



The Telangana State Prevention of Touting and Malpractices Against Tourists and Travelers Act, 2021

Act No. 10 of 2021

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**TELANGANA ACTS, ORDINANCES AND
REGULATIONS ETC.**

The following Act of the Telangana Legislature received the assent of the Governor on the 15th October, 2021 and the said assent is hereby first published on the 18th October, 2021 in the Telangana Gazette for general information:—

ACT No. 10 OF 2021.

AN ACT TO PROVIDE FOR PREVENTION OF ACTS OF TOUTING AND MALPRACTICES VIS-A-VIS TOURISTS AND TRAVELLERS VISITING THE STATE OF TELANGANA AND ABETMENT OR ATTEMPT THEREOF BY ANY PERSON AND FOR MATTERS CONNECTED THEREWITH OR INCIDENTAL THERETO.

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

[1]

A. 71 (GH)

PART - I

PRELIMINARY

Short title, extent and commencement.

1. (1) This Act may be called the Telangana State Prevention of Touting and Malpractices against Tourists and Travellers Act, 2021.

(2) It extends to the whole of the Telangana State.

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

Definitions.

2. (1) In this Act, unless the context otherwise requires.

(a) "**Commissioner of Police**" means Police Commissioners of all the Commissionerates in the state of Telangana.

(b) "**Government**" means the State Government of Telangana.

(c) "**Malpractice**" includes dishonesty, cheating, impersonation and obstruction in allowing free choice for shopping or stay or travel arrangement etc.,

(d) "**Prescribed**" means prescribed by rules made under this Act.

(e) "**Tourist or Traveller**" means any person or group of persons including pilgrims who visit or visits Telangana from any part of India or outside India;

(f) "**Touting**" includes enticing, misguiding or coercing for shopping, accommodation, transportation, sight-seeing or pestering for any particular premises, including the precincts thereof, any person, establishment, dealer or manufacture for personal consideration;

Explanation-Whoever loiters around airports, railway stations, bus stands, markets or any other places frequented by tourists and travellers with the intention of offering any unsolicited service to the tourist and traveller pestering or coercing him to use any such service and exhibits such conduct so as to show such intention like following, stalking, gesturing, arguing, communicating or otherwise drawing attention of tourists and travellers through words or gestures or placards or pamphlets thereby causing obstruction or annoyance to tourists and travellers in any manner causing discomfort to them and otherwise has no reasonable explanation for frequenting the said place will be committing the act of touting.

(2) Words and expressions used herein and not defined but defined in the Indian Penal Code, 1860 shall have the meanings respectively assigned to them in the said Code.

(Central Act No. 45 of 1860)

PART - II

OFFENCES AND PENALTIES

3. No person shall

(a) Commit any act of touting or malpractice against any tourist or traveller.

(b) Abet commission of any act of touting or malpractice against any tourist or traveller.

(c) Attempt to commit any act of touting or malpractice against any tourist or traveller.

4. Any person who-

(a) Commits touting or malpractice shall be punished with imprisonment for a term which may extend to one year, or with fine which may extend to ten thousand rupees, or with both;

Prohibition of malpractice and touting, etc.

Penalties.

(Central Act No. 45
of 1860)

(b) abets an offence of toutting or malpractice under this Act shall, notwithstanding anything contained in the Indian Penal Code, 1860, be punished with imprisonment for a term which may extend to six months or with fine which may extend to five thousand rupees, or with both;

(c) attempt to commit an offence of toutting or malpractice under this Act shall be punished with imprisonment for a term which may extend to three months, or with fine which may extend to two thousand rupees, or with both.

**Offence to be cognizable
and bailable.**
(Central Act No. 2 of 1974)

5. Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the offences under this Act shall be cognizable, bailable and compoundable.

PART - III
POWERS OF POLICE OFFICERS AND
PROCEDURE FOR SPEEDY INVESTIGATION AND
TRIAL OF OFFENCES

**Powers of arrest,
search and seizure.**

6. (1) If an offence of toutting or malpractice takes place in the presence of a police officer, not below the rank of an Assistant Sub Inspector of Police, such police officer may arrest the person and record his observation about such conduct of the individual that constitutes the offence of toutting.

(2) Any Police officer having reason to suspect a person of indulging in the act of toutting or malpractice against a tourist or a traveller may search such person and may require an account in relation to any articles found in his possession and may seize such articles if found suspicious and of such nature which could be used for commission of toutting or malpractice against tourists or travellers.

(3) A Police Officer not below the rank of an Assistant Sub Inspector of Police may enter a public or private establishment, which he has reason to believe, was or is being used as place for commission of touting or malpractice against tourists or travellers and inspect the same, subject to the permission accorded to him for such inspection by a superior officer not below the rank of Assistant Commissioner of Police/Deputy Superintendent of Police/Sub-Divisional Police Officer.

