

**THE ANDAMAN & NICOBAR ISLANDS TOURISM TRADE REGULATIONS, 2017**

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A Regulation to provide for the registration of persons dealing with tourists or engaged in tourist trade and matters connected therewith in the Union Territory of Andaman & Nicobar Islands.

In exercise of the powers conferred by Article 240 of the constitution, the President of India is pleased to promulgate the following Regulation made by him:-

The provisions of this regulation shall be in addition to and not in derogation of any other Law for the time being in force.

**CHAPTER-I**  
**PRELIMINARY**

**1. Short title, extent and commencement:-**

- i) This Regulation may be called the Andaman & Nicobar Islands Tourism Trade Regulation, 2017.
- ii) It shall extend to the whole of the Union Territory (excluding the tribal reserved area and buffer zone covered under (Protection of Aboriginal Tribes) Regulation 1956 and reserved Forest area declared under the Indian Forest Act 1927) of Andaman & Nicobar Islands.
- iii) It shall come into force on such date as the Lieutenant Governor, Andaman & Nicobar may, by notification in the official Gazette, appoint.

**2. Definitions:- In this Regulations, unless the context otherwise requires :-**

- i) 'Boat' includes a house-boat, motor-boat, Speed Boat, Rowing Boat, motor launch, pedal boat, sailing boat, water scooter, jet ski, canoe, Kayak or any other water based machine used for tourism purpose;

- ii) 'Certificate' means a "Certificate of Registration" issued under any of the provisions of this Regulation;
- iii) 'Lieutenant Governor' means the Lieutenant Governor (Administrator) of Andaman & Nicobar Islands appointed under article 239 of the constitution.
- iv) 'Malpractice' includes dishonestly, cheating, touting, impersonation, cartelisation, luring tourists by promising 'sighting' of Aboriginal tribes, obstruction in allowing free choice for shopping or stay or travel management, charging a price higher than that displayed on the label or remuneration higher than that fixed under this Regulation, failure to display price label on the article, failure to give cash memos and wilful failure to execute an order within the stipulated time and according to the terms agreed, failure to provide promised facilities to and providing sub-standard equipment, employing of untrained personnel by the adventure sports operator or any act which hampers the image of Andaman and Nicobar Islands as tourist destination, etc.

**Explanation - I:-** For the purpose of this clause, price properly displayed on the label shall be reasonable sale price of articles as reflected in the stock book of authorized dealer/manufacturer maintained at their places of business which shall be open for inspection by the prescribed authority or any other authority empowered in this behalf.

**Explanation -II:-** The expression 'touting' means enticing, misguiding or coercing for shopping, accommodation, transportation, sightseeing or pestering for any particular premises, person, establishment, manufacturer, vending, hawking or any other services connected with the tourism with consideration of personal benefit.

- v) "Adventure Sports" means an outdoor activity undertaken for sports or recreation on land or in water or in air, which shall include water sports namely boat and water scooter rides, jet ski, sea walk, submersible scooter, skiing, parasailing, snorkelling, windsurfing, sailing, kayaking and canoeing, scuba diving, game fishing, trekking, heli-skiing, aero sports, or any other similar activity with an inherent risk to the life or limb of the participant or any other sports as notified by the Lt Governor from time to time.

