

THE HARYANA REGISTRATION AND REGULATION OF TRAVEL AGENTS BILL, 2024

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BILL

to establish a framework to ensure the transparency, accountability, integrity of travel agents and to check and curb their illegal and fraudulent activities, safeguarding the interest of residents of the State of Haryana and for the matters connected therewith or incidental thereto.

Be it enacted by the Legislature of the State of Haryana in the Seventy-fifth Year of the Republic of India as follows:-

Short title and commencement.

1. (1) This Act may be called the Haryana Registration and Regulation of Travel Agents Act, 2024.

(2) It shall come into force on the date of its publication in the Official Gazette.

Definitions.

2. In this Act, unless the context otherwise requires,-

- (a) “appellate authority” means an officer appointed by the State Government, by order, to be the appellate authority for the purposes of this Act;
- (b) “cheating” shall have the same meaning as assigned to it in section 415 and includes cheating by personation as defined in section 416 of the Indian Penal Code, 1860 (Central Act 45 of 1860);
- (c) “competent authority” means an officer appointed by the State Government, by order, to be the competent authority for the purposes of this Act;
- (d) “dependent” means any person who is dependent on the emigrant or is in blood relation to that emigrant;
- (e) “device” means any machinery or instrument that may be used or intended to be used for the purpose of forging or counterfeiting any document;
- (f) “document” means any educational certificate, certificate for English language test for study, migration or work, travel paper, visa, ticket or passport in physical or electronic form, that may be used or intended to be used as evidence in support of qualification for the purpose of tourism or emigration;
- (g) “emigrant” means a citizen of India who intends to emigrate or emigrates or has emigrated outside India for any purposes such as study, work, tourism etc.;

- (h) “human smuggling” shall mean and include illegal exporting, sending or transporting a person out of India or any type of facilitation thereto by receiving money from him or his parents, relatives or any other person interested in his welfare, by inducing, alluring, deceiving or cheating;
- (i) “illegally acquired property” means any property whether movable or immovable, acquired by illegal means by a travel agent in contravention of the provisions of this Act;
- (j) “registration certificate” means a registration certificate issued by the competent authority under section 3 of this Act;
- (k) “prescribed” means prescribed by the rules made under this Act;
- (l) “State Government” means the Government of the State of Haryana in the administrative department;
- (m) “travel agent” means any firm or company or unit or a person doing the profession which involves arranging, managing or conducting affairs relating to sending persons abroad or which arise out of the affairs of persons sent to a foreign country except for carrying out the business of recruitment being governed under the Emigration Act, 1983 (Central Act 31 of 1983) and shall include all or any of the followings, namely: -
  - (a) processing of applications for or relating to grant of passport or visa; or
  - (b) acting as an agent for a company, firm or such type of bodies or entities for-
    - (i) selling air travel tickets; and
    - (ii) providing means of transportation for travel to a foreign country by land or sea; or
  - (c) providing consultancy visa service or guidance to the persons intending to go abroad for-
    - (i) acquiring education;
    - (ii) undertaking a pleasure trip as a tourist or traveler;
    - (iii) getting medical treatment;
    - (iv) arranging cultural entertainment or musical shows;
    - (v) spreading or preaching religion; or
    - (vi) participating in sports tournaments or

events; or

- (d) giving an advertisement or publicity, which relates directly or indirectly to any field of travel to a foreign country by means of publication, transmission, communication or internet; or
- (e) holding of seminars or delivering of lectures to promote emigration or rendering assistance for such purposes; or
- (f) arranging matrimonial alliances and adoptions for the purpose of emigration; or
- (g) arranging travel of any person from India to abroad for any purpose whatsoever; or
- (h) acting as freelancing type tout for any of the purposes mentioned in clauses (a) to (g).

Registration.

3. (1) No person shall undertake the profession of a travel agent unless he obtains a registration certificate under the provisions of this Act.

(2) A person intending to undertake the profession of a travel agent or who is already in such profession on the commencement of this Act, shall make an application to the competent authority in such manner, within such time, alongwith such fee and documents, as may be prescribed.

(3) If the competent authority is satisfied that the application made under sub-section (2) is in order, it shall issue a registration certificate subject to such terms and conditions and in such form, as may be prescribed:

Provided that if the competent authority is satisfied that the particulars given in the application are incorrect or are incomplete or that any evidence or information required for issuing the registration certificate is not furnished, it may, after necessary inquiry and after giving the applicant an opportunity of being heard, reject the application for the reasons to be recorded in writing:

Provided further that the person whose application has been rejected for grant of registration certificate, may make another application to the competent authority for grant of registration certificate after removing the defects pointed out by it.

(4) The registration certificate shall not be issued to a person under sub-section (3), unless the particulars and documents given by him, in his application, are verified by the police.

(5) The validity of a registration certificate shall be for a period of three years, which shall be renewable in such manner and for such period, as may be prescribed.

Registration of office or its branch.

4. If a person who has obtained a registration certificate under this Act for doing the profession of travel agent subsequently opens other office or its branch at a place situated in same or other district, he shall be required to obtain a fresh registration certificate for such office or its branch.

