

Punjab Travel Professionals Regulation Rules, 2013

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Rule

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Punjab Travel Professionals Regulation Rules, 2013Published vide Notification No. G.S.R.46/P.A.2/2013/S.18/2013, dated 20th August, 2013Government of PunjabDepartment of Home Affairs and Justice(Home-5 Branch)No. G.S.R.46/P.A.2/2013/S.18/2013. - In exercise of the powers conferred by section 18 of the Punjab Prevention of Human Smuggling Act, 2012 (Punjab Act No. 2 of 2013) and all other powers enabling him in this behalf, the Governor of Punjab is pleased to make the following rules for regulating the trade of travel agencies or consultancies and ticketing agent to carry out the other purposes of the aforesaid Act, namely: -

1. Short title and commencement.

(1)These rules may be called the Punjab [Travel Professionals' Regulation] [Substituted 'Prevention of Human Smuggling' by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).] Rules, 2013.(2)They shall come into force on and with effect from the date of their publication in the Official Gazette.

2. Definitions.

(1)In these: rules, unless the context otherwise requires:-(a)"Act" means the Punjab Prevention of Human Smuggling Act, 2012;(b)"Form" means the form, appended to these rules;(c)"IATA" means the International Air Transport Association;(cc)["IELTS" means the International English Language Testing System;] [Inserted by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).](d)"N.R.I." means a person as defined in the Punjab State Commission for Non-Resident Indians Act, 2011 (Punjab Act No. 33 of 2011);(e)"TAAI" means the Travel Agents Association of India; and(f)"TAFI" means the Travel Agents Federation of India.(2)The words and expressions used in these rules, but not defined, shall have the same

meaning as assigned to them in the Act.

3. Application for grant of license.

(1) A person, who desires to undertake the profession of a travel agent or consultancy or of a ticketing agent, as the case may, under these rules, or a person, who is already in any of the aforesaid professions on the date of commencement of the Act, shall make an application to the competent authority in Form-I. (2) A person making an application under sub-rule (1):-(i) shall enclose in the shape of a Demand Draft in favour of the competent authority:-[a fee of rupees one lac, for the firms, which are running travel agency or coaching institutions of IELTS or consultancy, for a period of more than five years: [Substituted by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).] Provided that the consultancy firm may either deposit the said amount of rupees one lac in one installment or in five equal installments; (b) a fee of rupees twenty-five thousand, for the firms, which are running Travel Agency or Coaching Institutions of IELTS or Consultancy, for a period of less than five years: Provided that the Consultancy firm may either deposit the said amount of rupees twenty-five thousand in one installment or an amount of rupees ten thousand in first installment and the balance amount in four equal installments; (c) a fee of rupees one lac for the Ticketing Agents, who are in the business of ticketing, for a period of more than five years: Provided that the Ticketing Agents may either deposit the said amount of rupees one lac in one installment or in five equal installments: Provided further that the Ticketing Agents, shall have to submit a monthly chart of the tickets sold by them, either on domestic or international airlines, on internet to the Deputy Commissioner concerned; (d) a fee of rupees twenty-five thousand, for the Ticketing Agents, who are in the business of ticketing, for a period of less than five years: Provided that the Ticketing Agents, may either deposit the said amount of rupees twenty-five thousand in one installment or ten thousand in first installment and the balance amount in four equal installments: Provided further that the Ticketing Agents, shall have to submit a monthly chart of the tickets, sold by them, either on domestic or international airlines, on internet to the Deputy Commissioner concerned; (e) a fee of rupees one lac for the firms, which are running the business of general sales agents, for a period of more than five years: Provided that the said general sales agents, may either deposit the said amount of rupees one lac in one installment or in five equal installments; and (f) a fee of rupees twenty-five thousand for the firms, which are running the business of general sales agents, for a period of less than five years: Provided that the said general sales agents, may either deposit the said amount of rupees twenty-five thousand, in one installment or ten thousand in first installment and the balance amount in four equal installments.](ii) [shall submit the documents, for obtaining a license, as specified in form I- A.] [Substituted by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).] (3) If a person including NRI's, who is already in the profession of a travel agent or consultancy applies for a license under these rules, he shall submit a Xerox copy (duly attested) of the certificate issued by the IATA, TAAI and TAFI, as the case may be, if already registered, with them, alongwith his application. (4) A person, who intends to undertake the profession under these rules, shall have sufficient arrangements to maintain record of his clients in electronic form, such person should be capable to make available a soft copy of the same to the person, who approaches him for services under these rules, and one copy thereof, shall be retained by him for their own record.