- vi) "Administration" means the Andaman & Nicobar Administration.
- vii) "Adventure sports operator" means any person or organisation or enterprise, engaged in, or offering to engage for adventure sports on commercial basis i.e. for the purpose of training, recreation or sports.
- viii) "Domestic Tourist" means Tourist who is an Indian Citizen.
- ix) "Equipment" means any equipment or item used for the purpose of conducting adventure sports.
- x) "Foreign Tourist" means tourist who is not an Indian Citizen.
- xi) "Hotel" means any premises or part of premises including home stay/bed & breakfast establishment, *house-boat*, boat, restaurant, bar or a tent where lodging with or without board or any kind of eatables or beverages is provided for a monetary consideration including *Meetings, Incentives, Conferences, Exhibition (MICE) tourism service providers*.
- xii) "Hotel keeper" means any person who owns or operates a hotel as proprietor/lessee and includes a person managing or operating the affairs of a hotel for and on behalf of the proprietor/lessee.
- xiii) "Lodger" a bonafide tourist staying in a Hotel on usual payment.
- xiv) 'Part' means a part of this Regulation.
- xv) 'Prescribed' means prescribed by rules made under this Regulation;
- xvi) 'Prescribed authority' means the authority notified as such by the Administrator, provided that different authorities may be notified for different provisions of this Regulation;
- xvii) "Appellate authority" means an authority notified as such by the Administrator for hearing and disposing the disputed cases passed by the Prescribed authority.
- xviii) "Revision authority" means an authority notified as such by the Administrator for hearing and disposing of the disputed cases passed by the "Appellate authority"
- xix) "Scuba diving" means going through a session of underwater swimming and diving deep under the water.

- xx) “Scuba diving operator” means any person or organisation or enterprise, engaged in, or offering to engage in scuba diving on commercial basis for the purpose of training, recreation or sports.
- xxi) ‘Tourist area’ means any area notified by the Lt Governor in the official Gazette to be a tourist area for the purpose of these Regulations;
- xxii) ‘Tourist’ means a person or a group of persons visiting the Union Territory of Andaman & Nicobar Islands from any part of India or outside India.
- xxiii) ‘Tourism service provider’ means a person/firm other than Hotel Keeper, Travel Agent and wellness Tourism service provider, engaged in the business of providing services to tourist for remuneration.
- xxiv) ‘Travel agent’ means a person engaged in the business of making travel, ticketing camping, diving, water sports, trekking, tour operating/package tour or other travel arrangements for tourists for a monetary consideration, excursion agent, tent and camping agent or tour operator;
- xxv) ‘Travel arrangements’ include-
- i. arrangement for transportation, sightseeing;
  - ii. arrangements for lodging with or without food; and
  - iii. rendering other services, such as assistance for games, sports or receipt or dispatch of personal belongings of tourists.
- xxvi) *‘Wellness tourism’ means travel for the purpose of promoting health and well-being through physical, psychological, or spiritual activities.*
- xxvii) **‘Wellness tourism service provider’** means a person/firm, engaged in the business of providing wellness service to tourist for remuneration.

## **CHAPTER – II**

### **3. Registration of Hotels:**

- i) No person shall carry on the business of “Hotel” unless he is registered in accordance with the provisions of this regulation, provided that no

person shall eligible to be registered unless he possess such qualification as may prescribed.

- ii) Every person intending to operate a hotel shall, before operating the hotel, apply for registration to the prescribed authority in the prescribed manner
- iii) Notwithstanding anything contained in sub-section (i), any person already operating a hotel on the date of commencement of this regulation shall apply for registration to the prescribed authority, within one month from the date of commencement of this Regulation.
- iv) Every application made under this section shall be disposed of within a period of one month from the date of receipt of the application failing which the application shall be deemed to have been accepted for registration.
- v) **Fixation of rates:** The prescribed authority may under exceptional circumstances for the reasons to be recorded in writing and after the approval of the Appellate authority fix the reasonable maximum rates, which may be charged by a “Hotel keeper” for the service rendered.
- vi) **Hotel –keeper to display information:** Every hotel-keeper shall cause to be displayed at some conspicuous place of the hotel, such information as may be prescribed.
- vii) **Hotel-Keeper to present detailed bill:** Every hotel-keeper shall render detailed bills to the persons making the payments/ residing in the hotel and other customers and shall give receipts in acknowledgement of all payments.

### **CHAPTER – III**

#### **4. Registration of Travel Agents**

- i) No person shall carry on the business of a travel agent unless he is registered in accordance with the provisions of this Regulation, provided that no person shall be eligible to be registered, unless he possesses such qualification as may be prescribed.

