the Punjab].

(3) It shall come into force at once.

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

(a) "Committee" means the Travel Agencies Regulatory Committee set up by the ⁴[* * *] Government under section 3,

⁵[(aa) "Controller" means the Controller as appointed under the Punjab Hotels and Restaurants Act, 1976 (LXXXI of 1976), and includes a Deputy Controller, an Assistant Controller and an Inspector, and such other persons as may be authorized by the Government by notification in the official Gazette to perform all or any of the functions of the Controller under this Act;

(aaa) "Government" means Government of the Punjab;]

(b) "licence" means a licence granted under this Act to any person to operate as a travel agency;

(c) "licenced guide" means a guide licensed under the law for the regulation and control of the profession of tourist guides ;

¹Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

²Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

³Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.3.

⁴Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

⁵Inserted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.4.

- (d) "prescribed" means prescribed under the rules ;
- (e) "rules" means rules made under this Act;
- (f) "travel agency" means a person, by whatever name called, who-
 - (i) 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 sea, air, rail or road; or
 - (ii) makes arrangements for lodging, transport or other services relating to travel of persons within Pakistan or arranges entertainment, sight-seeing, 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 ; or
 - (iii) has been delegated general authority in respect of sales for the airlines or other carriers, either directly or through a sub-contract; and
- ⁶[(g) "tourist" means a person who travels within the Punjab for touring, recreation, sports, study or religious pilgrimages or for any other purpose as the Government may, by notification, specify.]

3. Committee.- ⁷[(1) The Government shall set up a committee to be known as the Travel Agencies Regulatory Committee consisting of a Chairman and such other members as the Government may determine.]

(2) The Chairman and other members of the Committee shall hold office during the pleasure of the ⁸[* * *] Government on such terms and conditions as the ⁹[* * *] Government may determine.

(3) The committee shall perform the following functions, namely:—

- (a) advise the ¹⁰[* * *] Government in the implementation of the provisions of this Act and the rules ;
- (b) approve the rates of service charges of travel agencies in respect of various services rendered by them to the tourists ;

⁶Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.4.

⁷Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.5.

⁸Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

⁹Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹⁰Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

- (c) advise the ¹¹[* * *] Government from time to time in respect of licence fees to be prescribed for various services rendered by the travel agencies ;
- (d) assist the ¹²[* * *] Government in the preparation of a code of conduct for travel agencies ; and
- (e) such other functions as are connected with the objects of this Act and as the ¹³[* * *] Government may entrust to it.

4. ¹⁴[Licensing].- (1) Any person operating or intending to organize and operate a travel agency ¹⁵[or to act as a guide] shall apply to the ¹⁶[* * *] Government on the prescribed form to the grant of a licence.

(2) Subject to sub-section (3), on receipt of an application under sub-section (1), the ¹⁷[* * *] Government may, on payment of the prescribed fee by the applicant, grant to the applicant a licence in the prescribed form.

(3) A licence 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 ¹⁸[* * *] Government, 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 ¹⁹[* * *] Government, such as would prevent the applicant from acting as a travel agency efficiently;
- (d) the applicant has had no experience of travel arrangements required to operate the business of a travel agency and has not employed persons who have had such experience; or

¹¹Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹²Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹³Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹⁴Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.6.

¹⁵Inserted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.6.

¹⁶Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹⁷Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹⁸Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

¹⁹Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

- (e) the applicant does not have an office of a prescribed minimum standard or does not engage experienced and trained employees or licensed guides or does not provide such transportation facilities as may be prescribed.

(4) The ²⁰[* * *] Government shall maintain a register in which the names, addresses, nature, composition and the field of operation of all licenced travel agencies shall be entered.

(5) The licence 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 or, at the option of the travel agency, for a period upon five years] in such manner, and on payment of such fee, as may be prescribed.

²¹[(6) The Government may renew an expired licence within five years of its expiry subject to such inquiry as may be deemed necessary.]

5. Exemption from application. This Act shall not apply to—

- (a) enterprises operated by the State;
- (b) national carriers of Pakistan and foreign airlines, duly authorised to operate to, from or via Pakistan; or
- (c) any agency, whether private or official, which is specifically entrusted by Government with the work relating to handling of Haj pilgrims or other pilgrims, within or without Pakistan, and who are subject to special regulations governing their field of activity.

6. Prohibition to act without license, etc. Subject to section 5—(1) no person shall hold himself out or act as a travel agency ²²[or a guide] unless he holds a licence.

(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 licence.

²³**6-A. Powers of Controller.**— Without prejudice to any other powers of the Controller under this Act, the Controller may:

- (a) seal a travel agency if it is not licensed under this Act;
- (b) seal a licensed travel agency if it fails to deposit the annual fee or it does not comply with the directions of the Government issued from time to time;
- (c) inspect, during working hours, the office or premises of a travel

²⁰Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

²¹Added by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.6.

²²Inserted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.7.

²³Inserted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.8.

- agency or of a guide to ensure that the office or the premises is maintained in accordance with the rules and terms and conditions of the licence;
- (d) require assistance from the district police for implementation of this Act; and
- (e) impose administrative penalty provided under section 14 of the Act.]