4. Issuance of license.

(1) If the Competent Authority is satisfied with the information provided by the applicant, he shall issue a license in Form-II within a period of ninety days, subject to the following terms and conditions, namely:- That the applicant:- (i) is a citizen of India: Provided that a N.R.I may also make an application for obtaining a license under these rules, subject to the following conditions, in addition to the conditions specified below in clauses (ii) to (viii), namely:- (a) give his Social Security Number issued by the country, where he has immigrated, duly authenticated by the competent authority of such country; (b) give due permission issued by the country, where he has immigrated, for carrying out the profession of travel agency or consultancy in India under these rules; and (c) give permission issued by the Reserve Bank of India, if such N.R.I, takes the remuneration received as fee from the persons to whom such N.R.I, has rendered service, outside the territory of India; (ii) is not of unsound mind at the time of making application for issuance of a license under these rules; (iii) is not insolvent or a bankrupt; (iv) has no involvement in any crime as per police records; (v) does not hold an office of profit either under the Government of India or any State Government; (vi) has not been barred from carrying out this profession by any agency regulating this profession; (vii) has adequate space/accommodation, which shall not be less than [100 sq.ft] [Substituted '15ft. X 20 ft.' by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).] of size, either owned or is taken On 'rent, by such person, as the case may be, to carry on the profession under these rules: Provided that such space/accommodation shall be located in the commercial area of a city or town or any other such area, accessible to any person Without any difficulty, who approaches for services under these rules: Provided further that for proof of such space/accommodation, the person shall attach with his application the ownership proof of such space or a rent deed which 'shall not be less than for a period of three years from the date of making an application for license' under these rules, as the case may be: Provided further that such space/accommodation, shall duly be registered under the Punjab Shops and Commercial Establishments Act, 1958 (Punjab Act No. 15 of 1958); and (viii) does not fall in any of the conditions as specified in clauses (b) to (g) of sub-section (I) of section 6 of the Act. [***] [Omitted by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).] (3) The person, to whom a license is granted by the competent authority, shall carry out the profession either himself or through authorised person: Provided that if a Licensee intends to run the travel agency or consultancy and ticketing agent as the case may be, through an authorised person, in that case the licensee shall get the antecedents of such person verified through the police of the area concerned, and shall also obtain a Bond from person duly witnessed by two persons, who are income tax assesses, in order to secure pecuniary losses caused by such person to any client, who visit the aforesaid travel agency or consultancy and ticketing agent, as the case may be. (4) If any application made under sub-rule (1) if found to be incorrect or incomplete, the competent authority may reject such application by passing an order in writing, specifying the reasons therefor. The competent authority shall, however, afford an opportunity of being heard to the applicant before passing such order. (5) A person, to whom a license is granted under these rules, shall maintain the record of his clients, for a minimum period of five years. (6) A person, to whom a [license is granted for a travel agency] [Substituted 'license is granted' by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).] under these rules, shall give details of his clients, to whom he has rendered services, on monthly basis to the competent

authority with a copy thereof to the State Government, along with the details of fee charged [from said clients:] [Substituted 'from said clients' by Notification No.

G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).].[Provided that the person, to whom a license is given for a Consultancy Firm, shall inform the State Government on six monthly basis, giving details of his clients and the fee charged therefrom:Provided further that the person, to whom a license is given for a Ticketing Agency, shall inform the Deputy Commissioner concerned, on monthly basis, giving a monthly chart of number of tickets sold by him for domestic or international airlines, as the case may be, in electronic mode on his official email id:Provided further that each travel agent or consultant or ticketing agent, who has obtained a license, shall maintain record of the fee charged and submit the same to the competent authority or the State Government, as the case may be, in case a complaint is received against such licensee.] [Inserted by Notification No. G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).]

5. Duration of license.

(1)A license issued under sub-section (2) of section 4, shall be valid for a period of five years from the date of its issue(2)The Application for renewal of a license shall duly be made in Form-III, two month in advance from the date of its expiry, alongwith the following documents, namely:-(i)self-attested photocopy of the license;(ii)income-tax returns for the last three years; and(iii)statement of bank account for the last two years.(3)The applicant shall enclosed a fee of rupees fifteen thousand, for renewal of his license, in the shape of Demand Draft in favour of the competent authority.(4)The competent authority may, however, make further enquiries from the police or any other authority, as it may deem fit, before renewal of a license under these rules.