- ii) Every person intending to act as a travel agent shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner, provided that any person acting as travel agent on the date of commencement of this Regulation shall apply for registration within three months from the date of commencement of this Regulation.
- iii) Every application made under this section shall be disposed of within a period of one month, from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.
- iv) **Travel agent not to demand tip, etc.-** No travel agent or their employees shall demand any tip, gratuity, presents or commission other than that permissible under this Regulation from any tourist/customer.
- v) **Fixation of rates:** The prescribed authority may under exceptional circumstances for the reasons to be recorded in writing and after the approval of Appellate authority fix the reasonable maximum rates, which may be charged by a Travel agent for the service rendered.
- vi) **Travel agent to display information:** - Every travel agent shall cause to be displayed at some conspicuous place of their office, such information as may be prescribed.
- vii) **Travel agent to present detailed bill:** Every **Travel agent** shall render detailed bills to the persons making the payments/customers and shall give receipts in acknowledgment of all payments.

#### **CHAPTER – IV**

##### **5. Registration of Adventure Sports Operator:**

- i) No person shall carry on the business of adventure sports unless they are registered in accordance with the provisions of this Regulation and fulfil all safety norms as prescribed under various Acts of Government of India and safety regulations/guidelines that may be issued by A & N Administration.

- ii) Every person intending to operate an adventure sports establishment or to act as an adventure sports operator shall, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner.
- iii) Notwithstanding anything contained in sub-section (ii), any person already acting as an adventure sports operator shall apply for registration within three months from the date of commencement of this Regulation.
- iv) Every application made under this section shall be disposed of within a period of one month, from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.
- v) **Fixation of rates:** The prescribed authority may, under exceptional circumstances, for reasons to be recorded in writing and after the approval of the Appellate authority, fix the reasonable maximum rates, which may be charged by an adventure water sports operator for the service rendered.
- vi) **Adventure Sports to display information:** Every adventure sports shall cause to be displayed at some conspicuous place such information as may be prescribed.
- vii) **Adventure Sports to present detailed bill:** - Every adventure sports operator shall render detailed bills to the persons making payments/ customers and shall give receipts in acknowledgement of all payments.

## CHAPTER – V

### **6. Registration of wellness tourism service providers:**

- i) No person shall carry out the business of wellness tourism such as Ayurvedic Massage Centre, Spa etc unless they are registered in accordance with the provisions of this Regulation and fulfil all norms as prescribed under various Acts of Govt. of India or guidelines that may be issued by A & N Administration.
- ii) Every person intending to operate a wellness tourism establishment, before he commences to act as such, apply for registration to the prescribed authority in the prescribed manner.
- iii) Notwithstanding anything contained in sub-section (ii), any person already acting as a good tourism operator shall apply for registration within three months from the date of commencement of this Regulation.
- iv) Every application made under this section shall be disposed of within a period of one month, from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.
- v) **Fixation of rates:** -The prescribed authority may, under exceptional circumstances for the reasons to be recorded in writing and after the approval of the Appellate authority fix the reasonable maximum rates, which may be charged by **wellness tourism operators** for the service rendered.
- vi) **Wellness tourism operators to display information:** - Every wellness tourism operator shall cause to be displayed at some conspicuous place such information as may be prescribed.
- vii) **Wellness tourism operators to present detailed bill:** - Every wellness tourism operator shall render detailed bills to the persons making payments / customers and shall give receipts in acknowledgement of all payments.