Cancellation or suspension of registration certificate.

5. (1) The competent authority may cancel the registration certificate granted under this Act, on an application made to it by any person or otherwise on information that the travel agent has,-

- (a) become insolvent or bankrupt; or
- (b) indulged or abetted, directly or indirectly into any act, which is prejudicial to the interest of India or to its security; or
- (c) found involved in humans smuggling or found involved in preparation of forged documents; or
- (d) been convicted by a court for any criminal offence; or
- (e) obtained or got renewed the registration certificate by misrepresentation or suppression of any material fact; or
- (f) violated any of the terms and conditions of the registration certificate; or
- (g) failed to do the profession of travel agent for a continuous period of one year:

Provided that before cancellation of the registration certificate, a show cause notice shall be issued to the travel agent to explain his position within seven days from the receipt of notice as to why his registration certificate should not be cancelled.

(2) If the registration certificate is cancelled for the reason mentioned in clause (d) of sub-section (1) and the conviction is set aside by the appellate court, the competent authority may restore the registration certificate suo moto or on an application made in this regard by the travel agent.

(3) Where the competent authority, for the reasons to be recorded in writing, is satisfied that the question of cancellation of registration certificate on any of the grounds mentioned in sub-section (1) is pending with it for consideration, it may, by an order in writing, suspend the operation of the registration certificate for such period, not exceeding ninety days, as may be specified in the order. The travel agent shall be required to show cause within a period of fifteen days from the date of receipt of such order as to why the period of suspension may not be extended till the question of cancellation of registration certificate is decided by the competent authority.

(4) Before passing an order of cancellation or suspension, the competent authority shall consider the matter keeping in view the interests of the emigrants and may pass such order, as it may deem appropriate.

(5) Except as otherwise provided under this Act, where a registration certificate has been cancelled, such travel agent shall be debarred from undertaking the same profession for such period, as may be determined by the competent authority.

Travel agent to inform competent authority.

6. (1) A travel agent may surrender his registration certificate at any time after its issuance by giving three months notice to the competent authority and on the expiry of the notice period, the registration certificate shall be deemed to have been cancelled:

Provided that the travel agent shall publish the intention of closure of his office or its branch, in two daily newspapers, one of which shall be in the regional language having wide circulation in the locality concerned and the notice for surrender of registration certificate shall be accompanied with a copy of such newspapers.

(2) The fact of cancellation of the registration certificate under subsection (1) shall be published by the competent authority in two daily newspapers one of which shall be in the regional language having wide circulation in the locality concerned.

(3) On the cancellation of the registration certificate, the travel agent shall not be entitled to refund of fee deposited by him at the time of submitting his application for obtaining the registration certificate.

(4) Notwithstanding the cancellation of registration certificate under this section, the travel agent shall be liable for his acts, omissions and commissions prior to the date of cancellation of the registration certificate and shall also be proceeded against as per the provisions of this Act.

Appeal.

7. Any person aggrieved by an order passed by the competent authority under section 3 or 5 of this Act, may prefer an appeal against such order to the appellate authority within ninety days of passing such order:

Provided that the appellate authority may entertain the appeal after the expiry of ninety days within a further period of ninety days, if it is satisfied that the appellant was prevented by sufficient cause from filing the appeal in time.

Digital proceedings.

8. The process of issuance of registration certificate and suspension/cancellation of registration certificate etc. shall be carried out on a centralized web portal through digital means in such manner, as may

be prescribed.

- Power to search and seizure. 9. If any Executive Magistrate not below the rank of Sub-Divisional Magistrate or a police officer not below the rank of Deputy Superintendent of Police upon information given to him by any person and taken down in writing that any document or device in respect of which an offence punishable under this Act has been committed or any document or other article, which may furnish evidence of commission of such offence, is kept or concealed in any building, tent, vessel, conveyance or place, he may, at any time-
- (a) enter into and search any such building, tent, vessel, conveyance or place;
  - (b) break open any door or window of any house and remove any obstacle to such entry in case of any resistance in the presence of atleast two independent witnesses;
  - (c) seize any document or device or substance or material used for fabrication of any document which he has reason to believe to be liable to confiscation under this Act and any other document or article which he has reason to believe that it may furnish evidence of the commission of any offence punishable under this Act.
- Power to investigate. 10. A police officer, not below the rank of Assistant Sub-Inspector, shall conduct an investigation which shall be completed by him within a period of three months from the date of information given to him by any person. The police officer of the rank of Deputy Superintendent of Police/Assistant Commissioner of Police shall verify the investigation conducted by the investigating officer.
- Confiscation. 11. While trying the offences under this Act, the court shall decide whether any illegally acquired property is liable to be confiscated and if it so decides, may order confiscation of that property in the manner, as it deems fit.
- Punishment. 12. (1) Whoever attempts or is found involved in human smuggling or found involved in the preparation of forged documents, shall be punished with imprisonment for a term which shall not be less than three years but which may extend to ten years and shall also be liable to fine of two lakh rupees but which may extend to five lakh rupees.
- (2) Whoever undertakes the profession of travel agent without obtaining a registration certificate under the provisions of this Act or contravenes the provisions of this Act or keeps or uses the device in contravention of this Act, shall be punished with imprisonment for a term which shall not be less than two years but which may extend to seven

years and shall also be liable to fine of two lakh rupees but which may extend to five lakh rupees.