6. Appeal.

(1)A person aggrieved of an order passed by the competent authority for:-(1)rejection of application for grant of license;(2)non-compliance of any terms and conditions of a license;(3)suspension of license;(4)cancellation of license;(5)refusal for renewable of license; or(6)any other matter,may file an appeal against such order before the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice, within a period of thirty days from the date of passing Of such order in Form-IV.(2)The appellant shall enclose a fee of rupees one thousand in the shape of a Demand Draft in favour of the Principal Secretary to Government of Punjab, Department of Home Affairs and Justice, payable at Chandigarh.

7. Confiscation of illegal acquired property.

(1)If it is established during trial of an offence under the Act that any property either movable or immovable, as the case may be, has illegally been acquired by a licensee, the court shall pass an order for confiscation of such property.(2)For passing such orders, the court shall follow the procedure as laid down in Chapter VIIA of the Code of Criminal Procedure, 1973 (Central Act No. 2 of 1974), pertaining to seizure/forfeiture of property, for the purposes of confiscation of property under the Act.Form-I[See rule 3(1)]Application form for Grant of License

Affix Passport Size photo of the applicant

1. Name of the applicant _____

2. Father's name _____

3. Permanent residential address _____

4. Temporary residential address; if any

5. Police Station concerned

6. Post Office concerned

7. Present financial status of the applicant (in few words)

8. Passport details of the applicant (if any)

9. Details of Demand Draft D.D.No. ----- Dated -----

Name of the Bank -----

10. Has the applicant is ever denied License under these rules, if so, give details Is therefor _____

11. Details of the relatives of the applicant, if living abroad with postal address _____

12. Details of any criminal proceedings pending against the applicant, if any _____

13. Has the applicant ever been convicted by any court? If so, details thereof _____

Surety of two persons, who shall be income tax assesses, alongwith their PAN CardNumber and their complete residential address, namely:-

1. _____
2. _____

List of documents attached as per sub-rule (2) of rule 3, namely:-

1. _____
2. _____
3. _____
4. _____
5. _____
6. _____
7. _____
8. _____
9. _____
10. _____

Signature of the applicant[Form-I-A [Inserted by Notification No.

G.S.R.49/P.A.2/2013/S.18/Amd.(1)/2014, dated 16.9.2014 (w.e.f. 20.8.2013).][See rule 3 (2)]Part-1

1. For proof of Residence (Copy of any one of the following)(i)Residence Certificate ;or(ii)Voter I.D. Card ;or(iii)Aadhar Card/UID ;or(iv)Arms License ;or(v)Passport.

2. For Proof of Identity (Copy of any one of the following)

(i)Voter I.D. Card ;or(ii)PAN Card;or(iii)Aadhar Card/UID ;or(iv)Arms License ;or(v)Passport.

3. For Proof of Date of Birth (copy of any one of the following)

(i)Birth Certificate ;or(ii)Matriculation Certificate ; or(iii)Passport,That Only the Copy of Passport is also acceptable as a single proof towards proof of Identity, Address and Date of Birth.

4. Other Documents:

(i)Three passport size photographs ;(ii)Copy of Pan Card;(iii)Income Tax Return for minimum 1 year and maximum 3 years; and(iv)Bank Account Statement of previous year or since the inception of business, whichever is lesser.

5. Proof of occupancy of business place (Copy of any one of the following)

(i)Copy of the ownership of the accommodation; or(ii)Rent deed (if available) ; or(iii)Certificate from bank-certifying holding of a current account and the business address on record; or(iv)Copy of registration under Shops and Establishments Act (if available); or(v)Copy of Utility bills,(a)Electricity; or(b)Telephone/Broadband; or(c)Property Tax Receipts.

6. Proof of constitution/operations of business:

(1)In case of Sole Proprietorship.-(a)Certificate from Chartered Accountant regarding sole proprietorship ; and(b)Certificate from Bank, certifying sole proprietorship;(2)In case of Partnership Firm (Only the managing partner shall apply).-(a)Copy of Partnership Deed; and(b)Certificate from other partners authorizing at least one partner/ Manager to apply for and comply with the requirements of licensing under the Act;(3)In case of a Private Limited Company or a Limited Company, incorporated under the Companies Act, (only one of the Directors or an Authorized Manager shall apply, for the license along with required documents).Part-II

AffidavitI, _____ S/o _____ R/o _____ District _____, do hereby solemnly affirm and declare as under:

1. That I am a *Citizen of India or a Non- Resident Indian, as the case may be, and my date of birth is _____.

2. That I am operating as *ticketing and travel agent/ overseas education advisor/immigration consultant since _____, as and the *owner/proprietor/director/ Manager of the company _____, with its registered/head/main office located at: _____.