7. If a police officer suspected any person who indulging in touting or malpractice or otherwise causing nuisance in a public place frequented by tourists or travellers, he may direct such person to move away himself from the said place forthwith.

Removal of suspected touts or persons causing nuisance from the public places frequented by tourist or traveller.

8. (1) All persons shall be bound to comply with the directions given by a police officer on approval of the same by a superior officer not below the rank of Assistant Commissioner of Police/Deputy Superintendent of Police/ Sub-Divisional Police Officer in the discharge of his duties under this Act.

Persons bound to comply with directions of Police officers.

(2) Where any person resists, refuse or fails to comply with any directions referred to in subsection (1), a police officer may, without prejudice to any other action that he may take under any other provision of this Act or any other law for the time being in force remove such person and either produce him before a Metropolitan Magistrate or Judicial Magistrate of First Class, as the case may be, or in trivial cases, release him when the occasion which necessitated the removal has ceased to exist.

Provided that the person so removed shall, in all cases, be produced before the Magistrate or released, as the case may be, within a period of twenty four hours of such removal.

Investigation, etc. of offences.
(Central Act No.2 of 1974)

9. (1) The Provisions of Code of Criminal procedure, 1973 shall be applicable for the purposes of search, seizure or any investigation inquiry and trial of offences under this Act.

Provided that the investigating officer shall make endeavours to complete the investigation within a period of thirty days and the officer-in-charge of the police station shall forward a police report in the form as prescribed by the Government to the magistrate, empowered to take cognizance of the offence.

(Central Act No.2 of 1974)

(2) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, no Police officer below the rank of an Assistant Sub-Inspector of Police shall investigate an offence under this Act.

Cognizance and trial of offences.

10. No court inferior to that of a Judicial Magistrate of First Class or Metropolitan Magistrate shall try any offence under this Act.

Power of Court to try cases summarily.

(Central Act No.2 of 1974)

11. (1) All offences under this Act shall be tried summarily by a Judicial Magistrate of First Class or Metropolitan Magistrate and the provisions of section 262 to 265 (both inclusive) of the Code of Criminal Procedure, 1973 shall, as far as may be, apply to such trial.

(2) When trying any offence under this Act, the Magistrate may also try any other offence with which a person may be charged in the same trial if the offence is connected with such other offence on offences.

Removal of person repeatedly involved in acts of touting or mal-practice.

12. The Commissioner of Police or the Superintendent of Police of the District concerned, as the case may be, authorized in this behalf by general or special order shall have power to

declare any person or persons who is habitually or repeatedly involved in the activities punishable under this Act, out of bounds from Telangana State, or any part thereof, for a period which shall not be less than ten months or may extend to one year.

13. (1) Any offence punishable under this Act may either before or after the institution of the prosecution, be compounded by such officer or authorities with the approval of the superior officer not below the rank of Deputy Commissioner of Police or the Superintendent of Police of the concerned District, as the case may be, and for such amount as the Government may, by notification in the official Gazette, specify in this behalf.

Compounding of Offences.

(2) Where an offence has been compounded under sub-section (1) above, the offender, if in custody, shall be discharged and no further proceedings shall be taken against him in respect of such offence.

14. A person accused of an offence under this Act, may file an application for plea bargaining in the Court in which such offence is pending for trial and the provisions of Chapter XXI-A of the Code of Criminal procedure, 1973 shall be applicable in this regard.

Plea bargaining.

(Central Act No.2 of 1974)

PART - IV MISCELLANEOUS

15. No suit, prosecution or other legal proceeding shall lie against the Government or any person or officer authorized by the Government for anything which is in good faith done or intended to be done under this Act.

Protection of action taken in good faith.

Act not in derogation of any other law. **16.** The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

Power to make rules. **17.** (1) The Government may, by notification published in the official Gazette, make rules for carrying out the provisions of this Act.

(2) Without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely;

(a) Prescription of the form for forwarding a police report under sub-section (1) of section 9 to the magistrate empowered to take cognizance of the offence on a police report.

(b) Any other matter which is required to be, or may be, prescribed.

(3) Every rule made under this section shall immediately after it is made be laid before each House of the State Legislature if it is in session and if it is not in session, in the session immediately following for a total period of fourteen days which may be comprise in one session or in two successive sessions and if before the expiration of the session in which it is so laid or the session immediately following, both the Houses agree in making any modification in the rule or in the annulment of the rule, the rule shall thereafter have effect only in such modified form or shall stand annulled, as the case may be, so however that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

A. SANTHOSH REDDY,
Secretary to Government,
Legal Affairs, Legislative Affairs & Justice,
Law Department.