

Arunachal Pradesh (Tourism Trade Registration and Regulation) Act, 2016

ARUNACHAL PRADESH

India

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Act 4 of 2016

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Arunachal Pradesh (Tourism Trade Registration and Regulation) Act, 2016(Act No. 4 of 2016)Last Updated 25th February, 2020(Received the assent of the Governor on 28th April, 2016An Act to provide for registration and regulation of Tourism trade and businesses and matters connected therewith and incidental thereto:Be it enacted by the Legislative Assembly of Arunachal Pradesh in the Sixty-Seventh Year of the Republic of India.Chapter - 1 Preliminary

1. Short title, extent and commencement.

(1)This Act may be called the Arunachal Pradesh Tourism (Trade Registration and Regulation) Act, 2016.(2)it extends to the whole of the State of Arunachal Pradesh.(3)It shall come into force on the date of its publication in the Official Gazette.

2. Definitions.

- In this Act, unless the context otherwise requires;(a)"Adventure sports" means an outdoor activity undertaken for sports or recreation on land or in water or in the air, as the case may be, which shall include water sports, aero- sports, trekking, rafting, skiing, heli-skiing, Bungee jumping and hot air ballooning with an inherent risk to the life or limb of the participant or any other sports as may notified by the Government from time to time ;(b)"Adventure sports operator" means any person or organization or enterprise, as the case may be, engaged in or offering to engage for adventure sports on commercial basis i.e. for the purpose of training, recreation or sports;(c)"Certificate of registration" means a certificate issued under this Act;(d)"Competent Authority" means the Secretary, Department of Tourism, Government of Arunachal Pradesh.(e)"Government" means the Government of Arunachal Pradesh;(f)"Guide" means a person who engages himself as a paid guide for the tourists;(g)"Local authority" means the Municipal Corporation or Municipal Council or

Cantonment Board or Nagar Panchayat or Gram Panchayat or in other cases, the district administration or such authority as may be prescribed by the Government ;(h)"Malpractice" includes cheating, touting, impersonation, obstruction in allowing free choice for stay or travel arrangement, charging rent or remuneration higher than that fixed under this Act, failure to display the rent list, failure to give cash memos, willful failure to execute an order within the stipulated period and according to the terms agreed upon, failure to provide accommodation to the tourists when available, failure to provide promised facilities and providing substandard equipment and untrained personnel by the adventure sports operator;Explanation. - The expression "touting" means coercing for accommodation, transportation, sightseeing or pestering for any particular premises, establishment or any other services connected with tourism with the consideration of personal benefit;(i)"Official Gazette" means the Gazette of Arunachal Pradesh;(j)"Prescribed" means prescribed by rules made under this Act;(k)"Registration Authority" means the authority notified as such by the State Government under the Act;Provided that different authorities may be notified for different areas and for different provisions of this Act;(l)"Tourism unit" means any establishment providing facilities and services to the tourists and includes hotel, resorts, motels, time share units, apartments, houseboats, motor caravans, guest houses, yatri niwases, restaurants and bars, amusement parks, theme parks, water sports centers, aero-sports centers, golf courses, handicraft village complexes, camps, river cruises, lake cruise projects, adventure sports complexes, training institutes for adventure sports or tourism industry doing business for a monetary consideration and any other type of establishment as may be notified by the Government from time to time;(m)"Tourism unit operator" means any person who owns, runs or operates a tourism unit and includes a person managing or operating the affairs on behalf of the proprietor;(n)"Tourist" means a person or group of persons, including pilgrims visiting the State of Arunachal Pradesh; and(o)"Travel agent/Tour operator" means a person engaged in the business of making travel arrangements for holiday packages for tourists for monetary consideration.Chapter - 2 Registration of Tourism Units, Travel Agents/Tour Operators, Guides and Adventure Sports Operators

3. Registration of the tourism unit.

(1)Every person intending to operate a tourism unit shall, before operating the tourism unit, apply for registration to the prescribed authority in the prescribed manner:Provided that any person already operating a tourism unit on the date of commencement of this Act shall apply for registration within ninety days from the date of commencement of this Act:Provided further that if any person, operating a tourism unit, makes any addition or alteration in the tourism unit, shall apply for fresh registration within ninety days from the date of such addition or alteration.(2)Every application made under sub-section (1) shall be disposed of within a period of sixty days from the date of receipt of application.(3)No person shall operate a tourism unit unless it is registered in accordance with the provisions of this Act.