3. That I am applying for grant of license under the Punjab Travel Professionals' Regulation Act, 2012. I undertake to comply with all the provisions of the Act.

4. That I have neither been *convicted or involved in any criminal case or complaints, as the case may be, related to my trade/profession, nor there is any criminal proceeding pending against me in any court of law till date.

- 5. That I have not been barred from carrying out this profession by any agency regulating this profession.**
- 6. That I am a person of sound mind and was never declared as insolvent or bankrupt.**
- 7. That I do not hold any office of profit either under the Government of India or any State Government.**
- 8. That I have adequate space/accommodation, for running the said profession which is easily accessible.**
- 9. That I have sufficient arrangement to maintain records of my clients in electronic form, and will make available soft copy of the same to any client or to any authorized person/ department, when demanded.**
- 10. That I will do this business on my own and not through any other person. If I would intend to carry out my profession through an authorized person, then I will get the antecedents of such person verified through the police of the area concerned, and shall also obtain a bond from the said person duly witnessed by two persons, who are income tax assesses.**
- 11. That I undertake that in case of any advertisement or publicity with reference to my profession or to hold seminar in respect thereof, I shall prominently display my license number and will refrain from giving any misleading advertisements/ claims.**

DeponentDate:Place:Verification:Verified _____ day of _____ 20____, that the information contained above are true and correct to the best of my knowledge and nothing has been concealed therein.DeponentDate:Place:*(Tick (); whichever is applicable)

Part III – Resolution

(On letter head of the company concerned)It is hereby resolved on _____ Day of _____ 2014, in the board meeting of (Name of the Company),-(1)that the company shall comply with the provisions of the Punjab Travel Professionals' Regulation Act, 2012, and further resolves that the license application, be made to the competent authority, in whose jurisdiction, the head office of the company, is located.(2)that the Director of the company (Name of the Director/Manager), be authorized, to apply for the license in his/her name and complete all the formalities as prescribed under the Act.(3)that Mr./Ms. (_____ name _____), will

act on the behalf of the company and ensure that the operations of the company, across all branch offices in Punjab, would comply with the procedure prescribed under the Act and the rules. For Name of the Company _____ Name and Signatures of All the Directors _____ Date: _____ Place: _____ Company Seal/stamp.] Form-II [See rule 4(1)] License For Travel Agency/Consultancy/Ticketing Agent

Affix Passport Size photo of the Licensee
License .No. _____ Shri/Smt. _____ son/daughter/wife of Shri _____ resident of _____ is authorised under the Punjab Prevention of Human Smuggling Rules, 2013, framed under the Punjab Prevention of Human Smuggling Act, 2012 to carry out the profession of travel agency/consultancy/ticketing agent _____ (address of the shop to be given at the space left blank by the licensing authority) on and with effect from the _____ day of _____ 20____ Date of expiry _____ Issuing Authority _____ Form-III [See rule 5(2)] Application form for Renewal of License

Affix Passport Size photo of the Licensee

1. Name of the applicant _____

2. Father's name _____

3. Permanent residential address _____

4. Temporary residential address; if any

5. Police Station concerned

6. Post Office concerned

7. Present financial status of the applicant (in few words)

8. Passport details of the applicant (if any)

9. Details of Demand Draft D.D.No. ----- Dated -----

Name of the Bank -----

10. Details of any criminal proceedings pending against the applicant, if any _____

11. Has the applicant ever been convicted by any court? If so, details thereof _____

Surety of two persons, who shall be income tax assesses, alongwith their PAN CardNumber and their complete residential address, namely:-

1. _____

2. _____

List of documents attached as per sub-rule (2) of rule 5, namely:-

1. _____

2. _____

3. _____

4. _____

5. _____

Signature of the applicantForm-IV[See rule 6]Appeal Against the Orders of

_____. 1. Name of the applicant_____

2. Father's name _____

3. Permanent residential address _____

4. Temporary residential address, if any _____

5. Police Station concerned

6. Post Office concerned

7. Details of fee D.D.No. ----- Dated -----

Name of the Bank ----- Grounds of Appeal (to be given by the appellant in the space left blank) List of documents attached:-

1. Certified copy of the order, passed by the _____

2. _____

3. _____

4. _____

Dated: ----- Place: ----- Signature of the appellant Verification:- Signature of the appellant