## **7. Registration of Tourism service providers:**

- i. No person shall carry out the business of “Tourism service provider” unless they are registered in accordance with the provisions of this regulation and fulfil all norms as prescribed under various acts of Government of India by A&N Administration.
- ii. Every person intending to operate as “Tourism service provider” he/she commence to act as such, apply for registration to the prescribed authority in the prescribed manner.
- iii. Notwithstanding anything contained in sub-section (ii), any person already acting as a “Tourism service Provider” shall apply for registration within three months from the date of commencement of this Regulation.
- iv. Every application made under this section shall be disposed of within a period of one month, from the date of receipt of application, failing which the application shall be deemed to have been accepted for registration.
- v. **Fixation of rates:** The prescribed authority may under exceptional circumstances for the reasons to be recorded in writing and after the approval of the Appellate authority fix the reasonable maximum rates, which may be charged by a “Tourism service provider” for the service rendered.
- vi. **“Tourism Service provider” to display information:** Every wellness tourism operator shall cause to be displayed at some conspicuous place such information as may be prescribed.
- vii. **“Tourism Service provider” present detailed bill:** - Every wellness tourism operator shall render detailed bills to the persons making payments / customers and shall give receipts in acknowledgement of all payments.

## **CHAPTER – VI**

### **CERTIFICATE OF REGISTRATION**

#### **Certificate of Registration of the Hotelkeepers , Travel Agents, Adventure Water Sports Operators, wellness tourism service providers and “Tourism service providers” -**

The prescribed authority shall unless registration is refused under section (8) direct that the name and the particulars of the hotel, travel agent, and adventure sport operator, wellness tourism operator cause to be entered in the register maintained for the purpose and shall issue a certificate of registration to the hotel, travel agent, and adventure sport operator, in the prescribed form.

## **CHAPTER – VII**

### **REFUSAL OF REGISTRATION**

#### **8. Refusal to register a hotel/ travel agent/ adventure sports operator/ wellness tourism service provider**

- a. The prescribed authority may refuse registration under this Regulation on any of the following ground namely: -
  - (a) If convicted of any offence under chapter XIV, and XVI, of the Indian Penal Code, 1860 (45 of 1860) or under any of the provision of this Regulation, or any offence punishable under any law providing for prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the termination of the sentence.
  - (b) If convicted of any offence under Andaman & Nicobar Islands (Protection of Aboriginal Tribes (PAT) Regulation, 1956 or carrying out activities in contravention of the policies for Aboriginal Tribes.
  - (c) If has been declared insolvent by a court of competent jurisdiction and has not been discharged.

- (d) If the name of has been removed from the register on the grounds mentioned in clause (c) or clause (d) & clause (e) of sub section 1 of section (9) and three months have not elapsed since the date of such removal.
- (e) If does not possess any of the prescribed qualification. In case of hotels, if the hotel operator fails to produce the proof that the structure of the hotel has been built in accordance with the building by-laws made under the provision of the Andaman Nicobar Administration's Town and Country Planning Regulation, or under any other local law enforced; and
- (f) If in the opinion of the prescribed authority there is sufficient ground, to be recorded in writing, for refusing registration.
- (g) If does not hold a license or certificate required to be held under any law for the time being in force.
- (h) No application for registration shall be refused unless the person applying for registration has been allowed an opportunity of being heard.

## **CHAPTER - VIII**

### **REMOVAL OF REGISTRATION**

#### **9. Removal of Name of Hotel / travel agent/ adventure sports operator/ wellness tourism service provider from the Register:**

- i) The prescribed authority may after giving an opportunity of being heard, by an order in writing, remove the name from the register and cancel its certificate on any of the following grounds namely:
  - (a) If ceases to operate for a continuous period of *6 months* or ceases to operate for the purpose for which registered.
  - (b) If is convicted of any offence under chapter XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Regulation, or of any offence punishable under any law providing for the prevention of hording, smuggling or profiteering or adulteration of foods or involvement in any

cognizable offence or violation of foreign exchange Regulations or foreign contribution Regulations or the possession or sale of any narcotic drugs of (psychotropic) substances or corruption.