4. Registration of the travel agent/tour operator or guide.

(1)No person shall carry on the business of a travel agent/ tour operator or a guide unless he is registered in accordance with the provisions of this Act:Provided that no person shall be eligible to be registered as a guide, unless he possesses such qualifications as may be prescribed :Provided

further that notwithstanding any prescribed qualification the persons who are working as guides, on the date of commencement of this Act, shall ipso-facto be registered as guides.(2)Every person intending to act as a travel agent/tour operator or a guide 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/tour operator or a guide on the date of commencement of this Act shall apply for registration within ninety days from the date of commencement of this Act.(3)Every application made under this Section shall be disposed of within a period of sixty days from the date of receipt of application.

5. Registration of the adventure sports operator.

(1)No person shall carry on the business of adventure sports unless he is registered in accordance with the provisions of this Act.(2)Every person intending to operate an adventure sports institute 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.(3)Notwithstanding anything contained in sub-section (2), any person already acting as an adventure sports operator shall apply for registration within ninety days from the date of commencement of this Act.(4)Every application made under this section shall be disposed of within a period of sixty days from the date of receipt of application.

6. Certificate of registration of the tourism unit, travel agent/ tour operator, guide and adventure sports operator.

- The regulation authority shall, unless registration is refused under section 7, direct the name and particulars of the tourism unit or travel agent/tour operator or guide or adventure sports operator, as the case may be, cause to be entered in the register maintained for the purpose and shall issue a certificate of registration to the tourism unit or the travel agent/tour operator or the guide or the adventure sports operator, as the case may be, in the prescribed form.

7. Refusal to register the tourism unit, travel agent/tour operator, guide and adventure sports operator.

- The prescribed authority may refuse registration of the tourism unit or travel agent/tour operator or guide or adventure sports operator, as the case may be, under this Act on any of the following grounds :(a)if the tourism unit operator, tour operator, or the travel agent/ tour operator or the guide or the adventure sports operator, as the case may be, is convicted of any offence under Chapters-XIV and XVI of the Indian Penal Code, 1860 (45 of 1860) or under any of the provisions of this Act 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 imposed upon him;(b)if the tourism unit operator or the travel agent/tour operator or the guide or the adventure sports operator, as the case may be, has been declared an insolvent by a court of competent jurisdiction and has not been discharged;(c)if the name of tourism unit operator or a travel agent/tour operator or a guide or an adventure sports

operator, as the case may be, has been removed from the register on the grounds mentioned in clauses (c), (d), (e) or (g) of section 8 and three months have not elapsed since the date of such removal;(d)if the premises of the tourism unit do not conform to the prescribed standard;(e)if the travel agent or a guide or an adventure sports operator does not possess any of the prescribed qualifications;(f)if the tourism unit operator fails to produce the proof that the structure of the tourism unit has been built in accordance with the building bye-laws made under the provisions of the Arunachal Pradesh Urban and Country Planning Act,2007 (No.3 of 2008) Building bye-laws or under any other local laws in force; and(g)if in the opinion of the prescribed authority, there is any sufficient ground to be recorded in writing, for refusing registration;

8. Removal of name of tourism unit, travel agent/tour operator, guide and adventure sports operator from the register.

- The registration authority may, by order, in writing, remove the name of tourism unit or travel agent/tour operator or guide or adventure sports operator, as the case may be, from the register and cancel the certificate of registration issued under section 7, on any of the following grounds, namely(a)if the tourism unit operator or the travel agent/tour operator the guide or the adventure sports operator, as the case may be, ceases to operate the tourism unit or ceases to act as a travel agent/tour operator or a guide or an adventure sports operator for which he is registered;(b)if the tourism unit operator or the travel agent/tour operator or the guide or the adventure sports operator, as the case may be, is convicted of any offence under Chapters XIV and XVI of the Indian Penal Code, 1860 or under any of the provisions of this Act or of any offence punishable under any law providing for the prevention of hoarding, smuggling or profiteering or adulteration of food or drugs or corruption and two years have not elapsed since the completion of the sentence imposed upon him;(c)if the tourism unit operator or the travel agent/tour operator or the guide or an adventure sports operator, as the case may be, is declared insolvent by a court of competent jurisdiction and has not been discharged;(d)if the tourism unit operator or the travel agent/tour operator or the guide or an adventure sports operator, as the case may be, fails to comply with any of the provisions of this Act or rules framed thereunder;(e)if the tourism unit operator or the travel agent/operator or the guide or an adventure sports operator, becomes a nuisance for the inmates in his tourism unit as well as adjoining building(s);(f)if any complaint of malpractice is received and proved against the tourism unit operator or the travel agent/tour operator or the guide or an adventure sports operator, as the case may be ;(g)if any local authority makes a report in writing to the Department of Tourism about unauthorized construction/ modification of Building in the tourism unit in contravention of Building bye-laws ;(h)if the fire department complaints to the Department of Tourism about the lack of fire safety mechanism in the tourism unit building;(i)if any local authority or Government civil engineering agency/ department makes a report in writing after thorough inspection about the building safety;(j)if the tourism unit operator or the travel agent/tour operator or the guide or the adventure sports operator, as the case may be, has obtained the certificate of registration by misrepresentation or fraud;(k)if the adventure sports operator does not maintain equipments, manpower and other facilities according to prescribed standards for safety; and(l)if the adventure sports operator does not take the precautions regarding safety measures, as may be prescribed;Provided that before removing the name of any tourism unit or the travel agent/tour operator or the guide or the adventure sports operator, as the case may be, from the