(3) Whoever abets or is a party to a criminal conspiracy to commit any offence punishable under this Act shall, if that offence be not committed in consequence of such abetment or criminal conspiracy, be punished with imprisonment for a term which may extend to one-fourth part of the longest term and with fine provided for such offence under this Act.

(4) Whoever having been convicted of an offence under any provision of this Act is again convicted of an offence under the same provision, shall be punishable for the second and for each subsequent offence, with double the penalty provided for that offence.

Offences to be cognizable and non-bailable.

13. Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (Central Act 2 of 1974), the offences punishable under this Act, shall be cognizable and non-bailable.

Compensation.

14. In addition to imposing any penalty as provided under section 12, the court may also award a reasonable amount of compensation to the aggrieved person to be paid by the travel agent.

Offences by companies.

15. (1) If the person committing any offence punishable under this Act is a company, every person, who at the time of the commission of the offence, was in-charge of, and responsible to the Company for the conduct of its business, as well as the company, shall be deemed to be guilty of the offence and shall be liable to be proceeded against and punished accordingly:

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

(2) Notwithstanding anything contained in sub-section (1), where an offence under this Act has been committed by a Company and it is proved that the offence has been committed with the consent or connivance of, or is attributable to any negligence on the part of any Director, Manager, Secretary or any other officer of the Company, such Director, Manager, Secretary or any other officer, shall also be deemed to be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Punishment to be without prejudice to any other action.	16. The punishment for an offence under this Act shall be without prejudice to any other action, which has been or which may be taken under this Act with respect to such offence.
Power to make rules.	17. (1) The State Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act. (2) Every rule made under this Act shall, as soon as possible, after it is made, be laid before the State Legislature.
Effect of other laws.	18. The provisions of this Act and the rules made thereunder shall have effect, notwithstanding anything inconsistent therewith contained in any other law for the time being in force or in any agreement or other instrument having effect by virtue of any other law.
Protection of action taken in good faith.	19. No suit, prosecution or other legal proceeding shall lie against any person for anything, which is done or intended to be done or order issued in good faith in pursuance of the provisions of this Act or the rules made thereunder.
Power to remove difficulties.	20. (1) If any difficulty arises in giving effect to the provisions of this Act, the State Government may, by order published in the Official Gazette, make such provision, not inconsistent with the provisions of this Act, as appear to it to be necessary or expedient for removing such difficulty:  Provided that no order shall be made under this section after the expiry of two years from the date of commencement of this Act. (2) Every order made under this section, shall be laid, as soon as may be, after it is made, before the State Legislature.

#### STATEMENT OF OBJECTS AND REASONS



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Whereas, it has come to notice that innocent and unemployed youth of Haryana are being lured into traps of illegal immigration on a large scale through illegitimate means. The unscrupulous and unregistered travel agents deceive such persons by promising them easy and quick immigration to foreign countries. These agents promise to arrange work visas, work permits, study visa through Offer Letter from Universities and Colleges in foreign countries, but in many cases, they fail to deliver on their promises. In many cases, these agents provide fake Offer Letters and sometimes even form fake or unrecognized Universities or Colleges. They charge exorbitant fees and demand huge amount of money at different stages. Many a time, these agents send innocent persons to foreign countries illegally and such persons are caught and put behind bars by the police of those countries, therefore, there is a dire need to curb the illegal activities of such travel agents.

In the interest of public at large, a legislation i.e. '*The Haryana Registration and Regulation of Travel Agents Bill, 2024*' to provide for measures to check and monitor the unlawful and fraudulent activities of travel agents and to provide a mechanism to punish such wrong doers as per law and for matters connected therewith and incidental thereto, is required. Hence, this Bill.

(Anil Vij)

Home Minister, Haryana

## **NOTICE OF MOTION RELATING TO PUBLIC BUSINESS**

I give notice of the following motion in respect of The Haryana Registration and Regulation of Travel Agents Bill, 2024;

- (i) to move to introduce The Haryana Registration and Regulation of Travel Agents Bill, 2024;
- (ii) to move that the Bill be taken into consideration at once;
- (iii) to move that the Bill be passed.

(Anil Vij)

Home Minister, Haryana

## **MEMORANDUM REGARDING DELEGATED LEGISLATION**

Clause 17 of the Haryana Registration and Regulation of Travel Agents Bill, 2024' provides the Government may, by notification in the official gazette make rules for carrying out the purposes of this Act and every rule made under this Act shall be laid, as soon as may be, after it is made, before the house of the state legislation. Hence, the memorandum regarding delegated legislation as required under Rule 126 of the Rule of the Procedure and Conduct of Business in the Haryana Legislative Assembly.

(Anil Vij)

Home Minister, Haryana