- (c) If convicted of any offence under Andaman & Nicobar Islands (Protection of Aboriginal Tribes (PAT) Regulation, 1956, including subsequent amendments or carrying out activities in contravention of the policies for Aboriginal Tribes.
  - (d) If has been declared insolvent by a court of competent jurisdiction and has not been discharged.
  - (e) If fails to comply with any of the provisions of this Regulation or bye laws framed there under.
  - (f) If any complaint of malpractice is received and proved against tourism service provider.
  - (g) If the certificate of registration is obtained by misrepresentation or fraud.
  - (h) *Non-compliance of govt. regulations relating to safety standards /measures prescribed by the Administration /Government of India from time to time*
- ii) The tourism service provider whose name is removed from the register under sub section (i) of this section shall forthwith cease to operate.

## **CHAPTER – IX**

### **OFFENCES AND PENALTIES**

#### **10. Penalty for default in registration.**

- i) Any person carrying on the business of a hotel or travel agent, adventure sport, wellness Tourism and Tourism service provider, without a proper registration under this Regulation or in violation of any of the provisions of this Regulation or the rules made there under, shall be punishable by the prescribed authority with such fine as may be prescribed.

- ii) Where the person on whom the penalty of fine is imposed under sub-section (1) of this section does not pay the fine imposed within 30 days from the date of the order imposing such penalty, such person shall be liable to pay, by way of penal interest, a sum: -
- (a) As prescribed under the rules for each day for the first 30 days from the date of the expiry of the period of 30 days as aforesaid; and,
- (b) As prescribed under the rules for each day after the expiry of 30 days as per clause (a) above, thereafter for a further period of 15 days.
- iii) In case of failure under sub-section (1) and the penal interest under sub-section (2), within the specified period, his business shall be liable to be closed, after giving an opportunity to be heard, by the prescribed authority.
- iv) The fine and interest imposed sub-section (1), and sub-section (2) respectively shall be recoverable as arrears of land revenue.

**Explanation:** - A person who has made an application within the prescribed period and which is pending disposal shall not be a defaulter for the purpose of this section.

**11. Penalty for false statement: -**

**(a)** If any person, who is required to make a statement under this Regulation, wilfully makes a false statement or suppresses a material fact with the intention to mislead the prescribed authority, he shall be punishable with simple imprisonment for three months or fine which may be prescribed under the rules.

**(b) No court shall take cognizance of the offense punishable under clause (a) above except upon a complaint made by either the prescribed authority or any person duly authorized by the prescribed authority**

**(c) No court shall take cognizance of an offence punishable under this regulation except upon a complaint made in writing by either the prescribed authority or any person duly authorized by the prescribed authority with the prior approval of the Chief Secretary of the Andaman and Nicobar Islands.**

**(d) Every complaint referred to in clause (c) shall set forth the facts which constitute the offence alleged, the nature of such offence and such other particulars as are reasonably sufficient to give notice to the accused of the offence alleged to have been committed by him.**

**(e)** No court shall take cognizance of an offence punishable under this regulation unless the complaint is made within three months from the date on which the offence is alleged to have been committed.

**(f)** Notwithstanding anything contained in the Evidence Act, 1872, when any complaint under **clause (c) above** of this Regulation is made in writing by the prescribed authority or any person duly authorized by it, may be admitted as evidence and the examination of the complainant shall not be obligatory in trial by a judicial magistrate.

**12. Certificate not to be assigned:** - Any person who lends transfers or assigns the certificate issued under this Regulation, without the permission in writing of the prescribed authority, shall be punishable with such fine as prescribed under the rules.

**13. Certificate to be shown to persons on demand:** -

i) Any person registered under this Regulation shall at all times, on demand, produce and show his certificate of registration to any of the following persons, namely: -

(a) The prescribed authority or any other officer duly authorised by it in this behalf.

(b) Any authority authorized by the Lieutenant Governor.