register under this section, the registering authority shall issue a notice to such tourism unit operator or the travel agent/tour operator or the guide or an adventure sports operator, as the case may be, indicating the grounds on which it is proposed to take action after giving him an opportunity of being heard.

9. Classification of Tourist units.

(1)For classification of hotels, the State Government will follow the standard operating procedures issued by Ministry of Tourism, Government of India from time to time.(2)The State Level Tourism Development Committee under the chairmanship of the Chief Secretary will oversee the implementation of the Standard Operating Procedures issued by Ministry of Tourism Government of India.

10. Fixation of fare rates.

- Under this Act, the competent authority shall be competent to notify from time to time such fare rates, as may be specified which may be charged for the services rendered to a person engaging him as such.(1)The competent authority shall notify the fair rates, as may be specified by the travel agent/tour operator or by the guide, which may be charged for the services rendered to a person engaging him as such.(2)The competent authority shall, notify the fare rates, as may be specified by the adventure sports operator commensurate with the standard of the adventures sports and other facilities, which may be charged by him from the tourists or from the customers.

11. Revision of fare rates.

- The prescribed authority shall, from time to time, by notification, revise the fair rates notified under section 10.

12. Display of information.

- Where under sections 10 and 11 the prescribed authority has notified or revised the fare rates, or even in case where the prescribed authority has not notified the fare rates, the tourism unit operator or the travel agent/tour operator or the guide or the adventure sports operator, as the case may be, shall display a notice of the fare rates, the number of lodgers to be accommodated in each room at a conspicuous place in the tourism unit, business premises of the travel agent/tour operator, the guide or the adventure sports operator and an agent of the tourism unit operator shall also keep a copy certified by the prescribed authority, of such information on his person.

13. Charges recoverable in excess of fare rates.

(1)Notwithstanding any agreement to the contrary, no tourism unit operator or travel agent/tour operator or guide or adventure sports operator, as the case may be, shall charge any amount in excess of the fair rates notified.(2)Any sum paid by the lodger or by a customer in excess of the fare

rates fixed shall be refundable to the lodger or to a customer by the tourism unit operator or the travel agent/ tour operator or the guide or the adventure sports operator, as the case may be, through the prescribed authority.

14. No ejectment to be made if fare paid.

- No tourism unit operator or travel agent/tour operator or guide or adventure sports operator, as the case may be, shall evict or refuse any service to a lodger or to a customer so long he pays or is ready and willing to pay the fare rates notified and observes and implements the other conditions of his agreement in so far as they are consistent with the provisions of this Act.

15. When tourism unit operator may recover possession.

(1)Notwithstanding anything contained in this Act, a tourism unit operator shall be entitled to recover possession of the accommodation provided by him on obtaining an order from the prescribed authority to the effect that;(a)the lodger has been guilty of a conduct which constitutes a nuisance or annoyance to any other lodger; or(b)the lodger has failed to pay the accommodation charges; or(c)the lodger has failed to vacate the accommodation on termination of the period of the agreement in respect thereof:Provided that before issuing an order under this section, the prescribed authority may conduct a summary enquiry and shall pass an appropriate order in a summary manner:Provided further that any party aggrieved by an order of the prescribed authority may prefer an appeal before the District Magistrate of the concerned district who shall dispose it off in a summary manner.(2)If the lodger against whom the order has been passed under sub-section (1) does not comply with the said order, the prescribed authority may take assistance from the police for the implementation of the order and every police officer shall render the assistance for the implementation of the said order.

16. Tourism unit operator, travel agent/tour operator, guide and adventure sports operator to present detailed bills.

- Every tourism unit operator or travel agent/tour operator or guide or adventure sports operator, as the case may be, shall present detailed bills to the lodgers and other customers and shall give receipt in acknowledgment of all payments.