7. Business guarantee fund.—²⁴[(1) A licensed travel agency shall maintain in a designated scheduled bank, such business guarantee fund or cash guarantee of such minimum amount as may be prescribed.]

- (2) No amount shall be payable out of a business guarantee fund maintained by a licensed travel agency under sub-section (1) except to the order of the ²⁵[* * *] Government.
- (3) The ²⁶[* * *] Government may, after making such inquiry as it may deem fit and after giving a travel agency an opportunity of showing cause against the order proposed to be made, order payment, out of the business guarantee fund of the travel agency, of any sum owed by the agency 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 from whose business guarantee fund 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 business guarantee fund.

8. 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 from time to time and approved by the Committee.

(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.

9. Alterations.— A licensed travel agency 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.

10. Discontinuance of business, etc.— In the case of discontinuance or transfer of business, dissolution, re-organisation or winding up of a licensed travel agency, the ²⁷[* * *] Government shall be informed by the agency within thirty days of

²⁴Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.9.

²⁵Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

²⁶Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

²⁷Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

such discontinuance, transfer, dissolution, re- organization or winding up, and on receipt of the information, the ²⁸[* * *] Government may either cancel the licence granted to the travel agency or, in the case of transfer of business or reorganization, grant a new licence to the transferee travel agency or to the travel agency as re-organized.

11. Suspension or cancellation of licence.— The ²⁹[* * *] Government may, after affording a licensed travel agency 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 for a period not exceeding six months or cancel its licence if the agency—

- (a) violates the provisions of this Act or the rules or the terms and conditions of the licence or the prescribed code of conduct;
- (b) suspends its business without intimation to, or permission of, the ³⁰[* * *] Government and does not resume it within six months from the date of such suspension or within the time specified by the ³¹[* * *] Government;
- (c) contravenes the provisions of sub-section (1) or sub-section (4) of section 7; or
- (d) becomes a person to whom a licence cannot be granted under sub-section (3) of section 4.

12. Complaints, Appeal and review.— Any traveller having a complaint against any travel agency may approach the Committee which shall dispose of the same in the prescribed manner.

³²**13. Appeal.—** (1) Any person aggrieved by an order under this Act may, within thirty days of the date of such order, prefer an appeal to-

- (a) the Deputy Controller, where such order has been passed by an Assistant Controller or an Inspector;
- (b) the Controller, where such order, not being an order passed in appeal under clause (a), has been passed by a Deputy Controller; and
- (c) Secretary to the Government, Tourism Department, where such order, not being an order passed in appeal under clause (b), has

²⁸Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

²⁹Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

³⁰Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

³¹Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.

³²Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.10.

been passed by the Controller.

(2) Secretary to the Government, Tourism Department may of its own motion, or on the application of any owner or manager of a travel agency aggrieved by an order passed under sub-section (1), except an order under clause (c) of subsection (1), within the prescribed time and in the prescribed manner, pass such order in relation thereto as it thinks fit.

(3) No order against the owner, manager, partner or director of a travel agency shall be passed under this section unless he has been given an opportunity of showing cause against it and of being heard.]

³³[**14. Penalty.**— Any travel agency 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, for the first offence, with fine which may extend to one hundred thousand rupees and for subsequent offence with a fine which may extend to two hundred thousand rupees or with the sealing of the premises or both.]

³⁴[**14-A. Indemnity.**— No suit, prosecution or other legal proceedings shall lie against the Government, the Controller, any officer or authority of the Government, or a member of the Committee in respect of anything which is done in good faith under this Act.]

³⁵[**15. Delegation and supervision.**— (1) The Government may, by notification in the official Gazette, direct that any of its powers under this Act shall, subject to such conditions as may be specified in the notification, be exercised by the Controller or any other officer of authority of the Government, in such manner as may be prescribed.

(2) The Controller may, by notification in the official Gazette, delegate any of its powers under this Act to the Deputy Controller, Assistant Controller and Inspector.

(3) Subject to the provisions of this Act, the Controller shall perform functions and discharge duties under the general supervision and control of the Government.

(4) Subject to the provisions of this Act and of such orders as may from time to time be made by the Government, Deputy Controllers, Assistant Controllers and Inspectors shall exercise their powers and perform functions under the general supervision and control of the Controller.]

³⁶[**15-A. Issuance of ticket.**— A travel agency may hold passport of a tourist for

³³Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.11.

³⁴Inserted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.12.

³⁵Substituted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.13.

³⁶Added by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.14.

issuance of air ticket and confirmation of seats from airlines or organizing group tours for citizens of Pakistan to a foreign country.]

16. Power to make rules.—(1) The ³⁷[* * *] 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 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 licence, 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 licence is to be made;
- (c) the form of the licence;
- (d) the code of conduct;
- (e) the conditions to which a licence shall be subject; and
- (f) the manner in which, and the time within which, an appeal under this Act may be preferred.

³⁷Omitted by the Punjab Travel Agencies (Amendment) Ordinance 2021 (XIV of 2021), published in the Punjab Gazette (Extraordinary), dated: 25th March 2021, pp. 7389-7392 s.2.