(c) Any bonafide customer, who demands for the certificate of registration issued under this regulation.

ii) Any person who refuses on demand to show his certificate or documents to, or allowed to be read by, any of the persons authorized to demand it, shall be punishable with such fine as prescribed under the rules.

**14. Penalty for cheating or malpractice.** -If any person carrying on the business of a hotel or travel agent or adventure sport or any other business connected with tourist trade, who commits or cause to commit cheating or malpractice or contravenes or cause to contravene any other provision of this Regulation or the rules made there under shall be

punishable as per the provisions of Indian Penal Code / or fine as prescribed under the rules.

**15. Obstructing lawful authorities.**- If any person carrying on the business of a hotel or travel agent or adventure sport or wellness tourism service provider or Tourism service provider or wilfully obstructs or offers any resistance to, or otherwise interferes with the discharge of the functions of the prescribed authority or any other officer authorized by it, exercising any power, or performing any duties conferred or imposed upon it or him by or in pursuance of this Regulation or the rules made there under, he/she shall be liable to be punishable under the provisions of Indian Penal Code and /or with fine as prescribed under the rules.

**16. Penalty for subsequent breaches:** -

Any person committing a breach of any of the provision of the Regulation or the rules made there under for which he has been once punished with fine by the prescribed authority under any of the provisions of this chapter, shall be punishable with minimum fine as prescribed under the rules and may also be blacklisted.

**17. Institution of proceedings:** - No prosecution shall be instituted against any person for any offence under this Regulation except on a complaint made by the prescribed authority or the officer authorized by it or the Government in this behalf.

**18. Recovery of fine imposed:** -Any fine imposed under the Regulation shall be payable within a specified time limit failing which it will be recovered as arrears of land revenue.

**19. Powers of Prescribed authority to summon and enforce attendance of witness and other persons:** -The prescribed authority shall have all the powers of a civil court under the Code of Civil Procedure, 1908, while hearing an application under this Regulation in respect of the following matters, namely :-

- i) Summoning and enforcing attendance of the complainant or the person against whom complaint is made under this Regulation and witness required in connection therewith;

- ii) Compelling the production of any document; and
- iii) Examining witnesses on oath, and may summon and examine SuoMotu any person whose evidence appears to be material.

**20. Composition of offences-**

- i) The prescribed authority may accept from any person who is accused of an offence under this Regulation or rules made there under, a sum of money as prescribed under the rules by way of composition of such offence and may out of the money so received, compensate the person against whom the offence has been committed to the extent the prescribed authority deems reasonable. On the composition of offence, no further proceedings in respect thereof shall be taken against the accused and if any proceeding has already been instituted against him in a court, the composition shall have the effect of acquittal.

**21. Offences to be tried summarily:** Notwithstanding anything in this Regulation or in the Code of Criminal Procedure 1972, all offences under this Regulation shall be tried summarily.

**22. Special Rule of Evidence:** Notwithstanding anything contained in the Evidence Act, 1872, when any complaint under this Regulation and rules there under is made in writing by any person to the prescribed authority may be admitted in evidence. The examination of the complainant shall not be obligatory in trial by the Prescribed Authority or a judicial magistrate.

**CHAPTER -X**  
**APPEAL AND REVISION**

**23. Appeal: -**

- i) Subject to the provisions of sub –section (2) an appeal shall lie from every order of the prescribed authority or any officer empowered by prescribed authority or under this Regulation, to the appellate authority.
- ii) Every such appeal shall be preferred within ninety days from the date of communication of the order provided that the appellate authority



may entertain the appeal after the expiry of the said period of ninety days if it is satisfied that the appellant was prevented by sufficient cause from filing it in time.