17. When the tourism unit operator may honour confirmation of booking at a particular rate.

- If a tourism unit operator confirms a booking, at a particular rate, he shall, even if accommodation at higher rates alone is available at the time of arrival of the person for whom accommodation stands booked, be honoured at the booked rate.

18. Power of entry, inspection, seizure and supply of statistical data by tourism unit operator etc.

(1)The prescribed authority or any officer authorized by the Government may, in order to ensure that any of the provisions of this Act is not being implemented by the tourism unit operator or travel agent/tour operator or guide or adventure sports operator, as the case may be, enter the tourism unit or business premises of the travel agent/tour operator or guide or adventure sports operator and inspect all accounts, registers, documents and other books with or without prior notice.(2)If the prescribed authority or any officer authorized by the Government has reasons to suspect that any tourism unit operator or travel agent/tour operator or guide or adventure sports operator, as the case may be, is attempting to evade or has evaded any of the provisions of this Act, such authority or office may, for reasons to be recorded, seize such accounts, registers, documents or other books of such operator or travel agent or guide or adventure sports operator, as the case may be, as may be necessary, and shall grant a receipt of the same and retain the same so long as may be necessary for examination thereof or for the purpose of any proceedings under this Act.(3)Every tourism unit operator or travel agent/tour operator or guide or adventure sports operator shall supply statistical data regarding inflow of tourists and the employees employed by the unit concerned by the tenth of each following month to the prescribed authority.

19. Travel agent/tour operator, guide and adventure sports operator not to demand tips etc.

- The travel agent/tour operator or guide or adventure sports operator, as the case may be, shall not demand tips, gratuity, presents or commission other than the rates as may be fixed and notified by Government from time to time, from any person engaging him or from any tourism unit operator in whose tourism unit such person resides or intends to reside.

20. Insurance.

- The adventure sports operator shall provide insurance cover as may be prescribed to persons availing of his services.

21. Appeal.

(1)Subject to the provisions of sub-section (2), on appeal shall lie from every order of the Registration authority passed under sections 7, 8 and 15 of this Act to the appellate authority as may be specified by the Government by a notification.(2)Every such appeal as stated in sub-section (1) shall be preferred within ninety days from the date of communication of the order. On receipt of any appeal, the appellate authority shall, after giving the appellant a reasonable opportunity of being heard and after making such inquiry as it deems proper, pass such order as it may deem fit, after recording the reasons thereof.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 preferring the appeal in time.

22. Penalty for default in registration.

- Any person carrying on the business of a tourism unit or travel agent/tour operator or guide or adventure sport or any other business connected with tourist trade, as the case may be, without a proper registration under this Act or in contravention of any of the provisions of this Act, shall be punishable with imprisonment for a term not exceeding six months or with fine not exceeding ten thousand rupees or with both, and if the breach is a continuing one with a minimum fine of rupees two hundred per day and maximum of two thousand rupees per day till the default continues.

23. Penalty for false statement.

- If any person who is required to make a statement under this Act, willfully makes a false statement or suppresses a material fact with the intention to mislead the prescribed authority, he shall be punishable with imprisonment for a term which may extend to three months or with fine not exceeding two thousand rupees or with both.

24. Certificate not to be assigned without permission.

- Any person who lends transfers or assigns the certificate of registration issued under this Act, without the permission in writing of the prescribed authority, shall be punishable with imprisonment for a term which may extend to six months or with fine not exceeding ten thousand rupees or with both.

25. Certificate to be shown to persons on demand.

(1) Any person registered under this Act 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 authorized by him in this behalf; (b) Any authority authorized by the Government or any officer authorized by the Director Tourism, Arunachal Pradesh; and (c) Any bona-fide customer. (2) Any person who refuses on demand to show his certificate to, or allowed to be read by, any of the persons authorized to demand it, shall be punishable with fine not exceeding five thousand rupees.

26. Penalty for malpractice.

- Any person who commits a malpractice or contravenes any other provision of this Act for which no specific penalty has been provided, shall be punishable with imprisonment for a term which may extend to three months or with fine not exceeding ten thousand rupees or with both.

27. Penalty for failure by Hotel, Lodge, Guest house and Home stay owners to verify Inner Line Permit before giving rooms to Non-Arunachalee citizens.

- Any Hotels, Lodge, Guest house and Home stay owner who willfully or otherwise, fails to verify Inner Line Permit of Non-Arunachalee citizens before giving the rooms on rent will be punishable under section 188 of Indian Penal code.