- iii) Every appeal shall be accompanied by such fees as may be prescribed and the original or an attested copy of the order appealed against.
- iv) The appellant shall have a right to be represented by a counsel or by a duly authorized agent and the prescribed authority may be represented by such officer or person as the prescribed authority may appoint.
- v) On receipt of any such appeal, the appellate authority shall after giving the appellant a reasonable opportunity of being heard and after making such enquiry as it deems proper, pass such order as it may deem fit, after appeal for reasons to be recorded.
- vi) The proceeding before the appellate authority shall be completed within four months of its institution.

**24. Revision:** -The revision authority may at any time to be appointed by either on his own or motion or on an application made by an aggrieved party, call for the records of any case pending before or disposed of any authority under this regulation, for the purpose of satisfying itself as to the correctness, legality or propriety of any order passed by such authority and pass such speaking order thereon as it may deem fit and such order shall be final provided that no order under this section shall be made to the prejudice of person unless he has had a reasonable opportunity of being heard either personally or through a counsel or by a duly authorised agent.

Provided that no such application for revision shall be entertained after the expiry of one month from the date of communication of the order passed by the Appellate Authority.

## **CHAPTER – XI**

### **MISCELLANEOUS**

**25. Notification of changes. -**

- i) Whenever a hotel for which a certificate of registration is held by a person devolves by inheritance or otherwise upon any other person or undergoes a change in respect of any particular entered in the register under this Regulation, such person shall, within thirty days of the date of such devolution or change, notify in writing the fact to the prescribed authority.
- ii) The prescribed authority shall make necessary changes if found in accordance with law in the register maintained for the purpose and in the certificate of registration.
- iii) Notwithstanding anything contained in sub-section (2), the prescribed authority may remove from the register the name of the person in whose favour the certificate was issued and cancel the certificate of registration, if the successor is not eligible to be registered under this Regulation.

**26. Return of certificate: -** When a certificate is cancelled under this Regulation, the person holding such certificate shall within seven days from the date of communication of the order of cancellation return it to the prescribed authority.

**27. Power to inspect: -** The prescribed authority or any person authorized by him in this behalf may, inspect at all reasonable time, the premises of the hotel operator, or travel agent, or adventures sports operator or wellness tourism service provider to produce any document kept in pursuance of this Regulation or the rules made there under for inspection.

**28. Power to Search:(a)**where the prescribed authority has reason to believe that a person will not or would not produce the document or thing as required under this regulation or where such document or thing is not known to the prescribed authority to be in the possession or where the prescribed authority considers that the purpose of any inquiry, trial or other proceeding under this regulation will be served by a general search or inspection, it may issue a search warrant and the person to whom such search warrant is directed, may search or inspect in accordance therewith.

(b) the prescribed authority may, if it thinks fit, specify in the warrant the particular place or part thereof to which only the search or inspection shall extend and the person charged with the execution of such warrant shall then search or inspect only the place and part so specified.

(c) All searches under this regulation shall be conducted in the manner provided under section 100 Code of Criminal Procedure, Act 1973.

29. **Power to Seize:** The prescribed authority or any person authorised by the prescribed authority may seize any property and/or any document and/or any article and/or thing which may be alleged or suspected or considered to be material for the purpose of any inquiry, trial or other proceeding under this regulation.
30. **Power to Impound:** The prescribed authority, if it thinks fit, impound any document or thing produced before it under this regulation.
31. **Issue of Duplicate Certificate:** -If a certificate issued under this Regulation is lost, damaged or destroyed, the prescribed authority shall, on an application made in that behalf by the person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.
32. **Renewal of certificate:** - The hotel operator or travel agent or adventure sports operator or wellness tourism service provider, as the case may be, registered under this Regulation shall get renewed the registration certificate after a period of one year from the date of issuance of registration certificate by the prescribed authority and shall also pay renewal license fee as may be prescribed. In the event of non-renewal of the registration within two months of the expiry of registration, a late fee as prescribed under the rules shall be submitted along with the application for renewal of the registration. After three months of expiry of registration period no application for the registration shall be considered and registration shall *Suo Moto* stands cancelled.
33. **Certificate to be kept exhibited:** -The certificate shall be exhibited by the person holding it at a conspicuous place at the principal place of his business and if he has no place of business, he shall keep it on his person.
34. **Insurance.** -The adventure sports operator shall provide insurance coverage as may be prescribed to persons availing of his services.
35. **Proceedings before the prescribed authority to be judicial proceedings:** - All proceedings before the prescribed authority under this

Regulations shall be deemed to be judicial proceedings for the purposes of sections 193 and 228 of the Indian Penal Code, 1860 (45 of 1860).

**36. Power of Lieutenant Governor to regulate tourism trade/tourism**

**activities:** The Lieutenant Governor may, by notification in the official gazette, regulate such tourism trade and tourism activities hitherto not covered or such new tourism activities that may emerge in the course of time, by framing appropriate rules related there on with the object serving the purpose of this regulation.

**37. Power of Lieutenant Governor to apply Regulation to the persons: -**

The Lieutenant Governor may, by notification in the official gazette, direct that all or any of the provisions of this Regulation or the rules made there under shall, with such exceptions, adoptions or modifications as may be considered necessary, apply to persons doing the business of providing such tourists service in a tourist areas may be prescribed.

**38. Power to enforce cleanliness and preserve tourist areas: -**

The Lieutenant Governor may, by notification in the official gazette, prescribe penalties for littering, use of polythene/ hazardous substances/ damaging tourist -related infrastructure within the notified tourist areas.

**39. Reservation of powers of local authority: -**

Nothing in this Regulation shall take away or diminish any of the powers vested in any local authority by or under any law for the time being in force.

**40. Publication of name of person removed from the register: -**

Prescribed authority shall publish in the official gazette and in such other manner as it deems fit, the names and address of the person carrying on the business of a hotel, or travel agent, or adventures sports or wellness tourism establishment whose names has been removed from the register or whose certificate have been cancelled or who have been refused registration in this Regulation.

**41. Indemnity: -**

No suit, prosecution or other legal proceedings whatsoever shall lie against the government or any officer or employee of the government in respect of anything which is in good faith done or intended to be under this Regulation.

**42. Power to make Rules: -**

- i) The Lt. Governor may, by notification in the official gazette, make rules for carrying out the purpose of this Regulation.
- ii) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for
  - a) The maintenance of registers, books and forms by hotel operators, travel agents, adventure sports operators and wellness tourism operators for conduct of business,
  - b) The form of application for registration and for registration and for certificate;
  - c) The fee for registration, renewal and issuance of duplicate certificate.
  - d) The manner for giving notice under this Regulation;
  - e) Qualification for registration as hotel operator, travel agent, and adventure sports operators, wellness tourism service provider
  - f) Safety measures and standards to be adopted in the conduct or adventure sports and facilities to be provided;
  - g) Standards for maintenance of hygiene and cleanliness, waste disposal and minimum facilities in various types of hotel;
  - h) Manner of publication of the names and address of the persons, carrying on the business of a hotel, or travel agent, or adventures sports removed from the register or to whom registration has been refused,
  - i) The place where the prescribed authority shall hold enquiry under this Regulation, and any other matter which is to be or may be prescribed.

- j) Every bye-law made under this Regulation shall be laid, as soon as may be after it is made, before each house of parliament, while it is in session, for a total period of 30 days , which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive session aforesaid, both houses agree for making any modification in rules or both houses agree that the rules should not be made, the rules shall thereafter have effect only in modified form or be of no effect, so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rules.

**43. Power to remove difficulties: -**

In any difficulty arises in giving effect to any provision of this Regulation, the Lt. Governor may as occasion requires, take action not inconsistent with the provisions of this Regulation, which may appear to it necessary for the purpose or removing the difficulty.

**44. Protection of action taken in good faith: -**

No suit, prosecution or other legal proceeding shall lie against any person for anything which is in good faith done or intended to be done under this Regulation.

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