28. Obstructing lawful authorities.

- If any person willfully 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 Act or the rules made thereunder, he shall be liable to punishment with imprisonment which may extend to six months or with fine not exceeding ten thousand rupees or with both.

29. Power of court to try cases summarily.

- All offences under this Act shall be tried in a summary manner by a Chief Judicial Magistrate.

30. Institution of proceedings.

- No prosecution shall be instituted against any person for any offence under this Act, except on a complaint made by the prescribed authority or the officer authorized by it or the Government in this behalf.

31. Compounding of offences.

(1)The prescribed authority may accept from any person who is reasonably suspected of having committed an offence under this Act, a sum of money by way of compounding 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.(2)On the compounding 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 compounding of offence shall have the effect of acquittal.Chapter - 5 Miscellaneous

32. Notification of changes.

(1)Whenever a tourism unit 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 Act, such person shall, within thirty days of the date of such devolution or change, notify in writing the fact to the prescribed authority.(2)The prescribed authority shall make necessary changes in the register maintained for the purpose and in the certificate of registration.(3)Notwithstanding anything contained in sub-section (2), the 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 Act.

33. Return of the certificate of registration.

- When a certificate of registration is cancelled under this Act, the person holding the certificate shall, within seven working days from the date of service in the manner prescribed in the order of cancellation, return it to the prescribed authority.

34. Duplicate certificate.

- if a certificate of registration issued under this Act is lost, damaged or destroyed, the prescribed authority shall, on an application made in this behalf by that person holding such certificate and on payment of the prescribed fee, issue a duplicate certificate.

35. Renewal of certificate.

- The tourism unit operator or travel agent/tour operator or guide or adventure sports operator, as the case may be, registered under this Act 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.

36. Certificate of registration to be kept exhibited.

- The certificate of registration shall be kept by a person holding it in a conspicuous place at the principal place of his business and if he has no principal place of business, he shall keep it on his person.

37. Indemnity.

- No suit, prosecution or other legal proceedings, whatsoever shall lie against the Government or any person in respect of anything which is in good faith done or intended to be done under this Act.

38. Power of extend provisions of the Act.

- The Government may, by notification in the Official Gazette, direct that all or any of the provisions of this Act or of the rules made thereunder shall, with such exceptions, adaptations or modifications shall mutatis mutandis, apply to persons doing the business in the State of Arunachal Pradesh of outdoor photography, renting ponies, mules or horses to tourists, operating caravan tours and home stay as may be specified in the notification and the competent authority may fix the rates to be charged for the services to be rendered.

39. Power to make rules.

(1)The Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.(2)In particular and without prejudice to the generality of the foregoing power,

such rules may provide for; (a) the maintenance of registers, books, and forms by tourism unit operators, travel agents/tour operator, guides and adventure sports operators for the conduct of the business; (b) form of application for registration and certificate of registration; (c) the fee for the registration, renewal and issuance of duplicate certificate; (d) the manner of giving notices under this Act; (e) classification of tourism units; (f) qualifications for registration as tourism unit operator, travel agent/tour operator, guide and adventure sports operator; (g) safety measures and standards to be adopted in the conduct of adventure sports and facilities to be provided; (h) standards for maintenance of hygiene and cleanliness, waste disposal and minimum facilities in various types of tourism units; (i) manner of publication of the names and addresses of the tourism unit, travel agent, guide and adventure sports operator removed from the register; (j) manner in which the fare rates shall be displayed, type of tickets and receipts to be issued, submission and maintenance of accounts and statement thereof to the prescribed authorities and collection and deposit of license fee, renewal fee and other dues; (k) Procedure for admission to training institutes, standard of syllabus, staff, equipment and buildings ; and the place where prescribed authority shall hold enquiry under this Act and all matters expressly required to be prescribed under this Act. (3) Every rule made under this Act shall be laid before the Legislative Assembly of Arunachal Pradesh while it is in session for a total period of ten days which may be comprised of in one session or in two or more successive sessions and if before expiry of the session immediately following the session or the successive sessions aforesaid, the Legislative Assembly makes any modification in the rule or resolves that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect as the case may be, so, however, that any modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

40. Power to remove difficult.

- If any difficulty arises in giving effect to the provisions of this Act, the Government may, by general or special order published in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for the removal of the difficulty. (2) The competent authority shall, notify the fare rates, as may be specified by the adventure sports operator commensurate with the standard of the adventures sports and other facilities, which may be charged by him from the tourists or from the customers.